

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Conrad

FROM : R. H. Jevons

SUBJECT: JACK L. RUBY;
LEE HARVEY OSWALD, VICTIM;
CIVIL RIGHTS

DATE: 7/23/64

1 - Mr. Herndon, 7330
1 - Office, 7133
1 - Mr. Jevons, 7133
1 - Mr. Conrad

Tolson
DeLoach
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Malley
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

Handwritten notes and signatures:
C. W. [unclear]
W. J. [unclear]
W. J. [unclear]

Attached Associated Press release (Dallas - 7/22) as published in the "Washington Post" today states that the content of the article is the question and answer transcript in part of the polygraph examination afforded Ruby by the FBI in Dallas, Texas, last Saturday.

The newspaper article has been compared with the actual questions asked Ruby during the polygraph examination. The comparison clearly reveals that the vast majority of questions listed in the newspaper article are not an accurate transcript of the questions.

While the lack of accuracy could be merely due to inaccurate notes taken by an individual during the actual test, it is considered more likely from the form of the published questions that they are based on notes taken during a discussion of the proposed questions with Ruby immediately prior to the actual polygraph examination and upon Ruby's answers at that time. Such a discussion of the proposed questions with a subject is a standard part of polygraph examination technique to insure that the subject understands the questions and was followed in this instance. It is noted that under the arrangements made by the Commission the following individuals were present during the discussion of the questions before the actual test:

- Mr. Arlen Specter, President's Commission
- Mr. Clayton Fowler, Ruby's Chief Counsel
- Mr. Joe Tonahill, Ruby's Attorney
- Mr. William Alexander, Dallas District Attorney's Office
- Dr. William R. Peavers, Psychiatrist
- Chief Jailer E. L. Holman
- Court Reporter Odell Oliver
- Special Agents Bell P. Herndon and W. James Wood

- Enclosure
- 1 - Mr. Belmont
 - 1 - Mr. Rosen
 - 1 - Mr. DeLoach
 - 1 - Mr. Malley

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ENCLOSURE

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It is of further interest to note that Mr. Alexander, the District Attorney's representative, and Mr. Tonahill, one of the defense attorneys, based upon agreement among the various attorneys present arranged to leave the room during portions of the actual polygraph interview of Ruby and, therefore, would not have heard all of the actual questions as they were presented to Ruby during the actual examination. The remaining individuals were present during both the pretest interview and the actual polygraph test. Except for the court reporter and the Bureau Agents, the only other person observed taking copious notes was Mr. Alexander.

It is further noted as a matter of interest that in memorandum from Mr. Griffith to Mr. Conrad 7/22/64, in connection with the "leak" of Oswald's diary to Life Magazine, the Laboratory has been able to establish that the copies in the possession of Life Magazine originated, either directly or indirectly, from photographic reproductions of this diary in the possession of the Dallas District Attorney's Office.

A further analysis as to whether the published questions are, in fact, based on the discussion of the questions prior to the polygraph examination can be made as soon as a detailed transcript of the proceedings is received by us. It is noted in this regard that Mr. Specter, the Commission's representative, has advised that the preparation of this transcript is being expedited and that we will be furnished a copy as soon as possible.

ACTION:

For information. ✓

Bz
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OK
BTR