

1 these questions could be absolutely very detrimental to
2 you.

3 MR. RUBY: They can't be.

4 MR. FOWLER: I'm talking about from a legal
5 standpoint. Now, morally, I know how you feel and you
6 want to do the best you can for the Commission.

7 MR. RUBY: I will.

8 MR. FOWLER: But by the same token, this gentleman
9 over here (referring to Mr. Alexander) represents the State,
10 who at this time is not representing you. Now, if we could
11 allow Mr. Alexander to have the benefit of the nature of
12 the questions, with the exception of the answers---if this
13 is what Jack wants---but I do not want Mr. Alexander to have
14 the benefit of the answers.

15 MR. SPECTER: The test may be conducted either way.
16 As Mr. Herndon has explained, he has a slight preference to
17 have the answers, but the ultimate decision on that is up
18 to Mr. Ruby and his counsel. The Commission will proceed
19 in either manner.

20 MR. RUBY: It's unfortunate that my attorney,
21 Mr. Fowler, don't see as I do. I would like to give every
22 cooperation without the slightest fraction of interference.
23 That's why I requested that.

24 You won't let me do it that way, huh, Fowler?

25 MR. FOWLER: I'm requesting that you do not, Jack.

1 MR. HERNDON: It will be no problem.
2 (Addressing the court reporter) Do you have any
3 problem hearing?

4 THE COURT REPORTER: If Mr. Ruby would talk just a
5 little bit louder it would be fine.

6 MR. HERNDON: Mr. Ruby, I have placed all these
7 questions in a form so that they are very short and concise
8 and can be answered only by "Yes" or "No", and that's the
9 way we have to ask a question during a polygraph examina-
10 tion, but I'll go over them with you and give you an idea
11 of what they're going to be.

12 During the normal series, I'm going to ask several
13 questions, of course, which are pertinent to the Commission's
14 investigation, but I will also ask you several questions
15 which more or less just deal with your identity, your back-
16 ground and your name, so you will have two types of questions
17 that I will ask.

18 Now, the first question I'm going to ask you under
19 Series (1), which is rather pertinent, and I want you to
20 know that I'm going to ask it, and I'm going to phrase it
21 as simply as I can.

22 "Did you know Oswald before November 22, 1963?"

23 Now, what I mean by "know" is did you have any
24 personal acquaintance of this individual, any personal
25 acquaintance? Have you ever seen him, did you have any

ODELL OLIVER
COURT REPORTER, FEDERAL COURT
BRYAN AND ERVAY
PHONE RI 8-2851
DALLAS 1, TEXAS

1 conversation with him? In other words, as you would say,

2 "Well, I know that person".

3 MR. RUBY: Should I answer that?

4 MR. FOWLER: Not now, Jack.

5 MR. HERNDON: That question will be asked or re-
6 peated, and so you and I will understand what we want, I'll
7 repeat it "Did you know Oswald before November 22, 1963?"

8 MR. RUBY: Right.

9 MR. HERNDON: Another question that I will ask in
10 Series (1), after I get the instrument adjusted, and it will
11 be short and simple and answerable only by "Yes" or "No":

12 "Did you assist Oswald in the Assassination?"

13 "Did you assist Oswald in the Assassination?"

14 Do you understand that question?

15 MR. RUBY: Yes, it is very clear.

16 MR. HERNDON: I tried to make them as short as
17 possible and as clear as possible.

18 Again, I'm going to ask you just as a matter of
19 format here, "Did you take any medication this morning?"

20 You have already answered that question, but that will be
21 one of the questions I will ask you.

22 I'm also going to ask on Series (1), just to give you
23 a little time to relax here, some of these rather simple
24 questions such as: "Did you voluntarily request this test?"
25

1 MR. RUBY: Yes.

2 MR. HERNDON: You have already indicated your
3 answer to that.

4 And, I will ask a rather obvious question as a matter
5 of identity, "Is your first name Jack? Is your last name
6 Ruby?"

7 These types of questions will be asked and I want
8 to make sure I cover each and every one.

9 I'm going to ask you, "Do you use the middle name
10 'Leon'?"

11 I understand you do, is that correct?

12 MR. RUBY: No---very rarely, very rarely.

13 MR. HERNDON: All right, you can answer that as
14 you see fit, when I ask it on the test.

15 I will ask you this question, and I want to ask this
16 as a matter of record for me because I interview a lot of
17 people: "Have you ever been arrested?"

18 Now, what I mean in this regard, and I'll probably
19 change that phraseology to "Have you ever been arrested
20 before? Prior to the shooting, have you ever been arrested?"

21 Now, what I mean by "arrested", Mr. Ruby, is were
22 you ever actually placed under arrest and brought before
23 some type of magistrate and charged with any crime. That
24 question will also be on the first examination. Those are
25 the questions I'm going to ask you. Do you have any

1 question about them, Sir? Are they clear and concise to
2 you?

3 MR. RUBY: When you speak of the last question
4 about a crime, I've never been involved in a crime, so if
5 you've been arrested for selling beer after hours, does
6 that qualify as an answer too?

7 MR. HERNDON: Well, what I mean by "arrested" is
8 if you were formally charged with something?

9 MR. RUBY: Like a felony?

10 MR. HERNDON: Well, any type of a formal arrest,
11 wherein you actually were arrested and charged before a
12 magistrate, of offending a law that's on the record, either
13 of a community, a city, or the state.

14 MR. RUBY: You don't necessarily have to have been
15 found GUILTY or anything, just the point of being arrested,
16 is that right?

17 MR. HERNDON: Now, let me inject this, Mr. Ruby.

18 If these questions when I ask them, if you have
19 something in doubt in your mind of how to answer it "Yes" or
20 "No", just refrain from answering it, and we'll go back after
21 the test and discuss it.

22 MR. RUBY: Very well.

23 MR. HERNDON: In other words, I want you to be able
24 to freely and truthfully say "Yes" or "No" to these
25 questions. If one of them leaves any area of doubt in your

1 mind and your hesitant to answer it, feel free not to say
2 anything, and we will just proceed, and after I stop the
3 instrument, I will then go over that question with you.

4 All right, Sir?

5 MR. RUBY: Yes.

6 MR. HERNDON: All right, Mr. Ruby, I'll just
7 briefly hook up the instrument and I'll probably run it for
8 a little while just to get it adjusted to you, and inasmuch
9 as you've never had a polygraph before, I will explain the
10 instrument's parts to you. You can see here, Mr. Ruby,
11 I have a rubber tube and I'm going to place that around
12 your chest, Sir.

13 This is what we call the pneumograph and that will
14 accurately record your respiratory pattern as you inhale
15 and exhale.

16 Would you be kind enough to raise your arms, Sir?

17 MR. RUBY: (Complied with request of Mr. Herndon)

18 REPORTER'S NOTE: 2:58 p.m.

19 MR. HERNDON: Now, as you can see, as you inhale
20 the tube stretches, and as you exhale it decreases in size
21 and I will have a tracing of it on the polygraph.

22 MR. RUBY: Yes.

23 MR. HERNDON: During the examination and as we
24 run the test, I would appreciate it if you would sit
25 perfectly relaxed, rather straight in the chair, with both

1 of your feet flat on the floor.

2 Now, that will record, during the interview, the
3 tracing of your breathing, and I want you for this reason to
4 breathe perfectly normal and perfectly relaxed.

5 Now, the next thing---I want to put on will be on
6 your hand and I'll put it on your righthand here. I notice
7 you have one finger cut off on that hand.

8 What happened there, Mr. Ruby?

9 MR. RUBY: Oh, running a night club you get
10 involved in various altercations.

11 MR. HERNDON: Now, this next component that I want
12 you to see will be what we call the Galvanic Skin Response,
13 GSR. I'm going to place these on your fingers, and actually
14 all this simply does, through these instruments and the
15 electronic processes, is to record any variance in the
16 electrical conductivity or the resistance of your skin.
17 It's helpful to me in this examination.

18 Your hands are very good. They are not sweating a
19 bit. Is that too tight?

20 MR. RUBY: No.

21 MR. HERNDON: Is it uncomfortable?

22 MR. RUBY: No.

23 MR. HERNDON: All right, Mr. Ruby. Now, neither
24 one of these two components will you feel at all. That will
25 be no problem at all.

1 MR. RUBY: All right.

2 MR. HERNDON: Now, the next component that I will
3 put on your left arm, because it's closer to your heart, and
4 this is the cardiograph cuff, and this is going to give me
5 an accurate tracing of any relative changes in your blood
6 pressure. These will just be relative changes. I won't
7 be able to necessarily know what your blood pressure is.
8 I will have relative ~~blood changes and low pressures~~ ^{blood pressure changes}, and
9 I will also have on a chart a change in any heartbeat or
10 heart rate you might have.

11 Now, I am going to record all these physiological
12 responses as we discuss the questions, and as you answer them
13 I will have an indication of what is taking place physio-
14 logically, what is going on in your physical system, and
15 which will assist me in interpreting whether or not you may
16 be deceiving with regard to the question.

17 MR. RUBY: What is your name, please, Sir?

18 MR. WOOD: Wood. I'm with the FBI.

19 MR. RUBY: Where is Shanklin, I thought he was
20 supposed to be here?

21 MR. WOOD: He is in town but he is not here.

22 MR. RUBY: Isn't Mr. Shanklin the Chief?

23 MR. HERNDON: Do you want to relax your arm, Mr. Ruby?
24 Now, do you have any questions about what I've done
25 so far, Mr. Ruby?

1 MR. RUBY: No. Do you want me to relate my story
2 to you now?

3 MR. HERNDON: No, I want you to sit perfectly
4 still. There will be no conversation, and I'm going to
5 get the instrument adjusted to you. That will take only a
6 few minutes, so just sit and try not to move. I'm not
7 going to ask you any questions at this time. I just want
8 to adjust the machine to you.

9 MR. SPECTER: Mr. Herndon, have you now covered all
10 the preliminaries up to the point of asking the questions?

11 MR. HERNDON: Just about. I will probably repeat
12 some basic instructions for Mr. Ruby just before we start
13 asking him the questions.

14 MR. SPECTER: All right, then I think those who
15 are going to leave should leave now so that we are ready to
16 go as soon as your instrument is attune.

17 May the record show that Mr. Alexander has left the
18 room.

19 MR. FOWLER: Jack, do you have any objections to
20 Mr. Tonahill being here?

21 MR. RUBY: If Tonahill is going to be here---I
22 don't believe he's---I know Bill Alexander is my friend, so
23 he can stay, but Joe is supposed to be my friend.

24 MR. FOWLER: Well, we're not putting it on that
25 basis, Jack. This is just purely personal.

1 MR. RUBY: Just let me tell you this, Fowler.
2 I have nothing to gain by Joe being here, because---I have
3 nothing to gain.

4 MR. FOWLER: All right, all right. Then, we
5 will ask Joe and Mr. Alexander to step out.

6 MR. RUBY: You still want Alexander to step out?

7 MR. FOWLER: I certainly think so, Jack.

8 MR. RUBY: (Addressing Mr. Alexander who was
9 standing in the doorway to the examining room) Now, Bill,
10 don't say I didn't request you, now?

11 MR. ALEXANDER: I know it, Jack.

12 MR. SPECTER: May the record now show that
13 Mr. Alexander and Mr. Tonahill have left the room---have
14 departed the room.

15 MR. TONAHILL: Yes, departed.

16 MR. SPECTER: May the record show that they have
17 just gone out of the room and are now absent.

18 MR. HERNDON: Mr. Ruby, it will take me a few
19 moments to get this adjusted. If you desire to talk to
20 Mr. Fowler, if you can sit still and talk it will be all
21 right.

22 (Conference at this time between Mr. Fowler and
23 Mr. Ruby out of the hearing of this court reporter
24 and others in the room.)

25 MR. HERNDON: Do you want to sit still now,

1 Mr. Ruby. I'm not going to ask you any questions. I just
2 want to get everything adjusted at this time. You will hear
3 a few scratching noises on the paper.

4 Now, will you take a deep breath, Mr. Ruby, and then
5 relax, Sir?

6 MR. RUBY: (Complied with request of Mr. Herndon)

7 MR. HERNDON: Now, just breathe normally.

8 Now, if everyone will just be quiet for a few
9 moments. There will be no questions asked. I just want to
10 get the instrument adjusted.

11 COURT REPORTER'S NOTE: 3:05 p.m.

12 MR. HERNDON: (Snapped his fingers twice) I made
13 that noise purposely, Mr. Ruby. Now, I'm going to let you
14 get the feel of that cuff as I inflate it, and there will be
15 a little bit of pressure put against your arm. You've had
16 your blood pressure taken by a doctor, I'm sure?

17 MR. RUBY: Oh, yes.

18 MR. HERNDON: You recall that. It will be the
19 same feeling and I will have to leave it on just for a
20 matter of a few moments, and if you will sit perfectly still
21 and put your feet flat on the floor and look straight ahead.

22 I will now apply a little bit of pressure on that
23 arm. You probably feel a little pressure. All right, Sir?

24 MR. RUBY: Yes.

25 MR. HERNDON: From time to time I may come over and

1 raise and ✓ er your arm to make sure 's perfectly relaxed.

2 MR. RUBY: That's all right.

3 MR. HERNDON: Do you feel your pulse beat?

4 MR. RUBY: Yes.

5 MR. HERNDON: You can see and feel your pulse beat
6 and in a moment you can see how it records. Very fine,
7 Mr. Ruby. You have been very cooperative. I don't think
8 we will have any problem.

9 MR. RUBY: You can see the differences of nature---
10 if certain things are wrong or right, can't you?

11 MR. HERNDON: Well, I have to very carefully inter-
12 pret what I see. I'm going to take all these things
13 together at a later date into consideration, and I don't
14 see any difficulty.

15 MR. RUBY: Because---I want my Chief to understand
16 this here and see that.

17 MR. HERNDON: Are you a little more relaxed now?

18 MR. RUBY: Yes.

19 MR. HERNDON: You seem to be. I don't want to
20 begin until you feel you are perfectly relaxed.

21 MR. RUBY: Yes, I'm very much relaxed because I
22 have nothing---I'm not sparring with it, so I must be relaxed.

23 MR. HERNDON: Very fine. I appreciate your
24 cooperation very much and you are cooperating with me very
25 well.

1 In a moment, you can move your hand a little bit
2 to get a little circulation. You probably felt just a
3 little tingling sensation?

4 MR. RUBY: Yes, I felt a little bit of throbbing
5 in these two fingers.

6 MR. HERNDON: Are they too tight?

7 MR. RUBY: No, that's fine.

8 MR. HERNDON: I can relax this a little bit on
9 your arm. I just want it close enough so that they won't
10 ~~swat~~^{slip}, just about like that. I don't want this to cause
11 you any discomfort to you.

12 Now, if you are about ready?

13 MR. RUBY: I am ready.

14 MR. HERNDON: You remember, I'm going to ask you
15 just the questions that we discussed before and that's all.

16 MR. RUBY: You mean that's all?

17 MR. HERNDON: Oh, no, this is just Series (1),
18 Mr. Ruby. We're going to cover many questions.

19 MR. RUBY: All right.

20 MR. HERNDON: I'm going to go rather deliberately
21 slow on this first one until you become acquainted with the
22 procedure.

23 MR. RUBY: Believe me, I know the answers, so you
24 can ask me as fast as you like.

25 MR. HERNDON: During the test, again, if you will

1 keep your feet on the floor at all times, flat on the floor
2 at all times, and try not to move. I know it's hard to
3 sit perfectly still for the three to four minutes, but it
4 is to your advantage to try to keep from moving. If you
5 have to cough or move, I'll probably observe it and take
6 it into consideration.

7 During the examination, Mr. Ruby, I know we have
8 other people in the room, but I would appreciate it if you
9 would just try to concentrate as if there were just you and
10 ^{me} ~~I~~ in here and these questions are coming out and if you know
11 the answer in your own mind, I want you to truthfully answer
12 them "Yes" or "No". Do not give any qualifying statement
13 or additional comments.

14 MR. RUBY: All right.

15 MR. HERNDON: On the other hand, if I come to one
16 of these questions that you're not sure whether you want to
17 say "Yes" or "No", there is some area in doubt, just don't
18 say anything and we'll go back and discuss it later.

19 MR. RUBY: Okay.

20 MR. HERNDON: If you will, look right over here,
21 look straight ahead at the wall and relax, and hear my
22 question and give your answer to it, "Yes" or "No".

23 MR. RUBY: Yes, sir.

24 MR. HERNDON: I will tell you when I am going to
25 begin. I will tell you when this particular test is over,

1 but do not relax or move until I give you the word.

2 MR. RUBY: Very well.

3 MR. HERNDON: As I say, you will hear a little
4 scratching noise and I will be marking the paper as we
5 proceed.

6 MR. RUBY: Can I speak?

7 MR. HERNDON: Right now if you want to, yes, sir.

8 MR. RUBY: Fowler, I beg you to get Bill Alexander
9 and Joe Tonahill back in here. I tell you. Will you do
10 it, please?

11 MR. FOWLER: Jack, let's go on just like it is
12 now. I don't want you to have any apprehensions that we're
13 trying to keep anybody out.

14 MR. RUBY: All right.

15 MR. HERNDON: It's taking me about a minute to get
16 the instrument warmed up again here.

17 All right, I will now put a little pressure on that
18 arm, Mr. Ruby, and I will let you know when I'm going to
19 begin. Once again, just answer the questions truthfully,
20 "Yes" or "No".

21 THE COURT REPORTER'S NOTE: 3:10 p.m.

22 MR. HERNDON: The test will now begin.

23 "IS YOUR FIRST NAME JACK?"

24 MR. RUBY: "YES."

25 MR. HERNDON: "IS YOUR LAST NAME RUBY?"

1 MR. RUBY: "YES".
2 MR. HERNDON: "DID YOU VOLUNTARILY REQUEST THIS
3 TEST?"
4 MR. RUBY: "YES".
5 MR. HERNDON: "DID YOU KNOW OSWALD BEFORE
6 NOVEMBER 22, 1963?"
7 MR. RUBY: "NO".
8 MR. HERNDON: "DO YOU USE THE MIDDLE NAME 'LEON'?"
9 MR. RUBY: (No immediate response)
10 How can I answer that? I don't have my driver's
11 license, but I don't use it.
12 MR. HERNDON: All right, just sit still and we will
13 discuss it.
14 "DID YOU ASSIST OSWALD IN THE ASSASSINATION?"
15 MR. RUBY: "NO".
16 MR. HERNDON: "HAVE YOU EVER BEEN ARRESTED?"
17 MR. RUBY: "YES".
18 MR. HERNDON: "DID YOU TAKE ANY MEDICATION THIS
19 MORNING?"
20 MR. RUBY: "NO".
21 MR. HERNDON: "HAVE YOU ANSWERED ALL MY QUESTIONS
22 TRUTHFULLY?"
23 MR. RUBY: "YES".
24 MR. HERNDON: This first series is over. If you
25 will just sit still for a moment, I will release the pressure

1 on your an(and you may now move you(a and relax and
2 get the circulation moving.

3 MR. RUBY: I'm all right.

4 MR. HERNDON: That wasn't too bad, Sir, was it?

5 MR. RUBY: (No response)

6 COURT REPORTER'S NOTE: 3:12 p.m..

7 MR. HERNDON: Mr. Ruby, there are two questions I
8 want to ask you about on our first series.

9 I know you couldn't refrain from laughing and talking
10 about that middle name of "Leon". Do you want to further
11 explain that?

12 MR. RUBY: Yes, I don't use it, so hence it's sort
13 of a remembrance of a very good friend of mine. I used it
14 on my driver's license, but since then it has become a habit
15 of keeping it on my driver's license, but I've never been
16 called with it and very rarely do I sign papers that way, but
17 once I stated it on my driver's license, I had to follow
18 through with it that way, and that's the answer to it. Once
19 you have it on your driver's license, you have to have it
20 the same way.

21 MR. HERNDON: Do you like the name "Leon"?

22 MR. RUBY: Well, I did more for sentimental reasons,
23 but as I went along later I sort of dropped it.

24 MR. HERNDON: Is it actually on your driver's
25 license, though?

1 MR. JBY: I think it's Jack Ruby. No---
2 Jack Leon Ruby. It's Jack Leon Ruby on my driver's license
3 and that's something that once you start with it, and it's
4 been years ago, when you renew your license, it remains the
5 same, but outside of signing papers or contracts or anything
6 of vital importance, you only find out it's much simpler
7 to sign "Jack Ruby".

8 MR. HERNDON: All right, Mr. Ruby, and one other
9 question. I would just like to ask you what went on in
10 your mind when you did answer the question "Yes" to "Have
11 you ever been arrested?"

12 MR. RUBY: Well, the police had taken me---I had
13 been arrested, because when the police officer said, "Jack,
14 come on, we're taking you down", you're arrested.

15 MR. HERNDON: When was this? Are you referring
16 to this current or some previous time?

17 MR. RUBY: Previous to that.

18 MR. HERNDON: What situation was that?

19 MR. RUBY: Well, it was---I was arrested for
20 dancing after curfew. Some fellows smuggled in intoxicants
21 after hours.

22 MR. HERNDON: Was this here in your own place or
23 some other place?

24 MR. RUBY: At my own place. No felony crime,
25 nothing serious---only misdemeanors.

1 MR. HERNDON: You consider that was a misdemeanor?

2 MR. RUBY: Oh, yes. In other words---a \$25 fine.

3 I never have been in any criminal activity.

4 MR. HERNDON: Very fine. Does your arm feel all
5 right now?

6 MR. RUBY: Yes.

7 MR. HERNDON: Very good. We have finished with
8 the first series.

9 MR. SPECTER: I am now going to ask Mr. Alexander and
10 Mr. Tonahill to return between now and the time we start on
11 the next test.

12 May the record show that Mr. Alexander and Mr. Tona-
13 hill are back in the room.

14 MR. HERNDON: Did the cardio unit disturb you at
15 all other than just a slight tingling sensation?

16 MR. RUBY: In this arm here (indicating left arm)?

17 MR. HERNDON: Did that bother you before the
18 Series (1) group?

19 MR. RUBY: No, that's fine.

20 MR. HERNDON: Mr. Ruby, you are now a veteran of the
21 first series. You did real well. You cooperated very
22 fine.

23 Now, we will proceed with Series Number (2). I
24 want to go over these questions with you so that you and I
25 understand precisely and perfectly what they mean.

1 MR. RUBY: All right.

2 MR. HERNDON: Now, in this series of questions, I
3 am going to ask as one of the ones which is pertinent in
4 this investigation, "Are you now a member of the Communist
5 Party?"

6 MR. RUBY: No.

7 MR. HERNDON: You don't have to answer that if you
8 don't want to now, but I'm going to ask you that question,
9 Sir.

10 MR. RUBY: Okay.

11 MR. HERNDON: You understand what I mean by that---
12 that's about as short and sweet as we can get it.

13 MR. RUBY: Yes.

14 MR. HERNDON: I'm going to ask you, "Have you ever
15 been a member of the Communist Party?"

16 MR. RUBY: No.

17 MR. HERNDON: You understand the difference---one
18 is now and one is---have been perhaps sometimes in your
19 youth or life---if you were affiliated with the Communist
20 Party.

21 MR. RUBY: Yes, I understand.

22 MR. HERNDON: I'm going to ask you this question,
23 Mr. Ruby: "Are you now a member of any group that ad-
24 vocates the violent overthrow of the United States Govern-
25 ment?"

1 MR. RUBY: No.

2 MR. HERNDON: Do you understand that question?

3 MR. RUBY: Yes, sir.

4 MR. HERNDON: I'm going to ask: "Have you ever
5 been a member of any group that advocates the violent over-
6 throw of the United States Government?"

7 MR. RUBY: No.

8 MR. HERNDON: It's very similar, only it's in
9 the past tense.

10 MR. SPECTER: Mr. Ruby, on those two questions---
11 we can't go through all of those groups which advocate the
12 overthrow of the United States Government, so we are
13 generalizing with respect to them.

14 MR. RUBY: Yes.

15 MR. SPECTER: You have indicated you understand
16 them?

17 MR. RUBY: Yes, and my answer is "No---no collaborat-
18 ing".

19 MR. SPECTER: I don't think it is necessary to
20 elaborate on that.

21 MR. RUBY: No.

22 MR. HERNDON: All right, in addition to those
23 questions, I'm going to ask you a relatively simple question
24 as this, that you should be able to answer "Yes" or "No".
25 "Were you born in the United States?"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. RUBY: Yes.

MR. HERNDON: "Were you born in Chicago?"

MR. RUBY: Yes.

MR. HERNDON: Now, this next question I'm going to ask you, you don't have to answer it now. You can discuss it with me later or you can wait and decide what you want to answer to it. "Did you ever make a false official statement?"

Now, that's a general question and I realize that, Mr. Ruby, and when I ask that question, obviously your mind probably went back to many things. We make a lot of official statements. Now, I'm asking that question in its broadest terms. In other words, ^{to} ~~do~~ your recollection, have you ever made a false official statement?

MR. RUBY: When you say "Official"---for instance, in order to have a job years ago---I want to explain this to you. In order to work in a department store, I had to use another name because this other person would be the right age that I could work, but outside of that, officials---to any authorities----I haven't.

MR. HERNDON: Obviously, this department store thing came to your mind when I asked that question?

MR. RUBY: Yes.

MR. HERNDON: Well, Sir, I'm glad you brought that out so I will have an understanding that that was in your

1 mind. What I mean here, however, is something more in the
2 nature of an application for a license, an application for
3 a permit, an application for insurance---anything that would
4 come within the jurisdiction of being somewhat a legal or
5 semi-legal form or application?

6 MR. RUBY: No.

7 MR. HERNDON: I want to make sure you understand
8 what I mean by that question.

9 Then, I'll probably ask, "I understand you were born
10 in 1911, is that correct?"

11 MR. RUBY: Yes.

12 MR. HERNDON: These are questions of identity---
13 "were you born in 1911?"

14 Now, let me see, gentlemen, if we have gone over all
15 the questions. I have gone over all the questions with
16 Mr. Ruby that I'm going to ask for this next series.

17 MR. SPECTER: All right, prior to the administration
18 of the second series, Mr. Alexander and Mr. Tonahill are
19 now leaving the room again.

20 May the record show that Mr. Alexander and
21 Mr. Tonahill have now departed from the room.

22 THE COURT REPORTER'S NOTE: 3:20 p.m.

23 MR. HERNDON: All right, now just relax. Can I
24 get you a drink of water or anything, Mr. Ruby?

25 MR. RUBY: No, I'm perfectly all right.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HERNDON: All right, very fine.

Once again, if you will try to refrain from moving, simply look straight again, and sit perfectly still and answer the questions "Yes" or "No".

I again will tell you when I am going to begin, Mr. Ruby.

Now, are you relaxed? Are you okay?

MR. RUBY: Yes.

MR. HERNDON: How does your arm feel? I noticed you had a little bit of pressure there around the cuff. Is the circulation all right?

MR. RUBY: Fine.

MR. HERNDON: You feel fine?

MR. RUBY: Yes.

MR. HERNDON: It will take me a moment again here to get the instrument adjusted. Before I put any pressure on the cuff, Mr. Ruby, I'm going to just tighten this up just slightly, do you want to move up just a moment? Does that bind you in any way or is it too tight (checking tube around Mr. Ruby's chest)?

MR. RUBY: No.

MR. HERNDON: All right, now just lean back and relax. All right, Sir. Now, we're getting a better tracing. All right, I am going to now put a little pressure on and I will tell you when I am going to begin.

1 THE COURT REPORTER'S NOTE: 3:25 p.m.

2 MR. HERNDON: Now, I'm checking this just so you
3 can raise and lower your arm and keep relaxed. Look
4 straight ahead, Mr. Ruby.

5 THE COURT REPORTER'S NOTE: 3:25 p.m.

6 MR. HERNDON: I will now begin.

7 "WERE YOU BORN IN THE UNITED STATES?"

8 MR. RUBY: "YES."

9 MR. HERNDON: "WERE YOU BORN IN CHICAGO?"

10 MR. RUBY: "YES."

11 MR. HERNDON: "ARE YOU NOW A MEMBER OF THE
12 COMMUNIST PARTY?"

13 MR. RUBY: "NO".

14 MR. HERNDON: "HAVE YOU EVER BEEN KNOWN BY ANOTHER
15 NAME?"

16 Don't answer that question. I didn't review it before.
17 Skip it.

18 MR. HERNDON: Just sit and relax.

19 "HAVE YOU EVER BEEN A MEMBER OF THE COMMUNIST PARTY?"

20 MR. RUBY: "NO".

21 MR. HERNDON: "DID YOU EVER MAKE A FALSE OFFICIAL
22 STATEMENT?"

23 MR. RUBY: "NO".

24 MR. HERNDON: "ARE YOU NOW A MEMBER OF ANY GROUP
25 THAT ADVOCATES THE VIOLENT OVERTHROW OF THE UNITED STATES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

GOVERNMENT?"

MR. RUBY: "NO".

MR. HERNDON: "HAVE YOU EVER BEEN A MEMBER OF ANY GROUP THAT ADVOCATES VIOLENT OVERTHROW OF THE UNITED STATES GOVERNMENT?"

MR. RUBY: "NO".

MR. HERNDON: "WERE YOU BORN IN 1911?"

MR. RUBY: "YES".

MR. HERNDON: That concludes that series. Just sit still for a moment, Sir.

All right, you may now move your arm and relax, Mr. Ruby.

MR. RUBY: All right.

THE COURT REPORTER'S NOTE: 3:27 p.m.

MR. HERNDON: There was one irrelevant question that I failed to mention here. We will discuss that in a moment, and that is, "Have you ever been known by another name?"

You might want to mention that to the gentlemen, as a matter of record. I told him to refrain from answering it. It's really not that pertinent.

MR. SPECTER: Fine, we will bring it to their attention.

MR. HERNDON: But, as long as I did ask it, if you want, I'd like him to answer it before the other

1 gentlemen come in.

2 MR. SPECTER: No, I think that's all right.

3 MR. RUBY: Have I ever had it changed legally,
4 is that what you meant?

5 MR. HERNDON: In other words, when I asked you that
6 question, I realized I hadn't gone over it.

7 MR. RUBY: That's all right.

8 MR. HERNDON: Therefore---I know you hesitated to
9 answer it.

10 MR. RUBY: Well, I have two names---my name was
11 Rubenstein and was changed to Ruby.

12 MR. HERNDON: That's what came to your mind, the
13 fact that you actually had your name changed?

14 MR. RUBY: Yes.

15 MR. SPECTER: We are now between Series (2) and (3)?

16 MR. HERNDON: Yes.

17 MR. RUBY: How many series do I have now?

18 MR. HERNDON: I don't know quite yet, Mr. Ruby.

19 MR. SPECTER: Let the record show that Mr. Alexander
20 and Mr. Tonahill are back in the room.

21 Gentlemen, there was one question which Mr. Herndon
22 did not go over in advance and that was, "Was Mr. Ruby ever
23 known by any other name?" Since he did ask it, but since it
24 was obvious as soon as he had asked it that he had not gone
25 over it, he asked Mr. Ruby not to answer it, and when the

1 series wa^over, he asked Mr. Ruby to question again and
2 Mr. Ruby said that he had been known previously as "Jack
3 Rubenstein" and had legally changed his name. With that
4 one variation, all the questions asked during that series
5 were identical with those discussed before you left the
6 room.

7 MR. HERNDON: My apologies, gentlemen, but it was
8 an irrelevant question.

9 Mr. Ruby, we shall now proceed to what we call
10 Series Number (3). Here again these questions are going
11 to be intermixed, some rather pertinent to what we're in-
12 terested in here, others general questions. Let me go
13 over the relevant questions, first, Mr. Ruby.

14 "Between the assassination and the shooting, did
15 anybody you know tell you they knew Oswald?"

16 MR. RUBY: No.

17 MR. SPECTER: Now, you understand, Mr. Ruby, when
18 he says "the shooting", that means the shooting of Oswald?
19

20 MR. RUBY: Repeat that over again---let me hear it
21 again.

22 MR. HERNDON: I think you realized that, but I
23 want to make certain that you understand, and I want to go
24 back and break down that question----between the assassination
25 of President Kennedy and the shooting----now, the shooting I
mean is the shooting of Oswald?

1 MR. RUBY: Oh, yes----yes---- answer is "No".

2 MR. HERNDON: I realize you understood the
3 question, but the shooting in some other person's mind
4 could be many things. I want to keep these sentences as
5 concise and short as possible.

6 "Did anybody you know tell you they knew Oswald?"

7 MR. RUBY: No.

8 MR. HERNDON: Do you understand the question,
9 Mr. Ruby?

10 MR. RUBY: Right.

11 MR. HERNDON: "Did you tell anyone that you were
12 thinking of shooting Oswald before you did it?"

13 MR. RUBY: No.

14 MR. HERNDON: Is that question all right, do you
15 understand it?

16 MR. RUBY: Yes----I take that back. Sunday
17 morning----I want to elaborate on that----before I left my
18 apartment---it evidently didn't register with the person
19 because of the way I said it. In other words, the whole
20 basis of this whole thing was that Mrs. Kennedy would have
21 to come back for trial.

22 MR. FOWLER: Jack, let me ask you at this time---
23 excuse my interruption, but why don't you just address your-
24 self to the general questions that are asked you. I think
25 it's all right.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. RUBY: All right.

MR. OWLER: I don't think it will help the Commission, and this may be in the form of a question later on, but just confine your answer to "Yes" or "No".

MR. RUBY: Well, the thing is this----I have to answer---ask me the question again.

MR. HERNDON: Let's go over it once more, Mr. Ruby, and I want you to be able to be in a position that you can freely, honestly, and truthfully answer it simply "Yes" or "No".

MR. RUBY: Yes.

MR. HERNDON: Now, if there's something in here in this area that troubles you, we can rephrase the question.

MR. RUBY: Will you specify the time---the time element is very important.-

MR. HERNDON: The only time element is before--- before you did it. Now, "before" is a very broad coverage?

MR. RUBY: That's it. That's a difficult question to answer.

MR. HERNDON: That's the way the question is worded. Let me ask it again and see if you want to discuss it. "Did you tell anyone that you were thinking of shooting Oswald before you did it?"

MR. RUBY: (No response)

1 MR. HERNDON: If you want me to re-word that
2 question, I'll take it up with Mr. Specter.

3 MR. RUBY: Why don't you say this---"that Sunday
4 morning, specifically?" That would be easier for me to
5 answer.

6 MR. HERNDON: In other words, "Did you tell anyone
7 you were thinking of shooting Oswald on Sunday morning?"

8 MR. FOWLER: Jack, again, excuse me, Sir.

9 MR. RUBY: Fowler, it puts me in a tough spot
10 when he asks me that question and I evade it.

11 MR. FOWLER: I understand this, but I'm talking
12 now specifically about in the presence of Mr. Alexander.
13 Now, later on, if you want to answer it "Yes" or "No" to
14 that question, it's perfectly all right. I want you to
15 fully understand the question.

16 MR. HERNDON: I want to bow, of course, to
17 Mr. Specter, of course, for the way the Commission desires
18 it.

19 MR. SPECTER: If you would like us to break it
20 down, we could do it in two questions. "Did you tell
21 anybody on Sunday morning that you were going to shoot
22 Oswald before you did it?"

23 MR. RUBY: Yes, that's easier to answer.

24 MR. SPECTER: Then, we can ask you this: "Before
25 Sunday morning did you tell anybody you intended to shoot

1 Oswald?"

2 MR. RUBY: Now, that's a better way to ask it---
3 the last question.

4 MR. SPECTER: Then, we've covered all the time in
5 two parts.

6 MR. RUBY: The last question you asked me is a
7 better way to ask me. The last question you asked, my
8 answer is "No".

9 MR. SPECTER: Then, we'll want to ask you a follow-
10 up question.

11 MR. RUBY: Do you understand what I'm saying---did
12 you understand what I said?

13 MR. SPECTER: Yes, I understand what you're saying,
14 but we will want to ask you for the purpose of the test,
15 "On Sunday morning did you tell anybody that you intended
16 to shoot Oswald?"

17 MR. RUBY: All right, I'll answer it.

18 MR. HERNDON: If I could get the court reporter to
19 read back how you phrased that question, so that we could
20 both agree on it.

21 THE COURT REPORTER: "On Sunday morning did you tell
22 anybody that you intended to shoot Oswald?"

23 MR. SPECTER: There are two questions. "Before
24 Sunday morning, did you tell anyone you intended to shoot
25 Oswald?" That's all right for one question. Now, write

1 this one down, Mr. Herndon. The question is "Before
2 Sunday morning did you tell anyone that you intended to
3 shoot Oswald?"

4 MR. RUBY: Now, before Sunday morning means any
5 time element beyond the time I left my apartment. Is that
6 what you're referring to when you say Sunday morning?

7 MR. SPECTER: Well, I'll even change that and I'll
8 say "Before you left your apartment on Sunday morning, did
9 you tell anyone you intended to shoot Oswald?"

10 Now, the following question will be: "From the time
11 you left your apartment on Sunday morning, did you tell
12 anyone you intended to shoot Oswald?"

13 MR. RUBY: Now, you'd better rephrase that. I
14 hadn't already left the apartment. Do you follow me?

15 MR. SPECTER: Right. Well, I see what you're
16 driving at---you're driving at the time.

17 MR. RUBY: The time element is very important.

18 MR. SPECTER: All right, we can make it in three
19 parts: "While you were at your apartment on Sunday morning,
20 did you tell anyone you intended to shoot Oswald?"

21 Now, we've broken it up three ways. That would
22 really be covered, Mr. Ruby, in the first part: "Before you
23 left your apartment on Sunday morning, did you tell anyone
24 you intended to shoot Oswald?"

25 MR. RUBY: Now, you've got to get another question in

1 there: "Previous to your arising that morning, have you
2 told anyone you're going to shoot Oswald?" You see my
3 point?

4 MR. SPECTER: Yes, before you woke up, in other
5 words?

6 MR. RUBY: Yes.

7 MR. SPECTER: "Before you woke up on Sunday morning,
8 had you told anyone you intended to shoot Oswald?"

9 MR. RUBY: Before I awakened.

10 MR. SPECTER: Mr. Ruby, I don't want to leave any
11 area of questionableness here or ambiguity---of course, you
12 didn't say in your sleep this, so perhaps we ought to phrase
13 it "Before you went to bed on Saturday night or early Sunday
14 morning, did you tell anyone you intended to shoot Oswald?"

15 MR. RUBY: That's right.

16 MR. HERNDON: Would you repeat that, Mr. Specter?

17 MR. SPECTER: Yes. "Before you went to bed---"
18 What time did you go to bed that night?

19 MR. RUBY: At 1:15 or 1:30, but you must put it
20 specifically---also, whether I received any phone calls from
21 the time I went to bed and the time I arose. Do you follow
22 me? In other words, I could clear myself by answering that
23 question truthfully, but I could have received a phone call
24 in between the time I went to bed and the time I awakened.

25 MR. HERNDON: So, the area we're trying to cover

1 here, Mr. Ruby, as I see it is---if you did tell anyone you
2 were thinking of doing this---the approximate time.

3 Is that what we're getting at, Mr. Specter?

4 MR. SPECTER: Yes.

5 MR. HERNDON: Now, we can phrase that in several
6 different ways. If your recollection is that good that
7 you specifically recall an incident, you can tell me how
8 you want me to ask it.

9 MR. ALEXANDER: May I make a suggestion?

10 MR. HERNDON: Yes.

11 MR. ALEXANDER: Ask it, "Did you tell someone by
12 telephone you intended to shoot Oswald?"

13 MR. RUBY: Plus the fact that I think it should be
14 included, "Did I talk to anyone before going to bed?"

15 MR. HERNDON: Mr. Specter?

16 MR. FOWLER: Now, we will certainly object to
17 a question being framed by this attorney.

18 MR. SPECTER: Mr. Fowler, do I understand your
19 position correctly, that you are concerned about the dis-
20 closure of this information in the presence of Mr. Alexander?

21 MR. FOWLER: I am.

22 MR. SPECTER: But, do you have any concern about
23 disclosing the answer to this question to the Commission?

24 MR. FOWLER: None whatsoever.

25 MR. SPECTER: Well, would it be agreeable with you

1 if Mr. Alexander leaves while this question is being formu-
2 lated so we can understand it, and then that he comes back
3 when we have formulated it?

4 MR. ALEXANDER: Jack knows that I know the answer
5 to it, so there's no use in anybody getting upset about it.

6 MR. RUBY: Are you sure you know the answer to it?

7 MR. ALEXANDER: I think so, Jack.

8 MR. FOWLER: It would be preferable if he would
9 leave.

10 MR. SPECTER: Mr. Alexander, do you have any objec-
11 tion to stepping out just while we formulate this question?

12 MR. ALEXANDER: Not at all, not at all. Come on
13 Joe.

14 MR. TONAHILL: I don't have to go.

15 MR. SPECTER: Mr. Alexander has now departed, may
16 the record show.

17 All right, Mr. Ruby, we want to phrase the question
18 in accordance with polygraph procedure in a way that gets to
19 the point, as you see the point. So, tell us exactly what
20 you have in mind here.

21 MR. RUBY: Well, you had better remind me again.

22 MR. SPECTER: Here's the area we're trying to cover.
23 Here's the question I originally asked you which created all
24 this problem. "Between the assassination and the shooting"--
25 now, let me start that again---"Did you tell anyone that you

were thinking of shooting Oswald before you did?"

1
2 Now I tried to put that as plainly as I could.

3 I'm not interested here in the area of when---

4 MR. RUBY: Yes, but if you're speaking in the area
5 of-when, it's pretty incriminating. It's a long premedita-
6 tion, then, of time element.

7 MR. HERNDON: I think the Commission here has its
8 question of whether or not you did tell anybody?

9 MR. SPECTER: Mr. Ruby, if you have no objection
10 to answering that question, we would like you to do so now
11 for purposes of giving us information, and then we will test
12 you in just a minute as we go through with the polygraph, if
13 you're willing to answer that question?

14 MR. RUBY: Clayton?

15 MR. FOWLER: Jack, let me say this---now, this is
16 the very crux of your case. In other words, if there is
17 premeditation on your part to murder or to kill, this can
18 and will be used against you, and this information---let's
19 project it a little bit and say that you do get a new trial,
20 and that between now and that the the Warren Commission
21 releases their information for public consumption or to the
22 District Attorney's Office or to anybody else, then, if your
23 answer to these questions might be "Yes", then it would be
24 most difficult to appear and defend you.

25 MR. RUBY: Clayton, I'm here to tell the truth.

1 I don't know how the heck to answer C I appreciate
2 you're in a tough spot.

3 MR. FOWLER: Well, of course, as you can readily
4 see, this is why we advised you not to take this.

5 MR. RUBY: That's why I want it, because I know
6 what's best for me.

7 MR. FOWLER: Well, I don't think you do, Jack.

8 MR. RUBY: Can I overrule you, Clayton, where you
9 won't be too angry if I overrule you?

10 MR. FOWLER: Well, I have no---I'm not going to put
11 a cob in your mouth, Jack.

12 MR. RUBY: Can I ask one more favor of you?

13 MR. FOWLER: Sure.

14 MR. RUBY: Will you let those two gentlemen back in
15 the room, at your request?

16 MR. FOWLER: Not at my request---no, sir.

17 MR. RUBY: Please, Clayton?

18 MR. FOWLER: If you leave that up to me, I say "No".

19 MR. RUBY: All right, I'm going to answer your
20 question.

21 MR. HERNDON: Mr. Ruby, why don't I just go over
22 with you one by one all of them, for this series of questions.

23 MR. SPECTER: At this time, I would like to ask
24 Mr. Ruby if he is willing to answer the question about the
25 conversations. I would like to develop the information

1 about the conversations so that we will know it is factual.
2 This would be an extended question of the nature that the
3 Chief Justice asked you on June 7---if you're willing to
4 answer my question to you at this time, which is: "Did you
5 tell anybody that you intended to shoot Oswald at any time
6 before you did it?"

7 And, I would follow that up, if you answer that
8 question, with---"Whom did you tell and when?"

9 With that information, we can then formulate these
10 questions for the lie detector test to see if you're telling
11 the truth.

12 MR. RUBY: Clayton, please? I've got to do this?
13 I've got to, because I told it to the Warren Commission.

14 MR. FOWLER: In other words, these questions have
15 already been talked about?

16 MR. RUBY: Yes, and will you ask them to come in?

17 MR. SPECTER: Mr. Fowler, I don't know that they
18 have. I have reviewed the transcript, but I don't know
19 that we've asked these before, but he answered everything
20 that was asked of him in the last session.

21 MR. RUBY: Yes, I was very voluntary.

22 MR. SPECTER: We didn't go into some areas because
23 we deliberately did not, and other areas were not inquired
24 into, suffice it to say, for this purpose, but this is the
25 question we're concerned with at the moment, and we would like

1 an answer substantively, in addition testing his truth-
2 fulness, so it comes to a head when we try to formulate the
3 questions for the polygraph, because we really have to get
4 the underlying facts, and then we can point our efforts to
5 see whether he's telling the truth according to the indi-
6 cators from the examination.

7 MR. FOWLER: Again, I don't believe certainly he
8 understands the full complicity of this thing.

9 If there are any questions that are asked that shows
10 premeditation on his part, I would respectfully ask that he
11 decline to answer and that you decline to ask it.

12 MR. RUBY: But it's already in there. I've already
13 told it to the Warren Commission.

14 MR. FOWLER: Now, if there is an area that has been
15 covered already and you still wish to go into it---I don't
16 want this man---

17 MR. RUBY: So, would you mind calling Alexander in?

18 MR. FOWLER: Listen, Jack, will you please listen
19 to me? This man got up down there and asked the Jury to
20 send you to the electric chair.

21 MR. RUBY: I know it.

22 MR. FOWLER: He has not changed his opinion yet,
23 and he will again ask it at some later date. Now, is this
24 the kind of man you want to pussyfoot around in here with
25 and let listen to these questions? Just "Yes" or "No"---if

1 it is---we'll bring him back in.

2 MR. RUBY: Yes, I want him in nere, and I want you
3 to ask him to come in, please.

4 MR. FOWLER: I won't ask him to come in.

5 MR. RUBY: Joe, ask him to come in.

6 MR. TONAHILL: No, Clayton is your Chief Counsel
7 and I'm going to respect his desires.

8 MR. RUBY: Chief---I know.

9 MR. SPECTER: Well, I will ask him to come in,
10 Mr. Ruby. I'm willing to bring him back, if that's your
11 request.

12 MR. FOWLER: I would like this record to reflect
13 that this is against the advice of his attorneys present,
14 and that it will be very detrimental to, Number One, his
15 appeal, and Number Two, perhaps to any clemency that might
16 be asked for in the future, and Number Three, for the actual
17 trial of the case on the merits, if such ever occurs.

18 MR. SPECTER: Mr. Ruby, the Commission can proceed
19 and conduct this test and not bring him back. I want you
20 to be clear on that point, that these men do not have to
21 be here for the purposes of getting this information here
22 for the Commission, so we will know all the facts, or for
23 the purposes of conducting this test. So, it's really
24 extraneous. It doesn't really matter for them to be in
25 here for the tests.

1 MR. FOWLER: Jack, why do you want them back?

2 MR. RUBY: Because I happen to know what I'm
3 talking about.

4 MR. TONAHILL: Now, Jack---

5 MR. RUBY: Joe, you're not my attorney any more.
6 We know it. We understand one another, please. You're not
7 helping me.

8 MR. FOWLER: Let's just direct our attention right
9 now, Jack, to the things that are near to you. Why do you
10 want Mr. Alexander here?

11 MR. RUBY: I feel I don't want him to think I'm
12 holding out on anything. I don't want him to have any idea
13 that I'm reluctant to answer things in front of him, believe
14 me.

15 MR. FOWLER: Listen, at some future date---yes.
16 Perhaps in a trial, another trial, yes. When you are on
17 the witness stand, if you are able to go to the witness
18 stand, perhaps these questions will be directed to you at
19 that time, and you can make a full disclosure before a Jury,
20 but I respectfully request that you do not do it in the
21 presence of a District Attorney.

22 MR. RUBY: But Clayton, they know all these
23 questions already. Henry Wade, I spoke to, and I told him
24 all this.

25 MR. FOWLER: Well, if he knows them already, then

1 why not just let him stay out? You're not trying to
2 impress him, are you? Do you think that he can do anything
3 to help you right now?

4 MR. RUBY: No---no, but the thing is that I have
5 a few other thoughts in mind, as you well know about.

6 MR. FOWLER: What are they, Jack?

7 MR. RUBY: That I spoke to you about for your
8 consideration.

9 MR. FOWLER: Jack, I'm not worried, I'm not con-
10 cerned about anybody trying to do away with me. This is
11 the least of my worries. Nobody has threatened me about
12 this thing. Nobody has coerced me in any way.

13 MR. RUBY: I want harmony, that's what I want.
14 I want harmony with you and the District Attorney's Office.

15 MR. FOWLER: Well, we can't harmonize over your
16 situation, I'm sorry.

17 MR. SPECTER: Well, the point we got to was the
18 question of getting the substantive information out before
19 going on with the test.

20 Did you tell anyone that you intended to shoot
21 Oswald?

22 MR. HERNDON: You mean---before?

23 MR. SPECTER: Well, I don't know if we're going
24 to get an answer to it or not.

25 MR. FOWLER: Jack, now the question that is being

1 directed to you at this time---well, go right ahead.

2 MR. RUBY: Yes, Sunday morning.

3 MR. SPECTER: And whom did you tell?

4 MR. RUBY: George Senator.

5 MR. SPECTER: And where were you at the time you
6 discussed it with him?

7 MR. RUBY: In my apartment.

8 MR. SPECTER: And state in as precise words as you
9 can remember, just what you said to him and he said to you
10 at that time?

11 MR. RUBY: Well, he didn't say anything---the
12 funny part---he was reading the paper and I doubt if he
13 even recalled me saying it.

14 I have to elaborate on it, but I was so carried
15 away emotionally that I said---I don't know how I said it---
16 I didn't say it in any vulgar manner---I said, "If something
17 happened to this person, that then Mrs. Kennedy won't have
18 to come back for the trial". That's all I said.

19 Now, would you mind asking me on that particular
20 point? That happened Sunday morning. That's the only
21 time any thought ever came to my mind, because that morning
22 I read some articles in the newspaper that she would have
23 to come back to trial.

24 MR. SPECTER: Did you ever say to anybody, "I am
25 going to shoot Oswald", or anything to the effect that, "I

1 am going to shoot or kill him"?

2 MR. RUBY: No, I just made the statement—that's
3 the only thing I said.

4 MR. SPECTER: That statement you made to George
5 Senator, that's the only thing, that's the closest you came
6 to saying it?

7 MR. RUBY: That Sunday morning before I left my
8 apartment.

9 MR. SPECTER: Did you ever tell Randolph Paul you
10 were going to shoot him?

11 MR. RUBY: I don't even know a Randolph Paul.

12 MR. SPECTER: How about Breck Wall?

13 MR. RUBY: I know I never said that to Breck Wall.

14 MR. SPECTER: Perhaps the name was Ralph Paul,
15 did you ever say it to Ralph Paul?

16 MR. RUBY: No, sir.

17 MR. SPECTER: Now, let's prepare the question this
18 way, if we may, Mr. Herndon: "Aside from anything you
19 said to George Senator, did you ever tell anyone you
20 intended to shoot Oswald"?

21 MR. RUBY: No.

22 MR. SPECTER: Now, is that formulation acceptable
23 for purposes of the test, Mr. Herndon?

24 MR. HERNDON: I want to make sure I get it correct.

25 MR. SPECTER: "Aside from anything you said to George

1 Senator "Did you ever tell anyone (C)se you intended to
2 shoot Oswald?"

3 MR. RUBY: In the flippant way I said it, I doubt
4 if he'd even---you know---the poor guy may not even have
5 remembered it. We never discussed it after that.

6 MR. SPECTER: What was the exact time you recollect
7 you said that to him?

8 MR. RUBY: I don't know---it was about 10:15 Sunday
9 morning.

10 MR. SPECTER: Approximately?

11 MR. RUBY: Well, you know---ten minutes either way.

12 MR. SPECTER: All right, Mr. Fowler, we will
13 phrase the question in that way, but that phraseology of
14 the question carries certain implications which you under-
15 stand.

16 MR. RUBY: May I repeat that question once more
17 to make sure it's accurate?

18 MR. SPECTER: Mr. Alexander can come back in.

19 (Mr. Alexander at this time entered the room.)

20 MR. SPECTER: We have now formulated the question,
21 Mr. Alexander, and Mr. Herndon will now read it, together
22 with the other questions he intends to ask in this series.

23 MR. HERNDON: The question is "Aside from anything
24 you said to George Senator, did you ever tell anyone else
25 that you intended to shoot Oswald?"

1 MR. RUBY: No.

2 MR. HERNDON: That will be one of the questions
3 on the next series.

4 Mr. Specter, do you want that to be in lieu of this
5 one or in addition to this question?

6 MR. SPECTER: Let's ask it in lieu of that
7 question. Strike the other question, the original question.

8 MR. HERNDON: Strike the original question that
9 commences, "Did you tell anyone you were thinking about---"?

10 MR. SPECTER: Yes, that's the one we've been
11 talking about.

12 MR. ALEXANDER: Is this still Series (3)?

13 MR. HERNDON: We're still on Series (3), Mr. Alex-
14 ander. As a matter of fact, if it's all right with you
15 gentlemen, I'd like to start right over again on Series (3).

16 MR. SPECTER: Mr. Ruby, I think we have that one
17 area resolved.

18 MR. HERNDON: I'm going to ask you as we said
19 originally---before---back in the testimony, "Between the
20 assassination and the shooting, did anybody you know tell
21 you they knew Oswald?"

22 Then, the other relative or pertinent question here
23 will be "Aside from anything you said to George Senator, did
24 you ever tell anyone else that you intended to shoot Oswald?"

25 And, in addition to those questions, I will ask on

1 this series the following questions---
2 MR. RUBY: Why don't you add---in---let's get the
3 time element in there too, because that was Sunday morning.
4 MR. HERNDON: Well, I don't want to make these
5 questions too long.
6 MR. RUBY: I know, but I want this because some-
7 body might think that I mentioned it two days prior to that.
8 MR. SPECTER: We can add that if you want to.
9 "Aside from anything you said to George Senator on Sunday
10 morning, did you ever tell anyone else that you intended to
11 shoot Oswald?"
12 MR. RUBY: Okay.
13 MR. HERNDON: All right, we're going to insert
14 after "George Senator"---"on Sunday morning". Here again,
15 the Sunday morning being that time after you wake up and
16 prior to noon.
17 MR. RUBY: Remember, it was the flippant way I
18 said it that I doubt if the poor soul remembered it.
19 MR. HERNDON: The other questions in this series
20 will be as follows, Mr. Ruby. Here again are some of
21 the irrelevant questions. "Is your last name Ruby? Do
22 you live in Dallas". I'm going to ask you "Are you
23 married?". Just for the record, I understand you're single,
24 so you could answer that "No". "Were you in the military
25 service?"

1 MR. RUBY: Yes.

2 MR. HERNDON: I'm going to ask you this question:
3 "While in Service", and I mean the military service, "did
4 you receive any disciplinary action?" Do you understand
5 that question?

6 MR. RUBY: In other words, "While you were in the
7 military, were you hurt?"

8 MR. HERNDON: No, Mr. Ruby, disciplinary action.
9 Were you court martialed, Captains' Mast, or any disciplinary
10 action?

11 MR. RUBY: None whatsoever.

12 MR. HERNDON: There's one other relevant question
13 I want to ask on this series and I put it as simply as I
14 can. "Did you shoot Oswald in order to silence him?"

15 MR. RUBY: No.

16 MR. HERNDON: One other question: "Have you ever
17 served time in jail?" Now, what I mean by that question,
18 Mr. Ruby, is not this present custody but any other time.
19 "Did you ever actually serve time in jail?"

20 MR. RUBY: I have served 30 days---I mean---that
21 would answer it.

22 MR. HERNDON: Then, you can answer that?

23 MR. RUBY: Yes.

24 MR. HERNDON: If that comes to mind, you could say,
25 "Yes".

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. RUBY: Yes.

MR. HERNDON: Now, let me make sure we've gone over these questions. Do you feel all right, Mr. Ruby?

MR. RUBY: Yes.

MR. HERNDON: All right, we will proceed.

MR. RUBY: That 30 days embarrasses me, because it was with reference to selling some song sheets back in the old depression days, and it wasn't for anything criminal. It was something that I didn't realize at the time there were copyrights on those songs. So, I don't want to become a felon just because---outside of what I am now.

MR. HERNDON: Well, these questions, I don't mean to embarrass you, Mr. Ruby. I want to ask these questions because they're going to help me later on, and I want to get some of these other questions on your background. Was that in Chicago?

MR. RUBY: Yes.

MR. HERNDON: When you explained about the song sheets?

MR. RUBY: Yes. I made a pretty good living at that time.

MR. HERNDON: You still recall that and it embarrasses you?

MR. RUBY: Yes.

MR. HERNDON: I will be ready to start Series (3)