

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE DALLAS	OFFICE OF ORIGIN DALLAS	DATE 8/3/64	INVESTIGATIVE PERIOD 11/28/63 - 7/27/64
TITLE OF CASE JACK L. RUBY, aka; LEE HARVEY OSWALD, aka (Deceased) - VICTIM		REPORT MADE BY SA MANNING C. CLEMENTS	TYPED BY eah
		CHARACTER OF CASE CR	

REFERENCES:

Reports of SA MANNING C. CLEMENTS, Dallas, 11/30, 12/6, 11, 14, 18, 19, 21, 31/63; 1/8, 17, 31, 2/18, 3/28, 4/3, 20, 30, 6/9, 26, 7/17/64.

- P -

LEADS:

All leads have been set out by teletype or airtel.

ADMINISTRATIVE:

Overlap with period of last report is occasioned by inclusion herein of investigation received from auxiliary offices subsequent to date of last report.

This report is concerned with a number of requests from the President's Commission on the Assassination of President KENNEDY and miscellaneous other investigation. Communications on which investigation

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE: (5 - BUREAU (44-24016) 5 - DALLAS (44-1639)	<i>[Signature]</i>		1918
		17 AUG 5 1964	REC-13 IST-103
DISSEMINATION RECORD OF ATTACHED REPORT		NOTATIONS	
AGENCY	REQUEST RECD.	DATE FWD.	HOW FWD.

1918

[Handwritten notes and stamps]

DL 44-1639

ADMINISTRATIVE: (cont'd)

was based are as follows:

<u>Bureau Commission</u>	<u>Commission Communication</u>	<u>Subject Matter</u>
Buairtel 6/22/64	6/18/64	Chief of Police JESSE E. CURRY
" 6/29/64	6/26/64	EVA GRANT; CHARLES J. HIRSCH
" 7/1/64	6/30/64	A. D. HODGE
Buairtels 7/7,8/64	7/2/64	GEORGE WILLIAM FEHRENBACH
Buairtel 7/7/64	7/3/64	HYMAN RUBENSTEIN; EVA RUBENSTEIN; Juvenile Records
" 7/7/64	7/3/64	"Wall Street Journal"; J. E. BRADSHAW
" 7/7/64	7/3/64	EARL R. RUBY; James Welch Company
" 7/13/64	7/9/64	FRANK BOERDER; BERTHA CHEEK
" 7/14/64	7/10/64	WILLIAM D. CROWE, aka BILL DeMAR; RALPH PAUL

- B -

COVER PAGE

DL 44-1639

ADMINISTRATIVE: (cont'd)

<u>Bureau Communication</u>	<u>Commission Communication</u>	<u>Subject Matter</u>
Buairtel 7/14/64	7/10/64	Photographs of RUBY's apartment and Carousel Club
" 7/14/64	7/10/64	Armored Motor Service, Inc.
" 7/15/64	7/14/64	Time Computations; WEAP-TV Films; Western Union
" 7/15/64	7/14/64	WANDA HELMICK; RALPH PAUL
" 7/15/64	7/14/64	Unidentified Frenchman, aka "Pierre"; FRANCOIS PELOU
" 7/15/64	7/14/64	Detective W. J. HARRISON
" 7/16/64	7/14/64	Collateral Relatives of RUBY

Miscellaneous investigation was based on:

<u>Bureau or Field Communication</u>	<u>Subject Matter</u>
Buairtel 7/9/64	Polygraph examination of RUBY
" 6/10/64	MELVIN EUGENE SARGENT

- C -

COVER PAGE

DL 44-1639

ADMINISTRATIVE: (cont'd)

Bureau or Field Communication

Subject Matter

Buairtel 6/30/64

ROSE SBARISCIA

Dallas teletype 7/22/64

Mrs. WILMA TICE

Records of Southern Bell Telephone Company, Dallas, Texas, were made available to SA MANNING C. CLEMENTS by [REDACTED]

- D -

COVER PAGE

1

CG 44-645
CLB/rms

The following is a list of the identities of individuals who were contacted regarding their knowledge of and/or association with JACK RUBY in connection with the Communist Party of Illinois:

The source referred to in FD-302 of SA JOSEPH C. STANLEY, interview conducted on 11/28/63, at Chicago, Illinois, is [REDACTED]

The source referred to in FD-302 of SA ROBERT R. GLENDON, interview conducted on 11/28/63, at Chicago, Illinois, is [REDACTED]

The source referred to in FD-302 of SA BRYCE S. PLESNER, interview conducted on 11/28/63, at Chicago, Illinois, is [REDACTED]

The source referred to in FD-302 of SA RICHARD M. KIRBY, interview conducted on 11/28/63, at Chicago, Illinois, is [REDACTED]

[REDACTED]
is identical with [REDACTED]

[REDACTED]
is identical with [REDACTED]

The latter two individuals whose identities are not being concealed is being handled in this manner because these two individuals have since testified in Federal Court where their identity as Communist Party members was made public.

DL 44-1639
WJW:esh

ADMINISTRATIVE

In connection with the FD-302 setting forth interview with JACK L. RUBY by SA'S BELL P. HERNDON and W. JAMES WOOD, this interview was in the form of a polygraph examination conducted by SA HERNDON. Questions were put to RUBY which could be answered by "Yes" or "No." There were thirteen sets of such questions afforded RUBY. In each instance, a series of questions would be read to RUBY so that the meaning of each question would be entirely clear to him, after which Assistant District Attorney WILLIAM F. ALEXANDER and RUBY's attorney, JOE TONAHILL, would be excluded from the room and then the same questions would be asked of RUBY while the polygraph was in operation. In many instances, before or after each set of questions, RUBY would expand on the questions to which he would have to answer merely "Yes" or "No."

The narrative in the 302 followed chronologically the polygraph examination.

For information purposes, the following narrative of events before, during, and after the polygraph examination are set forth:

At approximately 11:45 AM, July 18, 1964, SA'S HERNDON and WOOD met with the following individuals in a jury room at the County Jail in Dallas, Texas:

Assistant District Attorney WILLIAM F. ALEXANDER;

ARLEN SPECTER, representative of the President's Commission investigating the assassination of President KENNEDY;

JOE TONAHILL, Defense Attorney;

CLAYTON FOWLER, Defense Attorney;

DL 44-1639

ADMINISTRATIVE (cont'd)

ALLAN L. SWEATT, Chief Criminal Investigator for the Dallas County Sheriff's Office;

Miss ODELL OLIVER, Court Reporter regularly assigned to the U. S. District Court in Dallas, Texas.

At 12 noon, the jailer was instructed to see to it that RUBY received lunch before being questioned, and it was suggested that he not be given coffee unless he insisted on it.

CLAYTON FOWLER then stated he was against the polygraph examination and was going to consult with RUBY before the questioning in another effort to talk him out of undergoing the polygraph examination.

At about 1:05 PM, FOWLER returned, said he had consulted with RUBY, said that contrary to his advice, contrary to the advice of the family's counsel, and the family itself, RUBY insisted on taking the polygraph examination. FOWLER stated he wanted assurance that the results of the examination would be kept confidential and SPECTER replied that it was up to the Commission to determine what use should be made of the results of the examination.

FOWLER requested that the Commission not disclose any of the questions that would be submitted to RUBY to any persons other than the operator, the representative of the Commission, and RUBY's attorneys present. More specifically, he requested that these questions not be made available to anyone connected with the Dallas Sheriff's Office, the Dallas FBI, the Dallas District Attorney's Office in Dallas, and more specifically BILL ALEXANDER. He further requested that such information not be made available to Mr. SWEATT, who was present representing the Sheriff's Office. TONAHILL expressed his opinion that it would be well to go ahead with the examination, because RUBY was so insistent and despite the fact that such examination might not have any validity because of RUBY's mental condition. He said he felt RUBY's mental condition might even worsen if he not be given the test.

COVER PAGE

DL 44-1639

ADMINISTRATIVE (cont'd)

SPECTER made a statement that the Commission had never asked for the examination and they were affording it to RUBY at his insistence.

TONAHILL conceded that the decision to make the test was the result of a meeting between Chief Justice EARL WARREN and RUBY some weeks ago.

ALEXANDER requested that the Dallas County District Attorney's Office be furnished a copy of the questions to be asked RUBY and a copy of the actual tape made of the polygraph examination. FOWLER objected to this and SPECTER stated such would not be made available.

At 2:20 PM, RUBY was brought into the room and SPECTER explained to him that he intended to have present, in addition to RUBY, only SA'S HERNDON and WOOD, SPECTER, the court reporter, a doctor whose presence had been requested by RUBY's attorneys, and a representative of the Sheriff's Office to maintain security. RUBY said he would rather have FOWLER present than the doctor.

FOWLER again made statements concerning his objection to the polygraph examination and RUBY was asked if he still wanted to take this test. He said he did and he requested that the results be made available to the District Attorney's Office.

SPECTER said that, in view of RUBY's request, FOWLER would be present and that the group now there would remain for all portions of the test.

At this point, the following persons were present:

JACK L. RUBY
SA'S BELL P. HERNDON and W. JAMES WOOD
CLAYTON FOWLER

- H -
COVER PAGE

DL 44-1639

ADMINISTRATIVE (cont'd)

JOE TONAHILL
WILLIAM F. ALEXANDER
Miss ODELL OLIVER
ARLEN SPECTER
Doctor WILLIAM R. BEAVERS
E. L. HOLMAN, Chief Jailer

FOWLER objected that if ALEXANDER remained the answers to the questions could be used against RUBY at a later date if they were adverse to his rights. He requested that ALEXANDER not be allowed to remain and SPECTER agreed that ALEXANDER and TONAHILL, whose presence RUBY objected to, could be present during the initial reading of the questions to be asked, but that they would be excluded from the room when the same questions were asked during the actual polygraph examination.

At 2:34 PM, SA HERNDON explained the consent form and read this form to RUBY, consenting to being examined by the polygraph. This form was signed by RUBY and the two Agents.

HERNDON asked RUBY how he felt and he replied that he felt very good. RUBY asked why Doctor BEAVERS was present and SPECTER explained he was there at the request of RUBY's counsel. SA HERNDON asked RUBY some general questions about his health, respiratory diseases, sinus conditions, heart trouble, and RUBY answered all questions in the negative. RUBY also stated he had had no medication on that date.

At 2:40 PM, SPECTER administered the oath to RUBY.

At 2:44 PM, RUBY took the polygraph chair and SA HERNDON explained to him the operation of the polygraph.

HERNDON then read a group of seven questions which he designated "Series 1" to RUBY and at 2:53 PM, the polygraph machine

- I -

COVER PAGE

DL 44-1639

ADMINISTRATIVE (cont'd)

was connected to RUBY.

At 2:58 PM, ALEXANDER and TONAHILL left the room and nine questions were asked of RUBY, designated as "Series 1."

ALEXANDER and TONAHILL then re-entered the room while a second set of questions was asked of RUBY so that it would be clear that he understood them.

At 3:16 PM, TONAHILL and ALEXANDER again left the room and RUBY was afforded "Series 2," consisting of eight questions.

At 3:24 PM, ALEXANDER and TONAHILL returned to the room and the questions comprising "Series 3" were read to RUBY. RUBY protested that some of the questions in this series could not be answered "Yes" or "No," and at 3:35 PM, SPECTER asked ALEXANDER to leave the room while questions were being revised. FOWLER cautioned RUBY that if he answered any question which indicated premeditation it could be used against him at a later time. RUBY said he was there to tell the truth. SPECTER said he would like to develop the information factually and, if RUBY wanted to expand on his answers, he could do so.

RUBY asked that ALEXANDER be allowed back in the room and FOWLER objected to this and said it would be extremely detrimental to his appeal in the future. There followed an argument between FOWLER and RUBY, but FOWLER's protest prevailed, and ALEXANDER continued to be excluded.

At 3:50 PM, ALEXANDER was invited back into the room while the rephrased questions were asked RUBY.

At 3:54 PM, "Series 3" was given RUBY after TONAHILL and ALEXANDER left the room.

DL 44-1639

ADMINISTRATIVE (cont'd)

At 4:02 PM, ALEXANDER and TONAHILL were readmitted to the room while the next set of questions were being read to RUBY.

At 4:05 PM, TONAHILL and ALEXANDER left the room and "Series 3A" was afforded RUBY.

At 4:10 PM, ALEXANDER and TONAHILL returned to the room and the next set of questions was asked RUBY.

At 4:33 PM, "Series 4" was submitted to RUBY.

At 4:37 PM, TONAHILL and ALEXANDER returned to the room and SPECTER declared a recess.

At 6:25 PM, the examination reconvened and, in the interim, RUBY had been lying down on a bed in a nearby room. There followed some discussion as to SPECTER's making an announcement to the press after the questioning, and SPECTER said he had discussed this with FOWLER and they had decided SPECTER would acknowledge that RUBY had asked for an examination; that such had been given him by the President's Commission through the assistance of the FBI; that the results would be taken to Washington, D. C., where they would be evaluated.

RUBY discussed several items that he wanted to have asked to particularly show he had no foreign connections.

At 6:35 PM, the next group of questions was given to RUBY.

At 6:41 PM, ALEXANDER and TONAHILL left the room, after which "Series 5" was afforded RUBY.

At 6:48 PM, ALEXANDER and TONAHILL returned to the room. RUBY made a rambling statement as to why he shot OSWALD and what he told GEORGE SENATOR on the morning of the shooting.

- K -

COVER PAGE

DL 44-1639

ADMINISTRATIVE (cont'd)

At 6:56 PM, ALEXANDER and TONAHILL left the room and "Series 6" was afforded RUBY.

At 7:07 PM, ALEXANDER and TONAHILL returned to the room and the next set of questions was submitted to RUBY.

At 7:11 PM, TONAHILL and ALEXANDER left the room and at 7:14 PM "Series 7" was given RUBY.

At 7:20 PM, TONAHILL and ALEXANDER returned to the room, after which the next set of questions was asked and at 7:24 PM they left the room.

At 7:26 PM, "Series 8" was put to RUBY.

At 7:30 PM, SPECTER declared a short recess and the group reconvened at 7:53 PM.

The next set of questions was asked of RUBY and at 8:06 PM TONAHILL and ALEXANDER left the room and "Series 9" was given RUBY at 8:09 PM, immediately followed by "Series 9A."

At 8:15 PM, TONAHILL and ALEXANDER returned to the room, the next set of questions was posed, and at 8:20 PM they left the room. "Series 10" was afforded RUBY at 8:22 PM.

At 8:23 PM, TONAHILL and ALEXANDER returned to the room. There followed a considerable amount of comment by RUBY as to what questions he wanted to be asked and what points he wanted to be brought out. He also made statements as to the feeling of the American public about him and his feeling of patriotism towards the United States.

Following this period of comment by RUBY, SA HERNDON asked RUBY whether the noise from the jail was disturbing him, to which he replied he was aware of the noise but it did not disturb him.

- L -

COVER PAGE

ADMINISTRATIVE (cont'd)

SA HERNDON explained that he wanted to ask RUBY a few final questions and at 8:54 PM, with ALEXANDER and TONAHILL present, "Series 11" was given to RUBY. These questions had to do with RUBY's patriotism, at his request, and whether all the testimony given him had been answered truthfully. RUBY left the room at 9:07 PM with the chief jailer, after which time SPECTER called Doctor WILLIAM R. BEAVERS to testify, at the request of FOWLER and TONAHILL.

Doctor BEAVERS was sworn in, stated he was a psychiatrist - physician, residence, 4071 North Lawn Drive, office, 3911 Maple, Dallas, which is the Woodlawn Psychiatric Hospital. He described his educational background and the organizations to which he belonged.

Doctor BEAVERS stated he had occasion to examine RUBY prior to four weeks earlier on numerous occasions, estimating the number of times at nine or ten. He saw him first on 4/28/64. At that time, RUBY had a psychotic depression, i. e., evidences of auditory hallucinations and a poorly defined but definite delusional system, which waxed and waned during the interview. He also showed evidence of a severe degree of depression. Because of the combined symptoms in which he felt members of his family were being harmed or destroyed because of his crime, and his feeling that there was a pogrom concerning Jews in general because of his crime, Doctor BEAVERS diagnosed him as a psychotic depressive.

As to his mental state on 7/18/64, Doctor BEAVERS said he believed RUBY's delusional system had become much less open and less obvious, and that the doctor did not know the reason for this. He felt the delusions were still there, but RUBY was concealing them much better than before. He said that, during the greater part of the time RUBY was answering questions, he felt RUBY was aware of the questions and understood them, and was giving answers based on an appreciation of reality.

ADMINISTRATIVE (cont'd)

He said the questions as to his feelings about the safety of his family and defense counsel were the only ones that tapped his delusional state. He said that in order to get a perfectly clear idea as to what RUBY felt about the safety of his family and counsel would take more than a "Yes" or "No" answer to questions. He said he, the doctor, has been told that at times RUBY tried to seem delusional and truculent. He said one of the things that is steady is RUBY's ambivalence, the mixed feelings he has on any question. On the one hand he appears quite sane, but according to the testimony the doctor has heard from others, RUBY has tried to appear a little more delusional than he actually was.

The doctor said he felt RUBY's delusional state did not interfere with an awareness of a seeming adequate memory, the presence of a reasonable appreciation of reality in reference to his whereabouts and behavior at the critical times under discussion. In short, Doctor BEAVERS said, RUBY seemed to behave like a man with a well-fixed delusional system, i.e., the major portion of the polygraph examination would not be affected by the delusional state.

Doctor BEAVERS said it appeared RUBY became fatigued in the latter stages of the interrogation, and he said he could not comment as to whether this would harm him physically. He said the fatigue should evaporate after a good night's sleep. As to RUBY's mental state and whether it would be seriously affected by the interrogation, Doctor BEAVERS said that the one thing RUBY has not been ambivalent about all through the doctor's acquaintance with him has been the subject of a polygraph examination, or the application of "truth serum." The doctor said he had long felt that some benefit would derive from giving RUBY an opportunity to "tell his story," under a polygraph examination.

ADMINISTRATIVE (cont'd)

Doctor BEAVERS said the mixture of RUBY's delusional state surrounding the possible conspiracy that people thought he had participated in, and the tremendous number of destructive acts that were going on as a result of RUBY's act of violence, was a mixture of the delusional and factual, a mixture of his confusion and of other peoples' confusion, and RUBY has been well aware of this confusion. Doctor BEAVERS said he felt it was more beneficial to give RUBY this examination than to deny it to him. He said this made it appear that RUBY was "getting his day in court," which was denied him at the trial, where he was not afforded an opportunity to testify.

Doctor BEAVERS said he had been impressed with the skill of the polygraph operator in making the questions clear and keeping RUBY from getting fatigued.

JOE TONAHILL said he had noted that RUBY appeared to place much confidence in WILLIAM F. ALEXANDER, and none in his own defense attorney, TONAHILL. He asked if RUBY's mental incapacity was such as to keep him from realizing what is best for him in relation to the attorneys.

Doctor BEAVERS said he feels that the question of competency is going to come up in the future and that rather than making an off-the-cuff answer TONAHILL would have to settle for the statements Doctor BEAVERS had made earlier concerning RUBY's mental illness.

Doctor BEAVERS said that on the face of it, with regard to his appreciation of reality, some of the behavior he has toward ALEXANDER in wanting him to be in the room when he made damaging statements concerning premeditation would not be the act of a wise and prudent man, but did fit in more clearly with his earlier delusions in that there is a body of people who feel that he is part of a conspiracy and that actions are going to be taken against his people. In this case, he would certainly

DL 44-1639

ADMINISTRATIVE (cont'd)

want ALEXANDER here. He is much more concerned with getting the truth out so that a whole host of terrible things won't happen. This is much more important to him than protecting himself from making incriminating statements.

Doctor BEAVERS said he had noted suicidal tendencies, that in his opinion RUBY would be better off out of jail and in a mental institution where he could receive attention.

FOWLER then made a concluding statement that he was called by Sheriff BILL DECKER stating that he had a long distance telephone call. He answered the phone and talked with EARL RUBY and SOL DANN, attorney for EARLY RUBY, who wanted to know what was going on. DANN wanted to know why TONAHILL and FOWLER had not stopped the hearing. FOWLER tried to explain that he had talked with JACK RUBY and explained to him that RUBY had certain rights which might be violated here, but that RUBY insisted on the examination. FOWLER pointed out that this examination had been set up prior to the entrance of FOWLER and DANN into the case and that FOWLER could not control the situation.

DANN informed FOWLER that it was his intention to immediately contact the President's Commission and file a criminal charge of assault and battery against all parties conducting this hearing, including FOWLER and TONAHILL. At this point, FOWLER and TONAHILL were summarily fired by DANN. FOWLER stated he feels this matter is something Mr. DANN is not aware of, that throughout this matter "we" have tried to protect the rights of RUBY. FOWLER wanted to get it in the record that RUBY's rights had been protected at this interrogation.

At 9:59 PM, the group disbanded.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: MANNING C. CLEMENTS
Date: 8/3/64

Office: DALLAS

Field Office File No.: 44-1639

Bureau File No.: 44-24016

Title: JACK L. RUBY;
LEE HARVEY OSWALD - VICTIM (Deceased)

Character: CIVIL RIGHTS

Synopsis:

This report includes results of investigation requested by President's Commission on the Assassination of President KENNEDY, and miscellaneous additional investigation.

- P -

DETAILS: