

TESTIMONY OF JACK L. RUBY

The testimony of Jack L. Ruby was taken at 11 a.m., on July 18, 1964, at the Dallas County Jail, Dallas, Tex., by Mr. Arlen Specter, assistant counsel of the President's Commission. Present were: Bell P. Herndon and W. James Wood, special agents of the FBI; Clayton Fowler and Joe H. Tonahill, counsel for Jack Ruby; William F. Alexander, assistant district attorney for Dallas County, Tex.; Allan L. Sweatt, chief criminal deputy for Dallas County, Tex.; E. L. Holman, chief jailer; and Dr. William Robert Beavers, observer.

Mr. SPECTER. May the record show that present at this time are Mr. Clayton Fowler, chief counsel for Jack Ruby; Mr. Joe H. Tonahill, cocounsel for Jack Ruby; Mr. William F. Alexander, assistant district attorney for Dallas County, Tex.; Mr. Allan L. Sweatt, chief criminal deputy and polygraph operator for Dallas County, Tex.; Mr. Bell P. Herndon, the polygraph operator and special agent of 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, the court reporter and I, and the question now subject to being resolved is the issue of whether anyone will be present from the sheriff's office.

As you know, the President's Commission is trying to bring its work to a close and the Chief Justice promised a polygraph test and that was 6 weeks ago tomorrow. There have been a lot of things we have had to work out, and I think it all ought to be on the record. I would want to give everyone an opportunity to put any request right on the record in any way you want; and, of course, I think that all your objections and comments about this proceeding should go on the record. After you have so stated, I will state responsively the Commission's position on these proceedings.

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

Mr. FOWLER. Let me first suggest then—why don't I discuss this with Jack?

Mr. SPECTER. That's fine.

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

Mr. TONAHILL. That's a good suggestion.

Mr. SPECTER. Fine; and if he has changed his mind for any reason, I will just want to have it on the record, and that will conclude the issue, so far as the Commission is concerned.

Mr. FOWLER. Let's see—he's on what floor?

Mr. TONAHILL. 6-M.

Mr. FOWLER. Let me step down and chat with him for just a few minutes.

Mr. TONAHILL. Do you want me to go with you?

Mr. FOWLER. I may need you later.

Mr. SPECTER. Let the record show that Mr. Fowler left the room, and in approximately 5 minutes thereafter, returned to the room from his conference with Mr. Ruby.

Mr. FOWLER. He says he's going to take this test regardless of his lawyers, and he says, "By God, I'm going to take the test."

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

Mr. FOWLER. I have advised him, and I have read this letter to him, and I have explained all of this to him when I talked to him.

Mr. TONAHILL. If he wouldn't take it now—

Mr. FOWLER. Well, I won't want to go back there then.

Mr. TONAHILL. If he ever gets his hands on you, they'll let him have it.

Mr. SPECTER (addressing the court reporter). I hope you have had a chance to put these observations on the record.

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

Mr. SPECTER. We would be willing to accede to that request, and as you know, we have been trying to set this up for a long while. The circumstances of the Commission's timetable require us to proceed today; that is, either proceed or find out from Mr. Ruby that we would not ever proceed along this line. I have requested Sheriff Decker to have a physician standing by so that he may protect, to the fullest extent possible, Mr. Ruby's physical condition if he needs medical attention. As to your first request for Dr. Tanay of Detroit to be present, the Commission would permit that. But since Dr. Tanay is not now present, there is no way to implement that. We have no objection to having any other doctor here who can be present here today.

With respect to request No. 2 made during our preliminary discussion, that the results of the tests be held confidential, the Commission has heretofore on other questions refused to make any advance commitment because of the nature of its responsibility to make the final decision on disclosing or not disclosing what it concludes is in the public interest. Or stated differently, the Commission just won't be committed. The results of this examination will not be disclosed to anyone until the Commission itself has reviewed the results and makes a decision, bearing many factors in mind, including your request, to have the information remain confidential.

Mr. FOWLER. All right; now in the past, of course we feel this—that as to the other information that we assumed would be confidential and would not be released to the press, this of course has been done, and we strenuously request that this matter not be released to the press.

(At this point Sheriff Decker entered the room.)

Mr. DECKER (addressing Mr. Fowler). Jim Kerr caught you making a 50-yard dash and they are circling around downstairs and Jim Kerr is just going in circles wanting to know what Clayton Fowler is doing up in the jail.

(At this point Sheriff Decker left the room.)

Mr. SPECTER. Mr. Fowler, as to your last statement, I don't know what you are referring to specifically, and without taking it up in terms of specific items, I couldn't comment about it, and I don't know that it would be really useful to go into it at this time. The material given to the Commission, where the Commission says it will be kept confidential, to the best of my knowledge, has always been honored. There are in these proceedings many chains and it is not possible in some cases to pinpoint responsibility, but the Chief Justice and the Commission have honored every commitment they have made heretofore. If they feel in their judgment—of course they have the paramount responsibility for the entire investigation—that the results of this proceeding ought to be kept secret, you may be assured that it will be implemented to the fullest extent possible.

Mr. FOWLER. Well, of course, our request is that this matter be held strictly confidential because it is being given at the request of the Commission and for the benefit of the Commission, and we feel that the Commission and only the Commission should have this information, and before any of it is released for public consumption or private consumption, No. 1, the sheriff's office, the district attorney's office, the Federal Bureau of Investigation, or any other agency of the Government outside the Warren Commission—that we be told that this is going to be done.

Mr. SPECTER. That request, I think, can be honored in that you will be notified in advance of any publication, that the Commission will make a publication if in fact it ultimately decides to make such a publication. Now, there is one facet of this matter which is difficult to control and that is the fact itself that a polygraph examination is being administered. I do not know at this time what circulation has been given to this fact, if any, by any of the people who are

involved, since it has touched many bases among many parties in this proceeding. That fact itself may have already been disclosed, but with respect to the results of this examination, I propose to keep those within the custody of the Commission through the Federal Bureau of Investigation and its operators, who are conducting this test, and their report will be made available only to the Commission until the Commission decides whether it should be made public.

Mr. FOWLER. All right. Now then, I would like for this record to also show that this letter from Mr. Gordon Shanklin has been handed to you and that you are fully appraised of what this letter contains, and I want the record to further show that on this date (1:05 p.m.), not later than 10 minutes ago, I talked with Jack Ruby. I read the letter to him. I explained it to him to the best of my ability. I also advised him that the family legal advisor, Mr. Sol Dann, an attorney of Detroit, had made these requests, and that following these requests that I as Jack Ruby's attorney advised him not to take the test, and that if he did so he would be doing it against the advice of his attorney, against the advice of his family advisor's attorney, and against the advice of the family, and that notwithstanding this, Jack said that he had requested this before either Mr. Sol Dann or myself came into this case as attorneys, and that Chief Justice Warren had promised that he would give him this test, and that regardless of what Mr. Dann's wishes would be, together with his entire family and together with his attorneys of record, that he insisted on this test, but that a further proceeding of it would be against the advice of his lawyers, and at this time we do respectfully request that the Commission not disclose any of the questions that will be submitted to Jack Ruby to any other person other than the operators, the investigator for the Warren Commission, and his attorneys present, Mr. Joe Tonahill and Clayton Fowler; and that more specifically that these questions not be given to anyone connected with the Dallas Sheriff's Office, the Dallas Agency of the Bureau of Investigation, the Dallas District Attorney's Office, and more specifically, Mr. Bill Alexander, who is present in the room at this time and representing the district attorney's office, and Mr. Allan Sweatt, who is present in the room and representing the Dallas Sheriff's Office. Anything else, Joe?

Mr. TONAHILL. I might go back on a little background whenever you finish.

Mr. FOWLER. I wish you would.

Mr. SPECTER. With respect to the notation for the record concerning the contents of the letter from Mr. Gordon Shanklin, special agent in charge of the FBI office here in Dallas, that identical information has been conveyed through the Federal Bureau of Investigation to Mr. J. Lee Rankin, general counsel of the Commission. Having considered those requests and those factors, the general counsel has instructed me to proceed to have this polygraph taken today if Mr. Jack Ruby wants to have this polygraph taken in accordance with his prior request to the Commission on June 7, 1964, and the commitment given by the Commission through the Chief Justice that such a polygraph examination would be given. With respect to the request that none of the questions be made available to anybody from the Dallas Police Department or the Dallas District Attorney's Office or the Dallas Sheriff's Office, the Commission's position on that is that if the questions are to be submitted in advance to the counsel for the defendant, that there is equal standing on the part of the State to have similar treatment.

Previously, I outlined for you the procedure that we proposed to adopt during the course of this polygraph examination, to wit; having the people present in the room who are here at the present time, which includes Mr. Clayton Fowler and Mr. Joe Tonahill, representing Mr. Ruby; Mr. William F. Alexander, representing the Dallas District Attorney's office; Mr. Allan L. Sweatt, chief criminal deputy of the Dallas Sheriff's office; Mr. Bell P. Herndon, special agent of the Federal Bureau of Investigation, and Mr. W. James Wood, special agent of the Federal Bureau of Investigation, who are going to administer the polygraph examination.

The questions to be asked of Mr. Ruby at the time of administration of the examination would be set forth to Mr. Ruby so that he would understand them

fully : and with the other people present, it would be known what questions were going to be asked of Mr. Ruby in advance of the actual asking.

Then, it was the Commission's view that everybody should leave the room except for the two special agents of the FBI who would be administering the test, the court reporter and me, so that the minimum number of people would be present.

I have conveyed that request to Sheriff Decker and he has insisted that a member of his staff be present as custodian of the body of Jack Ruby, since he has that responsibility. It is not yet determined who that will be, but the Commission proposes to proceed on the administration of the polygraph test under those circumstances, with the only open question being the identity, if anyone, of the representative of the sheriff who has charge of the custody of the body of the defendant here or Jack Ruby, since he is not a defendant in this proceeding, actually.

Mr. TONAHILL. I should like to say as one of Jack Ruby's defense counsel along with Chief Defense Counsel Clayton Fowler, that when I entered the defense of Jack Ruby back in December of 1963, with Mr. Belli, at that time we insisted before undertaking his defense that he agree to a polygraph test and truth serum test or any other scientific test that would reflect whether or not there was a connection between him and Lee Harvey Oswald or in any respect a conspiracy. He agreed and insisted at that time that there was no such conspiracy. He did not know Lee Harvey Oswald and there was no connection between them and that he would undertake any type of a scientific test that we could have made available for him. Jack Ruby has insisted on those tests ever since.

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

I was present during the Warren Commission deposition of Jack Ruby along with Mr. Jim Bowie of the district attorney's office some 6 weeks ago when Chief Justice Earl Warren on numerous occasions responded to Jack Ruby that he had it in his power to make available to him some day in the future a polygraph test and would do so at Mr. Ruby's request.

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

Mr. Fowler and I have talked with the various psychiatrists, Drs. Tanay, West, and Beavers, each of whom feels that because Jack Ruby is of unsound mind and mentally ill, this polygraph test is a mistake and would produce nothing by way of an accurate result of deception, truth, or conclusiveness in any regard and feel that it should not be made.

As cocounsel with Mr. Fowler, I yield to his position here and concur with him, but as a personal individual, very close and very knowledgeable of the entire history of this polygraph demand on the part of Ruby, it is my personal view that even though he is of unsound mind, does not know right from wrong, is mentally ill, and his psychiatrists are opposed to it, unless he is given the polygraph test there will never be any satisfaction in any respect. His condition might even grow worse without it, and in the interest of satisfying everyone concerned, the State, the Nation, and the world—that in all probability if this polygraph test is not given, there will be left hanging in the clouds certain doubts as to whether there was a conspiracy between Ruby and others or Oswald, or whether they knew each other, despite the fact that his mental condition may be such that it will not demonstrate any effective results.

Nevertheless my personal view is that it might be well to go forward with it, and certainly if all appellate efforts are exhausted on behalf of Jack Ruby and his case is affirmed all the way up, which I feel that it won't be ; if his family and Jack Ruby should refuse to undergo a polygraph test, certainly the Board of Pardons and Parole may look with disfavor upon that fact and infer possible premeditation on his part in the shooting of Oswald or a possible con-

spiracy and might rule against him in granting clemency, in the event it ever reached that stage. And, irrespective of whether an effective polygraph test can be run of this man at this time in his present mental state or not, I personally feel that an effort should be made to do it.

Mr. SPECTER. For the record I want to add that requests have been received by the Commission, requests made on behalf of Mr. Ruby, to have a polygraph test, prior to the time the Commission heard his testimony on June 7 of this year, and that the Commission has not initiated any effort whatsoever to have a polygraph test taken but is only conducting these proceedings today to make available to Mr. Ruby this examination if he wishes to have it at this time, in accordance with the promise made by the Commission through the Chief Justice on June 7.

I want to be emphatic and clear on this question that we do not now and have never asked for or insisted on a polygraph examination. If Mr. Ruby does not want to have such an examination taken, that is acceptable to the President's Commission on the Assassination. As we discussed informally before we started a record proceeding, in this event we are willing to have anything put on the record that Mr. Fowler or Mr. Tonahill wish to place on the record as his attorneys; and of course, we do not wish to, have not, and will not interfere in any way with your representation of Mr. Ruby, as his counsel, so that he may take your advice and proceed in accordance with your advice.

If you wish to put on the record any medical evidence, I am authorized to have that done here today or at a later date. Mr. Tonahill and I discussed this matter by telephone last Wednesday and I indicated to him at that time that the Commission was willing to have such evidence placed on the record as an aid to their evaluation of whether to place any credence in the tests which are going to be administered.

It has been somewhat uncertain as to whether this proceeding would go forward today, so that counsel for Mr. Ruby may wish to provide supplemental data by way of testimony, letter, affidavit or in whatever form you choose. The Commission will be glad to receive it and to weigh it in evaluating whatever these tests may disclose.

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

Mr. TONAHILL. Sheriff Decker gave me this phone number and said he would be standing by.

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

At no time has the Warren Commission agreed and stated that they desired the polygraph test. The test, as I understand, has grown out of the agreement between Mr. Ruby and Mr. Chief Justice Earl Warren at the hearing that occurred here about 6 weeks ago.

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

Mr. SPECTER. Yes; that is agreeable, if you desire to do just that.

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

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

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

Mr. TONAHILL. Whoever is in charge of his body ought not to be an expert on this thing [referring and indicating the polygraph machine].

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

Mr. TONAHILL. No; Jack Ruby is going to insist on doing it, and until he is declared a ward through an insanity proceedings, he is presumed to be able to exercise his own consent.

Mr. FOWLER. That's right.

Mr. SPECTER. Let us discuss this off the record a moment.

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

Mr. FOWLER. Let us put this into the record, that we would further object to anyone in the sheriff's office being present. If the only valid reason is one of security, and I would like the record to reflect that we are within the confines of the Dallas County Jail, namely, on 7-M, which is a part of the Dallas County Jail, and that it would appear to me to be virtually escape proof, and as I understand previously when Mr. Warren was here, that he was allowed to talk with Jack Ruby by himself and without the presence of anyone from the sheriff's department, which further leads me to believe that this is not for security purposes only, and we will object to the presence of anyone from the Dallas County Sheriff's office.

Mr. SPECTER. In response to your objection, Mr. Fowler, for the record I will state that the Commission has requested that its preference be honored to have no one other than the FBI personnel administering the test, the court reporter, and me present, but that Sheriff Decker has taken the position that the prisoner, Jack Ruby, is his responsibility and that he must have someone on his staff present. Sheriff Decker did agree to substitute as that person the chief jailer, who has no knowledge of or experience with polygraph operation, so that the confidentiality of these proceedings is secure in my view.

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

With respect to the conversations between the Chief Justice and Mr. Ruby, I was present at the time those conversations were held and they were held in the corner of the room in which we are now sitting, following the formal testimony of Mr. Ruby at a time when there were numerous people in another portion of this room in which we now sit, so that at no time was the Chief Justice alone with Mr. Ruby in any separate room. Mr. Tonahill was present at that time and I think can confirm my version.

Mr. TONAHILL. We were all present and the sheriff's department men did leave, the personnel there—the sheriff and his deputies. He left him in the custody—we left Ruby's body in charge of a Secret Service man.

Mr. SPECTER. Elmer Moore.

Mr. TONAHILL. Yes, sir.

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

Mr. TONAHILL. I was present.

Mr. SPECTER. Now, for the record, I want to state that Mr. Fowler has previously gone to discuss the matter with Mr. Ruby to determine what are Mr. Ruby's desires in terms of having a polygraph examination, in view of the

stated position of the Commission that it does not request such an examination, but has made such an examination available to Mr. Ruby if he wants one, pursuant to his request to have such an examination, made during the course of Commission proceedings on June 7, 1964, and the response by Chief Justice Warren that the Commission would offer him such a polygraph examination in response to his repeated requests.

Mr. FOWLER. Now, I would like to answer regarding the presence of a deputy sheriff here. I believe you advanced the theory that it was thought by Mr. Decker that there might be something that might occur during the giving of the polygraph tests that perhaps might disrupt things.

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

Mr. SPECTER. The conditions set forth in your request will be granted and the sheriff's custodian will be present at the door so that he may not have access to the chart, to insure the confidential nature of these proceedings.

I think we are now ready to have Mr. Ruby come in, but before he comes in, let's take a 5-minute recess.

Let the record show we are taking a 5-minute recess.

(Proceedings recessed and resumed as stated.)

Mr. ALEXANDER. I assume that once Jack is brought in, there will be complete silence.

Mr. SPECTER. Yes. Mr. Alexander, do you want to make your request for the record?

Mr. ALEXANDER. Yes; please. At this time for and on behalf of the Dallas County, Tex., district attorney's office, a request is made that the Warren Commission furnish the district attorney's office a list of the questions asked Jack Ruby in this polygraph examination, and that a copy of the recording made by the polygraph machine be furnished the Dallas County district attorney's office. We would also like a copy of the interpretation of the test, but whether or not we are given an interpretation of the test, we do want the aforementioned questions and actual tape of the polygraph machine.

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

Mr. FOWLER. In behalf of Jack Ruby and as attorney for Jack Ruby, I respectfully request that the Warren Commission deny the request of the Dallas district attorney's office for the following reasons: Number One—that this is a matter of request that has been made by Mr. Ruby to the Warren Commission only, that if the district attorney's office were furnished with these questions and answers and any other matters pertaining to the giving of this polygraph test, it might and could and very well effect the outcome of his case that is now on appeal before the court of criminal appeals here in the State of Texas, and we respectfully request that the request by the district attorney's office be denied by the Warren Commission in all of their requests for this information.

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

Now, this is off the record.

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

Mr. SPECTER. In response to those two statements, no commitment can be made on behalf of the Commission anticipating the action of the Commission in advance of knowledge by the Commission of the results of the tests, and any additional evidence which may be submitted on the competency of Mr. Ruby which may aid the Commission in the evaluation of the results of the polygraph examination. The requests of Mr. Alexander and Mr. Fowler will be transmitted

to the Commission and will be carefully studied by the Commission before any final decision is reached.

With respect to a list of questions, the procedure as previously outlined will permit all parties to be present when the questions are enumerated, so that the questions asked of Mr. Ruby will be a surprise to no one, but will be discussed in his presence and in the presence of representatives of both the district attorney's office and Mr. Ruby's defense counsel, so that there is no limitation to the taking of notes on the questions that may be asked.

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

With respect to affecting the outcome of any subsequent proceedings, the Commission has exercised the greatest possible care in avoiding the influencing of the State court proceedings.

The action taken by the Commission has been designed to fulfill its function, while at the same time not interfering, or interfering to the minimal possible extent, with the State court proceedings. Now, before we get Mr. Ruby in, do you want to make a request for his doctor; and when we get Mr. Ruby in, we will make the other statement and then we will be able to go ahead, but I don't think we want to go through any more with him present than we have to.

Mr. TONAHILL. Yes; it is requested that Dr. William Beavers, who has been retained by Jack Ruby's family to observe and treat Jack Ruby, be present during the examination in order that he may observe and render any expression that he may have to offer that will be of benefit to the Commission as well as to Jack Ruby's mental health condition, with special reference to interpreting the results of the polygraph tests, and as an aid and guide to the Commission in its interpretation of it as to what weight and value to give to it.

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

Mr. TONAHILL. While the examination itself is going on—before and during the examinations—before the examination and during the actual examination, so that he can actually observe the actual examination.

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

The JAILER (on entering the room). He will be right up.

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

Mr. SPECTER. May the record now show that Mr. Ruby is present. Mr. Ruby, I am Arlen Specter. How are you today?

Mr. RUBY. Fine; how are you?

Mr. TONAHILL. Jack, that's Mr. Specter of the Warren Commission.

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

This is Miss Odell Oliver, who is the court reporter, and she will take your testimony just like we did before.

Miss OLIVER. How do you do, Mr. Ruby?

Mr. SPECTER. And I guess you know Dr. Beavers, and this is Mr. Wood. He is one of the polygraph operators with the FBI, and this is Mr. Herndon, one of the operators and with the FBI also. This is Mr. Alexander, and your name, sir?

The JAILER. Mr. Holman, E. L.

Mr. SPECTER. This is Mr. Holman.

Mr. RUBY. Can Fowler remain here after I start with the interrogation?

Mr. SPECTER. Yes; Mr. Ruby. The procedure which we've discussed is this and this is subject to agreement of all sides, and we've been through it, but let me go through it with you. We are going to conduct the polygraph examination in a standard way, which involves a series of questions, about eight or nine in duration. Before we start with the series, the questions will be explained to you in advance so that you will know exactly what the questions are to be and you will know what the operator means by the questions. He will explain them so

that there is no possibility of any confusion in terms of what the questions mean so they won't surprise you. You will have full awareness of what is going to be asked.

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

Now, scientifically, it's preferable to have as few people possible at the time the examination is administered as we can, so for that purpose, we are trying to cut down the number as much as we can. We had originally thought that the only people present would be the two operators, the court reporter and I. Now we have Mr. Holman here on the custody question, and then your counsel requested especially that Dr. Beavers be present at the time of the administration of the tests. It is our desire to have only those people present, which would mean Mr. Alexander wouldn't be here and Mr. Tonahill wouldn't be here and Mr. Fowler wouldn't be here at the time the test is administered.

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

Mr. SPECTER. Yes; you may request that.

Mr. RUBY. And how soon will the answers be released, as soon as possible?

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

I want to say preliminarily before we start, that the Commission has not requested the test, but it is responding to the request which was made on your behalf by letter, before the Chief Justice questioned you on June 7.

Mr. RUBY. Yes.

Mr. SPECTER. You requested then that a test be given.

Mr. RUBY. Yes.

Mr. SPECTER. We want it to be perfectly plain for the record that the Commission isn't pushing this matter, but it's only in response to your request, and that you have learned counsel here who are representing you, and you are aware of that. We want to make it pointed and clear that anything you say could be used against you, and it is possible for adverse or unfavorable inferences to be drawn. Whenever a defendant who is involved in a criminal proceeding says anything, anything he says could be held against him.

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

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

Mr. RUBY. Bill, I'm not quarreling with that, and I know you certainly are not going to help me, I know that, but I want to get a copy to the chief as soon as I can, Chief Holman over there.

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

Mr. RUBY. To have the report as soon as the results are analyzed.

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

Mr. RUBY. Yes.

Mr. SPECTER. And under those circumstances do you continue to request that such an examination be given you?

Mr. RUBY. Yes; any questions you want to ask, anything pertaining to this—I will answer anything without reluctance. There's no punches to be pulled. I want to answer anything and everything.

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

Mr. RUBY. In fact, Bill, you can stay here if you want to.

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

Mr. RUBY. Yes.

Mr. FOWLER. And at that time I advised you that the Warren Commission people were here at your request to give you a polygraph test?

Mr. RUBY. Yes.

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

Mr. RUBY. Right.

Mr. FOWLER. And that certain requests were made there, No. 1, that the tests would be given in the presence of Dr. Tanay, with no outsiders present, with particular reference to anyone from the district attorney's office or the sheriff's office, and further, that it would have to be assured that the results of the tests would be held confidential by the Commission, and that under no circumstances made available to the district attorney or the press. Further, that written authority for such examination be obtained from Mr. Earl Ruby. Now, I have explained this to you, have I not?

Mr. RUBY. Yes; can I change that now?

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

Mr. RUBY. Yes.

Mr. FOWLER. And at this time, as your attorney of record, I advise you in the presence of these gentlemen and Commission, these people representing the Commission, that you will be doing so against the advice of your counsel.

Mr. RUBY. Right.

Mr. FOWLER. And against the advice and wishes of your family.

Mr. RUBY. Right.

Mr. FOWLER. Now, do you still at this time wish to take the tests?

Mr. RUBY. Yes; and I would also like to add that, if I have a right to say this—I want it be made immediately that the district attorney's office should receive whatever is necessary in regard to the answers to the district attorney, and as I once wrote to District Attorney Henry Wade, that I didn't want to publicize it, but if possible they may—I would prefer that naturally, but at that time it was so easy to get a lie detector test, I wrote to Henry Wade; that it is not for publicity purposes but only for authenticity and the truth. So, I agree with everything except that if I may supersede the attorney and say I'm not concerned about withholding anything. I want it to be released immediately to all parties concerned.

Mr. SPECTER. Well, your request on that, Mr. Ruby, will be transmitted to the Commission and they will consider that very carefully in reaching whatever conclusion they do about releasing it.

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

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

Mr. RUBY. Yes.

Mr. SPECTER. In view of Mr. Ruby's request, it is my view that it ought to be honored and that the group is of such a size now that it ought to remain as it is constituted at the present time for both sessions.

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

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

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

Mr. SPECTER. I am advised by Mr. Herndon that the technical considerations are not persuasive as to one or two more people, with this many present, so that if it's acceptable to all parties, specifically Mr. Ruby, we will just proceed with the group that's presently here during all portions, the explanatory portion to Mr. Ruby and the actual testing itself.

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

Mr. RUBY. Well—

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

Mr. RUBY. I don't mind everyone remaining here.

Mr. FOWLER. Well, of course, again—let me advise you that if Mr. Alexander remains—let me advise you of your rights—that if Mr. Alexander remains, he is a member of the district attorney's staff, the answers to these questions could be used against you at some later date, if they are adverse to your rights, and as your attorney, I advise you that it would be my suggestion to you and request to you that Mr. Alexander not be allowed to remain.

Mr. RUBY (addressing Mr. Alexander). Will you object?

Mr. ALEXANDER. Not at all, Jack.

Mr. RUBY. All right.

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

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

Mr. RUBY. No, Fowler—

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

Mr. RUBY. Now, I've got the monkey on my back now.

Mr. FOWLER. Well, you've got more than a monkey on your back, Jack. This is your decision.

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

Mr. RUBY. Well, whatever my attorney suggests, I guess I will have to follow through.

Mr. SPECTER. Your request then is that Mr. Alexander not be present?

Mr. RUBY. Yes.

Mr. ALEXANDER. That will be fine.

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

Mr. FOWLER. That's right.

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

Mr. HERNDON. Thank you. Mr. Ruby, first of all, I want to show you my credentials so you will know that I am a special agent and I am from the FBI laboratory in Washington, D.C. (Exhibited instruments to Mr. Ruby.)

Mr. RUBY. Yes.

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

Mr. SPECTER. Yes, that's fine to specify that exact status.

Mr. HERNDON. He is here to assist me and to help me in the interrogation of this gentleman.

Mr. SPECTER. Mr. Herndon, before you start on the questioning, we will want to put Mr. Ruby under oath, so pause at that point, but proceed now to explain what is going to happen.

Mr. HERNDON. Mr. Ruby, actually prior to any polygraph examination which the Federal Bureau of Investigation gives to anyone, we have a consent form that I want to read to you, and as I want to remind you, of course, you have been advised of your rights, and there is no sense of my going over it again, but I want to remind you that your counsel and your attorneys are here.

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

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

Mr. RUBY. Yes.

Mr. HERNDON. "I, Jack L. Ruby, consent freely and voluntarily to be interviewed by special agents of the Federal Bureau of Investigation, which I also know as the FBI, in connection with the President's Commission on the Assassination of President Kennedy investigation. I agree to the use of the polygraph or so-called lie detector during this interview or any part of it, and I am willing to be present at the time and place of interview for such time as is necessary to complete the interview.

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

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

Mr. RUBY. That's perfectly all right.

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

Mr. RUBY. Yes.

Mr. HERNDON. And Mr. Wood and I will witness that.

Mr. RUBY. Do you want it "Jack Ruby" or "Jack L. Ruby"?

Mr. HERNDON. You sign it as you usually sign, but do you want to read it any further, sir?

Mr. RUBY. I'll just sign it.

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

Mr. RUBY. Did you get your pants sewed up, Joe?

Mr. TONAHILL. It went through to my leg.

Mr. RUBY. That was a pretty rough brawl we had, wasn't it, Joe?

Mr. TONAHILL. Yes.

Mr. RUBY. Joe, I'd appreciate it if you weren't in the room. Can I ask you to leave, Joe?

Mr. TONAHILL. I'll be glad to leave, if you want me to, Jack.

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

Mr. TONAHILL. Let the record show that Mr. Ruby says he prefers Bill Alexander being here during this investigation, who is the assistant district attorney who asked that a jury give him the death sentence, to myself, who asked the jury to acquit him, his attorney.

Mr. HERNDON. May we proceed?

Mr. SPECTER. Please do, Mr. Herndon.

Mr. HERNDON. Mr. Ruby, as you know, we have a doctor here, and before we begin anything, I want you to try to relax. I realize that there is some tension here, and before we proceed any further, I want to ask you very generally, how do you feel today, right now, specifically speaking?

Mr. RUBY. Very good, except—may I be very honest?

Mr. HERNDON. Of course.

Mr. RUBY. What is the preference of the doctor being here? Is he supposed to be my doctor, I mean Dr. Beavers?

Mr. HERNDON. Mr. Specter, do you want to answer that?

Mr. SPECTER. Yes; Mr. Ruby, he is here at the request of Mr. Tonahill, and I believe concurred in, by your chief counsel, Mr. Fowler.

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

Have you every had any respiratory diseases or illnesses such as asthma or trouble with breathing, Mr. Ruby?

Mr. RUBY. None whatever.

Mr. HERNDON. Any sinus condition or trouble?

Mr. RUBY. No.

Mr. HERNDON. Have you ever had any heart ailments?

Mr. RUBY. No, sir.

Mr. HERNDON. No heart trouble to your knowledge.

Mr. RUBY. [No response.]

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

Mr. RUBY. None whatsoever.

Mr. HERNDON. While you've been here in custody, have you been under any medication?

Mr. RUBY. None whatever.

Mr. SPECTER. Mr. Herndon, at this time I shall administer the oath to Mr. Ruby.

Mr. RUBY. You want me to stand up?

Mr. SPECTER. Yes, sir; if you would please. As assistant counsel, I have the authority under the law to administer an oath to you for proceedings in the nature of depositions.

Do you solemnly swear that the answers and information you shall give in this proceeding before the President's Commission on the Assassination of President Kennedy will be the truth, the whole truth, and nothing but the truth?

Mr. RUBY. I do.

Mr. SPECTER. Have the answers you have heretofore given in response to the informal questions already asked of you been the truth, sir?

Mr. RUBY. Repeat that again?

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

Mr. RUBY. Yes, about my health—are all true—yes.

Mr. SPECTER. All right, Mr. Herndon, will you proceed.

Mr. HERNDON. Yes. Thank you.

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

Mr. RUBY. Yes, I did.

Mr. HERNDON. When did you eat, how long ago?

Mr. RUBY. I would guess approximately 12:30.

Mr. HERNDON. You've had no digestive problems while you've been here?

Mr. RUBY. No.

Mr. HERNDON. Have you had any coffee today—these are questions that will help us later on?

Mr. RUBY. One early in the morning.

Mr. HERNDON. Early in the morning?

Mr. RUBY. Yes.

Mr. HERNDON. Did you have more than one cup?

Mr. RUBY. One and a half cups.

Mr. HERNDON. That's your usual amount of coffee you have?

Mr. RUBY. Yes.

Mr. HERNDON. Did you have any coffee at lunch, Mr. Ruby?

Mr. RUBY. No, I did not.

Mr. HERNDON. Now, Mr. Ruby, have you ever had a—

Mr. RUBY. The reason why I say this, there was some newspaper items recently that brought up the fact that I was of unsound mind. Do I sound that way to you at the present time?

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

Mr. RUBY. Yes.

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

Mr. RUBY. Surely.

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

Mr. RUBY. All right.

(At this time Mr. Ruby seated himself in the polygraph test chair.)

Mr. HERNDON. This is a polygraph chair. The reason it is so constructed, we want to take advantage of these high arms [indicating arms on the polygraph chair] so that we can get a better tracing, and very frankly, Mr. Ruby, I want to give you as best an examination as I can. So, it's going to take a little time and I want you to relax as best you can. I realize you might be a little nervous, and I will certainly take that into consideration. Let me just briefly, Mr. Ruby, tell you about the polygraph examination and what we're going to do today. I want to proceed by hooking up some of these pieces of equipment and briefly tell you what it is. Now, may I ask you to remove the material you have in your pocket, sir, and you might want to give it to your counsel.

Mr. SPECTER. Let the record show that Mr. Ruby has removed all the objects from his upper left-hand pocket.

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

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

Mr. RUBY. No, sir.

Mr. HERNDON. You are very comfortable?

Mr. RUBY. Yes.

Mr. HERNDON. Very fine, Mr. Ruby. Now, Mr. Ruby, there are two ways I can do this. I can do two things—I can either go ahead and put this equipment on you right now and describe briefly how it's going to work, or if you want, I can go over these first series of questions and give you some instructions, and then put the equipment on. Which do you prefer?

Mr. RUBY. Which is the most effective way to get what you want?

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

Mr. RUBY. All right.

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

Mr. RUBY. Yes.

Mr. HERNDON. The polygraph examination will entail, as Mr. Specter indicated, just approximately 8 to 9 questions, Mr. Ruby, in what we call a series. Now, I'm going to go over these questions with you right now very carefully. I want to make sure that the way I have them phrased is in such a way that you understand perfectly what I mean by them. We will discuss the question and you may if you want to, even answer the question at this time.

Mr. RUBY. I would appreciate it myself.

Mr. HERNDON. In other words, I'm going to tell you what the question is going to be and you shall feel free to answer it "Yes" or "No."

Mr. FOWLER. Excuse me, sir.

Mr. HERNDON. Certainly.

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

Mr. RUBY. That's fine.

Mr. HERNDON. Then, we will just discuss the questions.

Mr. RUBY. Do it to your advantage, may I add.

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

Mr. RUBY. Please let me do it, will you? [Addressing Mr. Fowler.]

Mr. FOWLER (no response).

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

Mr. RUBY. Fowler, I hate to dispute with you, but let me do it this way?

Mr. FOWLER. Well, Jack, again, Mr. Alexander is here and again I tell you this—that the answers to some of these questions could be absolutely very detrimental to you.

Mr. RUBY. They can't be.

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

Mr. RUBY. I will.

Mr. FOWLER. But by the same token, this gentleman over here [referring to Mr. Alexander] represents the State, who at this time is not representing you. Now, if we could allow Mr. Alexander to have the benefit of the nature of the questions, with the exception of the answers—if this is what Jack wants—but I do not want Mr. Alexander to have the benefit of the answers.

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

Mr. RUBY. It's unfortunate that my attorney, Mr. Fowler, don't see as I do. I would like to give every cooperation without the slightest fraction of interference. That's why I requested that. You won't let me do it that way, huh, Fowler?

Mr. FOWLER. I'm requesting that you do not, Jack.

Mr. HERNDON. It will be no problem.

(Addressing the court reporter.) Do you have any problem hearing?

Court REPORTER. If Mr. Ruby would talk just a little bit louder it would be fine.

Mr. HERNDON. Mr. Ruby, I have placed all these questions in a form so that they are very short and concise and can be answered only by "Yes" or "No," and that's the way we have to ask a question during a polygraph examination, but I'll go over them with you and give you an idea of what they're going to be. During the normal series, I'm going to ask several questions, of course, which are pertinent to the Commission's investigation, but I will also ask you several questions which more or less just deal with your identity, your background and your name, so you will have two types of questions that I will ask. Now, the first question I'm going to ask you under series 1, which is rather pertinent, and I want you to know that I'm going to ask it, and I'm going to phrase it as simply as I can.

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

Now, what I mean by "know" is did you have any personal acquaintance of this individual, any personal acquaintance? Have you ever seen him, did you have any conversation with him? In other words, as you would say, "Well, I know that person."

Mr. RUBY. Should I answer that?

Mr. FOWLER. Not now, Jack.

Mr. HERNDON. That question will be asked or repeated, and so you and I will understand what we want, I'll repeat it. "Did you know Oswald before November 22, 1963?"

Mr. RUBY. Right.

Mr. HERNDON. Another question that I will ask in series 1, after I get the instrument adjusted, and it will be short and simple and answerable only by "Yes" or "No."

"Did you assist Oswald in the assassination?"

Do you understand that question?

Mr. RUBY. Yes; it is very clear.

Mr. HERNDON. I tried to make them as short as possible and as clear as possible. Again, I'm going to ask you just as a matter of format here, "Did you take any medication this morning?" You have already answered that question, but that will be one of the questions I will ask you. I'm also going to ask on series 1, just to give you a little time to relax here, some of these rather simple questions such as: "Did you voluntarily request this test?"

Mr. RUBY. Yes.

Mr. HERNDON. You have already indicated your answer to that. And, I will ask a rather obvious question as a matter of identity, "Is your first name Jack? Is your last name Ruby?" These types of questions will be asked and I want to make sure I cover each and every one. I'm going to ask you, "Do you use the middle name 'Leon'?" I understand you do; is that correct?

Mr. RUBY. No; very rarely, very rarely.

Mr. HERNDON. All right, you can answer that as you see fit, when I ask it on the test. I will ask you this question, and I want to ask this as a matter of record for me because I interview a lot of people: "Have you ever been arrested?" Now, what I mean in this regard, and I'll probably change that phraseology to "Have you ever been arrested before? Prior to the shooting, have you ever been arrested?" Now, what I mean by "arrested," Mr. Ruby, is were you ever actually placed under arrest and brought before some type of magistrate and charged with any crime. That question will also be on the first examination. Those are the questions I'm going to ask you. Do you have any questions about them, sir? Are they clear and concise to you?

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

Mr. HERNDON. Well, what I mean by "arrested" is if you were formally charged with something?

Mr. RUBY. Like a felony?

Mr. HERNDON. Well, any type of a formal arrest, wherein you actually were arrested and charged before a magistrate, of offending a law that's on the record, either of a community, a city, or the State.

Mr. RUBY. You don't necessarily have to have been found guilty or anything, just the point of being arrested, is that right?

Mr. HERNDON. Now, let me inject this, Mr. Ruby. If these questions when I ask them, if you have something in doubt in your mind of how to answer it "Yes" or "No," just refrain from answering it, and we'll go back after the test and discuss it.

Mr. RUBY. Very well.

Mr. HERNDON. In other words, I want you to be able to freely and truthfully say "Yes" or "No" to these questions. If one of them leaves any area of doubt in your mind and you are hesitant to answer it, feel free not to say anything, and we will just proceed, and after I stop the instrument, I will then go over that question with you. All right, sir?

Mr. RUBY. Yes.

Mr. HERNDON. All right, Mr. Ruby, I'll just briefly hook up the instrument and I'll probably run it for a little while just to get it adjusted to you, and inasmuch as you've never had a polygraph before, I will explain the instrument's parts to you. You can see here, Mr. Ruby, I have a rubber tube and

I'm going to place that around your chest, sir. This is what we call the pneumograph and that will accurately record your respiratory pattern as you inhale and exhale. Would you be kind enough to raise your arms, sir?

Mr. RUBY (complied with request of Mr. Herndon).

(Reporter's note: 2:58 p.m.)

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

Mr. RUBY. Yes.

Mr. HERNDON. During the examination and as we run the test, I would appreciate it if you would sit perfectly relaxed, rather straight in the chair, with both of your feet flat on the floor. Now, that will record, during the interview, the tracing of your breathing, and I want you for this reason to breathe perfectly normal and perfectly relaxed. Now, the next thing I want to put on will be on your hand and I'll put it on your right hand here. I notice you have one finger cut off on that hand. What happened there, Mr. Ruby?

Mr. RUBY. Oh, running a nightclub you get involved in various altercations.

Mr. HERNDON. Now, this next component that I want you to see will be what we call the Galvanic Skin Response, GSR. I'm going to place these on your fingers, and actually all this simply does, through these instruments and the electronic processes, is to record any variance in the electrical conductivity or the resistance of your skin. It's helpful to me in this examination. Your hands are very good. They are not sweating a bit. Is that too tight?

Mr. RUBY. No.

Mr. HERNDON. Is it uncomfortable?

Mr. RUBY. No.

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

Mr. RUBY. All right.

Mr. HERNDON. Now, the next component that I will put on your left arm, because it's closer to your heart, and this is the cardiograph cuff, and this is going to give me an accurate tracing of any relative changes in your blood pressure. These will just be relative changes. I won't be able to necessarily know what your blood pressure is. I will have relative blood pressure changes, and I will also have on a chart a change in any heartbeat or heart rate you might have.

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

Mr. RUBY. What is your name, please, sir?

Mr. WOOD. Wood. I'm with the FBI.

Mr. RUBY. Where is Shanklin, I thought he was supposed to be here?

Mr. WOOD. He is in town but he is not here.

Mr. RUBY. Isn't Mr. Shanklin the chief?

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

Mr. RUBY. No. Do you want me to relate my story to you now?

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

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

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

Mr. SPECTER. All right, then I think those who are going to leave should leave now so that we are ready to go as soon as your instrument is in tune.

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

Mr. FOWLER. Jack, do you have any objections to Mr. Tonahill being here?

Mr. RUBY. If Tonahill is going to be here—I don't believe he's—I know Bill Alexander is my friend, so he can stay, but Joe is supposed to be my friend.

Mr. FOWLER. Well, we're not putting it on that basis, Jack. This is just purely personal.

Mr. RUBY. Just let me tell you this, Fowler. I have nothing to gain by Joe being here, because—I have nothing to gain.

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

Mr. RUBY. You still want Alexander to step out?

Mr. FOWLER. I certainly think so, Jack.

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

Mr. ALEXANDER. I know it, Jack.

Mr. SPECTER. May the record show that Mr. Alexander and Mr. Tonahill have just gone out of the room.

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

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

Mr. HERNDON. Do you want to sit still now, Mr. Ruby. I'm not going to ask you any questions. I just want to get everything adjusted at this time. You will hear a few scratching noises on the paper.

Now, will you take a deep breath, Mr. Ruby, and then relax, sir?

Mr. RUBY (complied with request of Mr. Herndon).

Mr. HERNDON. Now, just breathe normally.

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

(Reporter's note: 3:05 p.m.)

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

Mr. RUBY. Oh, yes.

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

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

Mr. RUBY. Yes.

Mr. HERNDON. From time to time I may come over and raise and lower your arm to make sure it's perfectly relaxed.

Mr. RUBY. That's all right.

Mr. HERNDON. Do you feel your pulse beat?

Mr. RUBY. Yes.

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

Mr. RUBY. You can see the differences of nature—if certain things are wrong or right, can't you?

Mr. HERNDON. Well, I have to very carefully interpret what I see. I'm going to take all these things together at a later date into consideration, and I don't see any difficulty.

Mr. RUBY. Because—I want my chief to understand this here and see that.

Mr. HERNDON. Are you a little more relaxed now?

Mr. RUBY. Yes.

Mr. HERNDON. You seem to be. I don't want to begin until you feel you are perfectly relaxed.

Mr. RUBY. Yes; I'm very much relaxed because I have nothing—I'm not sparring with it, so I must be relaxed.

Mr. HERNDON. Very fine. I appreciate your cooperation very much and you are cooperating with me very well.

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

Mr. RUBY. Yes; I felt a little bit of throbbing in these two fingers.

Mr. HERNDON. Are they too tight?

Mr. RUBY. No; that's fine.

Mr. HERNDON. I can relax this a little bit on your arm. I just want it close enough so that they won't slip, just about like that. I don't want this to cause you any discomfort to you. Now, if you are about ready?

Mr. RUBY. I am ready.

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

Mr. RUBY. You mean that's all?

Mr. HERNDON. Oh, no; this is just series 1, Mr. Ruby. We're going to cover many questions.

Mr. RUBY. All right.

Mr. HERNDON. I'm going to go rather deliberately slow on this first one until you become acquainted with the procedure.

Mr. RUBY. Believe me, I know the answers, so you can ask me as fast as you like.

Mr. HERNDON. During the test, again, if you will keep your feet on the floor at all times, flat on the floor at all times, and try not to move. I know it's hard to sit perfectly still for the 3 to 4 minutes, but it is to your advantage to try to keep from moving. If you have to cough or move, I'll probably observe it and take it into consideration.

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

Mr. RUBY. All right.

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

Mr. RUBY. Okay.

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

Mr. RUBY. Yes, sir.

Mr. HERNDON. I will tell you when I am going to begin. I will tell you when this particular test is over, but do not relax or move until I give you the word.

Mr. RUBY. Very well.

Mr. HERNDON. As I say, you will hear a little scratching noise and I will be marking the paper as we proceed.

Mr. RUBY. Can I speak?

Mr. HERNDON. Right now if you want to; yes, sir.

Mr. RUBY. Fowler, I beg you to get Bill Alexander and Joe Tonahill back in here. I tell you. Will you do it, please.

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

Mr. RUBY. All right.

Mr. HERNDON. It's taking me about a minute to get the instrument warmed up again here.

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

(Reporter's note: 3:10 p.m.)

Mr. HERNDON. The test will now begin.

"Is your first name Jack?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Is your last name Ruby?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Did you voluntarily request this test?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Did you know Oswald before November 22, 1963?"

Mr. RUBY. "No."

Mr. HERNDON. "Do you use the middle name 'Leon'?"

Mr. RUBY (no immediate response). How can I answer that? I don't have my driver's license, but I don't use it.

Mr. HERNDON. All right, just sit still and we will discuss it. "Did you assist Oswald in the assassination?"

Mr. RUBY. "No."

Mr. HERNDON. "Have you ever been arrested?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Did you take any medication this morning?"

Mr. RUBY. "No."

Mr. HERNDON. "Have you answered all my questions truthfully?"

Mr. RUBY. "Yes."

Mr. HERNDON. This first series is over. If you will just sit still for a moment, I will release the pressure on your arm, and you may now move your arm and relax and get the circulation moving.

Mr. RUBY. I'm all right.

Mr. HERNDON. That wasn't too bad, sir; was it?

Mr. RUBY (no response).

(Reporter's note: 3:12 p.m.)

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

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

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

Mr. HERNDON. Do you like the name "Leon"?

Mr. RUBY. Well, I did more for sentimental reasons, but as I went along later I sort of dropped it.

Mr. HERNDON. Is it actually on your driver's license, though?

Mr. RUBY. I think it's Jack L. Ruby. No—Jack Leon Ruby. It's Jack Leon Ruby on my driver's license and that's something that once you start with it, and it's been years ago, when you renew your license, it remains the same, but outside of signing papers or contracts or anything of vital importance, you only find out it's much simpler to sign "Jack Ruby."

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

Mr. RUBY. Well, the police had taken me—I had been arrested, because when the police officer said, "Jack, come on, we're taking you down," you're arrested.

Mr. HERNDON. When was this? Are you referring to this current or some previous time?

Mr. RUBY. Previous to that.

Mr. HERNDON. What situation was that?

Mr. RUBY. Well, it was—I was arrested for dancing after curfew. Some fellows smuggled in intoxicants after hours.

Mr. HERNDON. Was this here in your own place or some other place?

Mr. RUBY. At my own place. No felony crime, nothing serious—only misdemeanors.

Mr. HERNDON. You consider that was a misdemeanor?

Mr. RUBY. Oh, yes; in other words—a \$25 fine. I never have been in any criminal activity.

Mr. HERNDON. Very fine. Does your arm feel all right now?

Mr. RUBY. Yes.

Mr. HERNDON. Very good. We have finished with the first series.

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

May the record show that Mr. Alexander and Mr. Tonahill are back in the room.

Mr. HERNDON. Did the cardiounit disturb you at all other than just a slight tingling sensation?

Mr. RUBY. In this arm here [indicating left arm]?

Mr. HERNDON. Did that bother you before the series No. 1 group?

Mr. RUBY. No; that's fine.

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

Now, we will proceed with series No. 2. I want to go over these questions with you so that you and I understand precisely and perfectly what they mean.

Mr. RUBY. All right.

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

Mr. RUBY. No.

Mr. HERNDON. You don't have to answer that if you don't want to now, but I'm going to ask you that question, sir.

Mr. RUBY. OK.

Mr. HERNDON. You understand what I mean by that—that's about as short and sweet as we can get it.

Mr. RUBY. Yes.

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

Mr. RUBY. No.

Mr. HERNDON. You understand the difference—one is now and one is—have been perhaps sometimes in your youth or life—if you were affiliated with the Communist Party.

Mr. RUBY. Yes; I understand.

Mr. HERNDON. I'm going to ask you this question, Mr. Ruby: "Are you now a member of any group that advocates the violent overthrow of the United States Government?"

Mr. RUBY. No.

Mr. HERNDON. Do you understand that question?

Mr. RUBY. Yes, sir.

Mr. HERNDON. I'm going to ask: "Have you ever been a member of any group that advocates the violent overthrow of the United States Government?"

Mr. RUBY. No.

Mr. HERNDON. It's very similar, only it's in the past tense.

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

Mr. RUBY. Yes.

Mr. SPECTER. You have indicated you understand them?

Mr. RUBY. Yes; and my answer is "No—no collaborating."

Mr. SPECTER. I don't think it is necessary to elaborate on that.

Mr. RUBY. No.

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

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 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 mind. What I mean here, however, is something more in the nature of an application for a license, an application for a permit, an application for insurance—anything that would come within the jurisdiction of being somewhat a legal or semilegal form or application?

Mr. RUBY. No.

Mr. HERNDON. I want to make sure you understand what I mean by that question.

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

Mr. RUBY. Yes.

Mr. HERNDON. These are questions of identity—"Were you born in 1911?"

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

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

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

(Reporter's note : 3:20 p.m.)

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

Mr. RUBY. No; I'm perfectly all right.

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 OK?

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 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.

(Reporter's note : 3:23 p.m.)

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

(Reporter's note: 3:25 p.m.)

Mr. HERNDON. I will now begin.

"Were you born in the United States?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Were you born in Chicago?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Are you now a member of the Communist Party?"

Mr. RUBY. "No."

Mr. HERNDON. "Have you ever been known by another name?"

Don't answer that question. I didn't review it before. Skip it. Just sit and relax.

"Have you ever been a member of the Communist Party?"

Mr. RUBY. No."

Mr. HERNDON. "Did you ever make a false official statement?"

Mr. RUBY. "No."

Mr. HERNDON. "Are you now a member of any group that advocates the violent overthrow of the United States 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.

(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 gentlemen come in.

Mr. SPECTER. I think that's all right.

Mr. RUBY. Have I ever had it changed legally, is that what you meant?

Mr. HERNDON. In other words, when I asked you that question, I realized I hadn't gone over it.

Mr. RUBY. That's all right.

Mr. HERNDON. Therefore—I know you hesitated to answer it.

Mr. RUBY. Well, I have two names—my name was Rubenstein and was changed to Ruby.

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

Mr. RUBY. Yes.

Mr. SPECTER. We are now between series Nos. 2 and 3?

Mr. HERNDON. Yes.

Mr. RUBY. How many series do I have now?

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

Mr. SPECTER. Let the record show that Mr. Alexander and Mr. Tonahill are back in the room.

Gentlemen, there was one question which Mr. Herndon did not go over in advance and that was, "Was Mr. Ruby ever known by any other name?" Since he did ask it, but since it was obvious as soon as he had asked it that he had not gone over it, he asked Mr. Ruby not to answer it, and when the series was over, he asked Mr. Ruby the question again and Mr. Ruby said that he had been known previously as "Jack Rubenstein" and had legally changed his name.

With that one variation, all the questions asked during that series were identical with those discussed before you left the room.

Mr. HERNDON. My apologies, gentlemen, but it was an irrelevant question.

Mr. RUBY, we shall now proceed to what we call series No. 3. Here again these questions are going to be intermixed, some rather pertinent to what we're interested in here, others general questions. Let me go over the relevant questions, first, Mr. Ruby.

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

Mr. RUBY. No.

Mr. SPECTER. Now, you understand, Mr. Ruby, when he says "the shooting," that means the shooting of Oswald?

Mr. RUBY. Repeat that over again—let me hear it again.

Mr. HERNDON. I think you realized that, but I want to make certain that you understand, and I want to go back and break down that question—between the assassination of President Kennedy and the shooting—now, the shooting I mean is the shooting of Oswald?

Mr. RUBY. Oh, yes—yes—the answer is "No."

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

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

Mr. RUBY. No.

Mr. HERNDON. Do you understand the question, Mr. Ruby?

Mr. RUBY. Right.

Mr. HERNDON. "Did you tell anyone that you were thinking of shooting Oswald before you did it?"

Mr. RUBY. No.

Mr. HERNDON. Is that question all right, do you understand it?

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

Mr. FOWLER. Jack, let me ask you at this time—excuse my interruption, but why don't you just address yourself to the general questions that are asked you. I think it's all right.

Mr. RUBY. All right.

Mr. FOWLER. 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].

Mr. HERNDON. If you want me to reword that question, I'll take it up with Mr. Specter.

Mr. RUBY. Why don't you say this—"that Sunday morning, specifically?" That would be easier for me to answer.

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

Mr. FOWLER. Jack, again, excuse me, sir.

Mr. RUBY. Fowler, it puts me in a tough spot when he asks me that question and I evade it.

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

Mr. HERNDON. I want to bow, of course, to Mr. Specter, of course, for the way the Commission desires it.

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

Mr. RUBY. Yes, that's easier to answer.

Mr. SPECTER. Then, we can ask you this: "Before Sunday morning did you tell anybody you intended to shoot Oswald?"

Mr. RUBY. Now, that's a better way to ask it—the last question.

Mr. SPECTER. Then, we've covered all the time in two parts.

Mr. RUBY. The last question you asked me is a better way to ask me. The last question you asked, my answer is "No."

Mr. SPECTER. Then, we'll want to ask you a followup question.

Mr. RUBY. Do you understand what I'm saying—did you understand what I said?

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

Mr. RUBY. All right, I'll answer it.

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

COURT REPORTER. "On Sunday morning did you tell anybody that you intended to shoot Oswald?"

Mr. SPECTER. There are two questions. "Before Sunday morning, did you tell anyone you intended to shoot Oswald?" That's all right for one question. Now, write this one down, Mr. Herndon. The question is "Before Sunday morning did you tell anyone that you intended to shoot Oswald?"

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

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

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

Mr. RUBY. Now, you better rephrase that. I hadn't already left the apartment. Do you follow me?

Mr. SPECTER. Right. Well, I see what you're driving at—you're driving at the time.

Mr. RUBY. The time element is very important.

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

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

Mr. RUBY. Now, you've got to get another question in there: "Previous to your arising that morning, have you told anyone you're going to shoot Oswald?" You see my point?

Mr. SPECTER. Yes; before you awakened, in other words?

Mr. RUBY. Yes.

Mr. SPECTER. "Before you awakened on Sunday morning, had you told anyone you intended to shoot Oswald?"

Mr. RUBY. Before I awakened.

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

Mr. RUBY. That's right.

Mr. HERNDON. Would you repeat that, Mr. Specter?

Mr. SPECTER. Yes. "Before you went to bed——"

What time did you go to bed that night?

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

Mr. HERNDON. So, the area we're trying to cover here, Mr. Ruby, as I see it is—if you did tell anyone you were thinking of doing this—the approximate time.

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

Mr. SPECTER. Yes.

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

Mr. ALEXANDER. May I make a suggestion?

Mr. HERNDON. Yes.

Mr. ALEXANDER. Ask it, "Did you tell someone by telephone you intended to shoot Oswald?"

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

Mr. HERNDON. Mr. Specter?

Mr. FOWLER. Now, we will certainly object to a question being framed by this attorney.

Mr. SPECTER. Mr. Fowler, do I understand your position correctly, that you are concerned about the disclosure of this information in the presence of Mr. Alexander?

Mr. FOWLER. I am.

Mr. SPECTER. But, do you have any concern about disclosing the answer to this question to the Commission?

Mr. FOWLER. None whatsoever.

Mr. SPECTER. Well, would it be agreeable with you if Mr. Alexander leaves while this question is being formulated so we can understand it, and then that he comes back when we have formulated it?

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

Mr. RUBY. Are you sure you know the answer to it?

Mr. ALEXANDER. I think so, Jack.

Mr. FOWLER. It would be preferable if he would leave.

Mr. SPECTER. Mr. Alexander, do you have any objection to stepping out just while we formulate this question?

Mr. ALEXANDER. Not at all, not at all. Come on Joe.

Mr. TONAHILL. I don't have to go.

Mr. SPECTER. Mr. Alexander has now departed, may the record show.

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

Mr. RUBY. Well, you had better remind me again.

Mr. HERNDON. Here's the area we're trying to cover. Here's the question I originally asked you which created all this problem. "Between the assassination and the shooting"—now, let me start that again—"Did you tell anyone that you were thinking of shooting Oswald before you did?"

Now, I tried to put that as plainly as I could. I'm not interested here in the area of when——

Mr. RUBY. Yes, but if you're speaking in the area of when, it's pretty incriminating. It's a long premeditation, then, of time element.

Mr. HERNDON. I think the Commission here has its question of whether or not you did tell anybody?

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

Mr. RUBY. Clayton?

Mr. FOWLER. Jack, let me say this—now, this is the very crux of your case. In other words, if there is premeditation on your part to murder or to kill, this can and will be used against you, and this information—let's project it a little bit and say that you do get a new trial, and that between now and that the Warren Commission releases their information for public consumption or to the district attorney's office or to anybody else, then, if your answer to these questions might be "Yes," then it would be most difficult to appear and defend you.

Mr. RUBY. Clayton, I'm here to tell the truth. I don't know how the heck to answer it. I appreciate you're in a tough spot.

Mr. FOWLER. Well, of course, as you can readily see, this is why we advised you not to take this.

Mr. RUBY. That's why I want it, because I know what's best for me.

Mr. FOWLER. Well, I don't think you do, Jack.

Mr. RUBY. Can I overrule you, Clayton, where you won't be too angry if I overrule you?

Mr. FOWLER. Well, I have no—I'm not going to put a cob in your mouth, Jack.

Mr. RUBY. Can I ask one more favor of you?

Mr. FOWLER. Sure.

Mr. RUBY. Will you let those two gentlemen back in the room, at your request?

Mr. FOWLER. Not at my request; no, sir.

Mr. RUBY. Please, Clayton?

Mr. FOWLER. If you leave that up to me, I say, "No."

Mr. RUBY. All right, I'm going to answer your question.

Mr. HERNDON. Mr. Ruby, why don't I just go over with you once again all of them, for this series of questions.

Mr. SPECTER. At this time, I would like to ask Mr. Ruby if he is willing to answer the question about the conversations. I would like to develop the information about the conversations so that we will know it is factual. This would be an extended question of the nature that the Chief Justice asked you on June 7—if you're willing to answer my question to you at this time, which is: "Did you tell anybody that you intended to shoot Oswald at any time before you did it?" And, I would follow that up, if you answer that question, with, "Whom did you tell and when?" With that information, we can then formulate these questions for the lie detector test to see if you're telling the truth.

Mr. RUBY. Clayton, please? I've got to do this? I've got to, because I told it to the Warren Commission.

Mr. FOWLER. In other words, these questions have already been talked about?

Mr. RUBY. Yes; and will you ask them to come in?

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

Mr. RUBY. Yes, I was very voluntary.

Mr. SPECTER. We deliberately didn't go into some areas, suffice it to say, for certain purposes. But this is the question we're concerned with at the moment, and we would like an answer substantively, in addition to testing his truthfulness. It comes to a head when we try to formulate the questions for the polygraph, because we really have to get the underlying facts, and then we can point our efforts to see whether he's telling the truth according to the indicators from the examination.

Mr. FOWLER. Again, I don't believe certainly he understands the full complicity of this thing. If there are any questions that are asked that show premeditation on his part, I would respectfully ask that he decline to answer and that you decline to ask it.

Mr. RUBY. But it's already in there. I've already told it to the Warren Commission.

Mr. FOWLER. Now, if there is an area that has been covered already and you still wish to go into it—I don't want this man——

Mr. RUBY. So, would you mind calling Alexander in?

Mr. FOWLER. Listen, Jack, will you please listen to me? This man got up down there and asked the jury to send you to the electric chair.

Mr. RUBY. I know it.

Mr. FOWLER. He has not changed his opinion yet, and he will again ask it at some later date. Now, is this the kind of man you want to pussyfoot around in here with and let listen to these questions? Just "Yes" or "No"—if it is—we'll bring him back in.

Mr. RUBY. Yes: I want him in here, and I want you to ask him to come in, please.

Mr. FOWLER. I won't ask him to come in.

Mr. RUBY. Joe, ask him to come in.

Mr. TONAHILL. No: Clayton is your chief counsel and I'm going to respect his desires.

Mr. RUBY. Chief—I know.

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

Mr. FOWLER. I would like this record to reflect that this is against the advice of his attorneys present, and that it will be very detrimental to, No. 1, his appeal, and No. 2, perhaps to any clemency that might be asked for in the future, and No. 3, for the actual trial of the case on the merits, if such ever occurs.

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

Mr. FOWLER. Jack, why do you want them back?

Mr. RUBY. Because I happen to know what I'm talking about.

Mr. TONAHILL. Now, Jack——

Mr. RUBY. Joe, you're not my attorney any more. We know it. We understand one another, please. You're not helping me.

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

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

Mr. FOWLER. Listen, at some future date—yes. Perhaps in a trial, another trial, yes. When you are on the witness stand, if you are able to go to the witness stand, perhaps these questions will be directed to you at that time, and you can make a full disclosure before a jury, but I respectfully request that you do not do it in the presence of a district attorney.

Mr. RUBY. But Clayton, they know all these questions already. Henry Wade, I spoke to, and I told him all this.

Mr. FOWLER. Well, if he knows them already, then why not just let him stay out? You're not trying to impress him, are you? Do you think that he can do anything to help you right now?

Mr. RUBY. No, no; but the thing is that I have a few other thoughts in mind, as you well know about.

Mr. FOWLER. What are they, Jack?

Mr. RUBY. That I spoke to you about for your consideration.

Mr. FOWLER. Jack, I'm not worried, I'm not concerned about anybody trying to do away with me. This is the least of my worries. Nobody has threatened me about this thing. Nobody has coerced me in any way.

Mr. RUBY. I want harmony, that's what I want. I want harmony with you and the district attorney's office.

Mr. FOWLER. Well, we can't harmonize over your situation, I'm sorry.

Mr. SPECTER. Well, the point we got to was the question of getting the substan-

tive information out before going on with the test. Did you tell anyone that you intended to shoot Oswald?

Mr. HERNDON. You mean—before?

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

Mr. FOWLER. Jack, now the question that is being directed to you at this time—well, go right ahead.

Mr. RUBY. Yes: Sunday morning.

Mr. SPECTER. And whom did you tell?

Mr. RUBY. George Senator.

Mr. SPECTER. And where were you at the time you discussed it with him?

Mr. RUBY. In my apartment.

Mr. SPECTER. And state in as precise words as you can remember, just what you said to him and he said to you at that time?

Mr. RUBY. Well, he didn't say anything—the funny part—he was reading the paper and I doubt if he even recalled me saying it. I have to elaborate on it, but I was so carried away emotionally that I said—I don't know how I said it—I didn't say it in any vulgar manner—I said, "If something happened to this person, that then Mrs. Kennedy won't have to come back for the trial." That's all I said. Now, would you mind asking me on that particular point? That happened Sunday morning. That's the only time any thought ever came to my mind, because that morning I read some articles in the newspaper that she would have to come back to trial.

Mr. SPECTER. Did you ever say to anybody, "I am going to shoot Oswald," or anything to the effect that, "I am going to shoot or kill him"?

Mr. RUBY. No; I just made the statement—that's the only thing I said.

Mr. SPECTER. That statement you made to George Senator, that's the only thing, that's the closest you came to saying it?

Mr. RUBY. That Sunday morning before I left my apartment.

Mr. SPECTER. Did you ever tell Randolph Paul you were going to shoot him?

Mr. RUBY. I don't even know a Randolph Paul.

Mr. SPECTER. How about Breck Wall?

Mr. RUBY. I know I never said that to Breck Wall.

Mr. SPECTER. Perhaps the name was Ralph Paul. Did you ever say it to Ralph Paul?

Mr. RUBY. No, sir.

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

Mr. RUBY. No.

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

Mr. HERNDON. I want to make sure I get it correct.

Mr. SPECTER. "Aside from anything you said to George Senator, did you ever tell anyone else you intended to shoot Oswald?"

Mr. RUBY. In the flippant way I said it, I doubt if he'd even—you know—the poor guy may not even have remembered it. We never discussed it after that.

Mr. SPECTER. What was the exact time you recollect you said that to him?

Mr. RUBY. I don't know—it was about 10:15 Sunday morning.

Mr. SPECTER. Approximately?

Mr. RUBY. Well, you know—10 minutes either way.

Mr. SPECTER. All right, Mr. Fowler, we will phrase the question in that way, but that phraseology of the question carries certain implications which you understand.

Mr. RUBY. May I repeat that question once more to make sure it's accurate?

Mr. SPECTER. Mr. Alexander can come back in.

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

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

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

Mr. RUBY. No.

Mr. HERNDON. That will be one of the questions on the next series.

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

Mr. SPECTER. Let's ask it in lieu of that question. Strike the other question, the original question.

Mr. HERNDON. Strike the original question that commences, "Did you tell anyone you were thinking about?"—

Mr. SPECTER. Yes; that's the one we've been talking about.

Mr. ALEXANDER. Is this still series 3?

Mr. HERNDON. We're still on series 3, Mr. Alexander. As a matter of fact, if it's all right with you gentleman, I'd like to start right over again on series 3.

Mr. SPECTER. Mr. Ruby, I think we have that one area resolved.

Mr. HERNDON. I'm going to ask you as we said originally—before—back in the testimony, "Between the assassination and the shooting, did anybody you know tell you they knew Oswald?"

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

And, in addition to those questions, I will ask on this series the following questions—

Mr. RUBY. Why don't you add—in—let's get the time element in there, too, because that was Sunday morning.

Mr. HERNDON. Well, I don't want to make these questions too long.

Mr. RUBY. I know, but I want this because somebody might think that I mentioned it 2 days prior to that.

Mr. SPECTER. We can add if you want to. "Aside from anything you said to George Senator on Sunday morning, did you ever tell anyone else that you intended to shoot Oswald?"

Mr. RUBY. OK.

Mr. HERNDON. All right, we're going to insert after "George Senator"—"on Sunday morning." Here again, the Sunday morning being that time after you woke up and prior to noon.

Mr. RUBY. Remember, it was the flippant way I said it that I doubt if the poor soul remembered it.

Mr. HERNDON. The other questions in this series will be as follows, Mr. Ruby. Here again are some of the irrelevant questions. "Is your last name Ruby? Do you live in Dallas?" I'm going to ask you "Are you married?" Just for the record, I understand you're single, so you could answer that "No." "Were you in the military service?"

Mr. RUBY. Yes.

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

Mr. RUBY. In other words, "While you were in the military, were you hurt?"

Mr. HERNDON. No; Mr. Ruby, disciplinary action. Were you court-martialed, captains' mast, or any disciplinary action?

Mr. RUBY. None whatsoever.

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

Mr. RUBY. No.

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

Mr. RUBY. I have served 30 days—I mean—that would answer it.

Mr. HERNDON. Then, you can answer that?

Mr. RUBY. Yes.

Mr. HERNDON. If that comes to mind, you could say, "Yes."

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 in a moment.

Mr. SPECTER. All right, if Mr. Alexander and Mr. Tonahill will leave the room, we will proceed with series 3.

May the record show that Mr. Alexander and Mr. Tonahill are now absent. (Reporter's note: 3:58 p.m.)

Mr. HERNDON. Of course, we have been moving around and talking, Mr. Ruby, I'm going to make a few minor adjustments here. Are you comfortable, sir?

Mr. RUBY. Yes.

Mr. HERNDON. Now, I'm going to put this up a little higher on your chest, and I want you to lean back and relax. Do you want to put your feet flat on the floor during the test, if you will.

All right. I again will tell you when we actually start the test. I'm going to put a little pressure on the arm, and once again, on these questions, if you will answer them simply "Yes" or "No" truthfully. Will you look straight ahead, please, sir.

(Reporter's note: 3:59 p.m.)

Mr. HERNDON. The test will now begin. Look straight ahead, Mr. Ruby.

"Is your last name Ruby?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Do you live in Dallas?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Between the assassination and the shooting, did anybody you know tell you they knew Oswald?"

Mr. RUBY. "No."

Mr. HERNDON. "Are you married?"

Mr. RUBY. "No."

Mr. HERNDON. "Aside from anything you said to George Senator on Sunday morning, did you ever tell anyone else that you intended to shoot Oswald?"

Mr. RUBY. "No."

Mr. HERNDON. "Were you in the military service?"

Mr. RUBY. "Yes."

Mr. HERNDON. "While in service did you receive any disciplinary action?"

Mr. RUBY. "No."

Mr. HERNDON. "Did you shoot Oswald in order to silence him?"

Mr. RUBY. "No."

Mr. HERNDON. "Have you ever served time in jail?"

Mr. RUBY (no response).

Mr. HERNDON. The test is over. Sit still for a moment and we will release the pressure on your arm.

Do you feel a little better when I release that pressure?

Mr. RUBY. When you elaborate on "serving time", 30 days isn't serving time.

Mr. HERNDON. I was going to ask you to explain that, and you followed instructions explicitly there.

Then, actually in explanation to that, this 30 days to you were insignificant?

Mr. RUBY. Well, yes, but I explained that.

Mr. HERNDON. That's all right. I have to ask these questions.

Mr. RUBY. To serve time is when you refer to a man being in the penitentiary.
Mr. HERNDON. Now, there are a few questions I want to ask him with regard to that series.

Mr. SPECTER. Go ahead.

Mr. HERNDON. Just two points I want to clarify for my own use here.

Mr. Ruby, I asked you, "Are you married?" and you replied "No." Could you tell me if anything went on in your mind at the time you responded "No"?

Mr. RUBY. Yes; I was thinking of the young girl, that had I been married I wouldn't have been in this trouble. I guess that's what flashed back in my mind.

Mr. HERNDON. Is this a former sweetheart?

Mr. RUBY. Yes. What else?

Mr. HERNDON. I just wanted to get your explanation at that particular point?

Mr. RUBY. You noticed something there?

Mr. HERNDON. Did you feel anything?

Mr. RUBY. Yes; I knew I wasn't—something was working on me when you asked me that. I would probably have been living in another part of the city, and I wouldn't have been involved in this.

Mr. HERNDON. Do you recall the girl's name?

Mr. RUBY. Yes—Alice Nichols.

Mr. HERNDON. And how long ago was this that you were acquainted with her?

Mr. RUBY. Oh, for many years, and I guess we severed relations in 1959—"relations"—I meant our company.

Mr. HERNDON. That's the last time you were dating?

Mr. RUBY. Yes; we were engaged and so on.

Mr. HERNDON. You never actually married this young lady?

Mr. RUBY. No, sir. That's why you see me in a moment of despair—like I am.

Mr. HERNDON. Did you ever consider marrying her?

Mr. RUBY. Yes; yes.

Mr. HERNDON. All right, that clarifies that question for me. One other area I'd like you to speak frankly and freely on, and here again it gets back to this military service. I asked you, "While in the military service, did you ever receive any disciplinary action?"

Mr. RUBY. No.

Mr. HERNDON. Did you ever get in any trouble at all while you were in the service that came to your mind during that question?

Mr. RUBY. When you say "trouble"?

Mr. HERNDON. Disciplinary action for trouble?

Mr. RUBY. No; I have never been called down for anything. I may have had a brawl with another soldier.

Mr. HERNDON. Did you while you were in the service ever have a fight?

Mr. RUBY. Yes; but when you speak of "disciplinary" is when you go before a court-martial or the colonel calls you in or something happens.

Mr. HERNDON. Were you called in before the commanding officer?

Mr. RUBY. Sure; but it's not important enough to answer. Evidently, you're getting a pretty good reading?

Mr. HERNDON. I'm having no technical difficulty with regard to giving the test.

Mr. RUBY. I wish you would prove to my chief here, over there, how I stand with you (referring to Mr. Holman).

Mr. HERNDON. I want to study these very carefully, of course, but you have been very cooperative, as far as running the actual examination. That will complete series 3.

Mr. SPECTER. Fine, I will call the gentlemen in.

Let the record show that Mr. Tonahill and Mr. Alexander have returned.

Mr. HERNDON. We will go on to another series now. I am going to run a little different type of examination, Mr. Ruby, if you still feel like you want to continue. Do you want to take a break?

Mr. RUBY. Oh, I want to go on completely.

Mr. HERNDON. You are not tired?

Mr. RUBY. No.

Mr. HERNDON. This next one will be relatively short, and it won't take too long.

I'm going to ask you these questions somewhat in sequence and in consecutive order. There are five of them. They can be answered simply by "yes" or "no."

"Did you first decide to shoot Oswald on Friday night?"

Mr. RUBY. No.

Mr. HERNDON. "Did you first decide to shoot Oswald on Saturday morning?"

Mr. RUBY. No.

Mr. HERNDON. "Did you first decide to shoot Oswald Sunday morning?"

Mr. RUBY. Yes.

Mr. HERNDON. And last, I'll ask you, "Have you answered all questions truthfully?"

Mr. RUBY. Yes.

Mr. HERNDON. In addition to those questions I've just asked, I'm going to ask, again to establish identity, "Is your first name Jack?"

Mr. RUBY. Yes.

Mr. HERNDON. "Is your last name Ruby?"

Mr. RUBY. Yes.

Mr. HERNDON. I will ask you of those questions that I have just related to you, those pertinent five questions in consecutive order, with considerable spacing and time between—I believe you understand what I mean by Friday night?

Mr. RUBY. Definitely—the period of meditation.

Mr. HERNDON. That's right—in the evening after 6 o'clock, and Saturday morning we consider as being that time from when you wake up until you have lunch, and I think you understand these questions.

Mr. RUBY. Also, is there any way you can ask me if my family had known of my doing anything like that?

Mr. HERNDON. We may possibly get into that area or perhaps take that up with Mr. Specter.

Mr. SPECTER. Well, actually, Mr. Ruby, we have a great many questions to ask you and there are certain limitations on the test.

Mr. HERNDON. I am going to proceed on this particular series now.

Mr. SPECTER. All right. Mr. Alexander and Mr. Tonahill are leaving the room, and may the record show both have now departed.

(Reporter's note : 4:08 p.m.)

Mr. HERNDON. Did you want to tell me something before, Mr. Ruby, before I start?

Mr. RUBY. No.

Mr. HERNDON. Again, I will tell you when the test begins.

Will you let the record show that I have these designated as series 3a.

All right, do you feel all right now, Mr. Ruby?

Mr. RUBY. Yes.

Mr. HERNDON. Sit perfectly still and try to concentrate and look straight ahead and answer the questions truthfully "Yes" or "No."

I now put some pressure on that arm cuff.

The test will now begin.

(Reporter's note : 4:10 p.m.)

Mr. HERNDON. "Is your first name Jack?"

Mr. RUBY. "Yes".

Mr. HERNDON. "Is your last name Ruby?"

Mr. RUBY. "Yes".

Mr. HERNDON. "Did you first decide to shoot Oswald on Friday night?"

Mr. RUBY. "No".

Mr. HERNDON. "Did you first decide to shoot Oswald on Saturday morning?"

Mr. RUBY. "No".

Mr. HERNDON. "Did you first decide to shoot Oswald on Saturday night?"

Mr. RUBY. "No".

Mr. HERNDON. "Did you first decide to shoot Oswald on Sunday morning?"

Mr. RUBY. "Yes".

Mr. HERNDON. "Have you answered all questions truthfully?"

Mr. RUBY. "Yes".

Mr. HERNDON. The test is over. Will you sit still a moment. I will release the pressure on your arms. You may now move your hands and get the circulation back.

(Reporter's note : 4:12 p.m.)

Mr. HERNDON. I have no questions on that.

Mr. Ruby came in here what time—originally?

COURT REPORTER. My notes indicate around 2 p.m.

Mr. HERNDON. How do you feel, Mr. Ruby?

Mr. RUBY. Fine.

Mr. HERNDON. You're not tired?

Mr. RUBY. No.

Mr. HERNDON. Mr. Ruby, you are perfectly relaxed?

Mr. RUBY. Yes.

Mr. HERNDON. As long as Mr. Ruby feels fine, I think we can continue and we can prepare the exact wording for the next series.

You may wish to bring the other gentlemen in.

Mr. SPECTER. All right, thank you.

Let the record show that Mr. Alexander and Mr. Tonahill have returned to the room.

(Conference off the record between Messrs. Specter and Herndon regarding formulation of questions.)

Mr. RUBY. Joe?

Mr. TONAHILL. Yes, Jack.

(Conference between Mr. Tonahill and Mr. Ruby from 4:13 to 4:15 p.m., out of the hearing of this reporter and others in the room.)

Mr. ALEXANDER. Jack, you are a good man.

Mr. RUBY. Who, Bill?

(Conference between Mr. Alexander and Mr. Ruby from 4:15 to 4:18 p.m., out of the hearing of this reporter and others in the room.)

Mr. SPECTER. Mr. Holman, what time do you feed Mr. Ruby? What time do you start the evening meal?

The JAILER. Well, we begin about 4:30 p.m.

Mr. HERNDON. Are you hungry, Mr. Ruby?

Mr. RUBY. No, I'm feeling fine.

Mr. SPECTER. Well, let's go ahead with this series of questions and then we will take about a 20-minute break.

(Conference between Mr. Alexander and Mr. Ruby from 4:22 to 4:25 p.m., out of the hearing of this reporter and others in the room.)

Mr. SPECTER. All right, we are ready to go on to the next series of questions.

Mr. HERNDON. Do you feel all right, Mr. Ruby, at this time?

Mr. RUBY. Yes.

Mr. HERNDON. We will now go to the first question of this next series, Mr. Ruby, and I will ask you these questions. I want to make sure you have a clear understanding of what they mean.

"Were you in the Dallas Police Department jail basement at the time Lieutenant Pierce's car drove out of the basement?"

Now, I see you are hesitating on that—I can rephrase it if you so like?

Mr. RUBY. Oh, no.

Mr. HERNDON. Let me go over it again, to make sure the question will be clear to you.

"Were you in the Dallas Police Department jail at the time Lieutenant Pierce's car drove out of the basement?"

Mr. RUBY. If I can explain it—if I can elaborate on it, it will be easy to answer.

Mr. SPECTER. Go ahead now, if it's all right with your counsel, so we can focus in on what concerns you.

Mr. HERNDON. Perhaps I might want to ask that other question first and he would find he might not have as much of a problem if I asked it first.

Mr. SPECTER. Well, I prefer to stay with what we have now. I think we can. If it's all right to have him explain it, if it's all right with his attorney, I'd rather stay with that.

Mr. RUBY. I've already told it to the Warren Commission?

Mr. TONAHILL. Well, go ahead.

Mr. RUBY. As I left the Western Union, I walked toward the ramp, and as I walked down, Lieutenant Pierce's car was parked already on the curb, partly on the curb and partly some of it was on the ramp, and some officer was talking to him, so consequently—I don't know how to answer that—whether I was in the basement—when his car had driven out?

Mr. SPECTER. Did you walk by his car?

Mr. RUBY. Yes.

Mr. SPECTER. At the same time it was parked there?

Mr. RUBY. Yes.

Mr. SPECTER. So that the officer did not see you——

Mr. RUBY. That's correct.

Mr. SPECTER (continuing). Because the car was parked there?

Mr. RUBY. Yes; and his back was turned to me.

Mr. SPECTER. To state it differently, did the presence of the automobile and the fact that he was talking to Lieutenant Pierce obscure the vision of the officer who was on duty guarding that entrance or exit?

Mr. RUBY. Yes; and I walked down because I didn't know they were guarding it—that there was anything going on there, you know?

Mr. HERNDON. Well, with that question, I can see his area of conflict here.

Mr. TONAHILL. What you want to know is was he in the basement, but he was out on the sidewalk. I think that's a straight question.

Mr. ALEXANDER. "Were you in the basement or were you on the sidewalk when Lieutenant Pierce's car came out?" How about that?

Mr. HERNDON. Yes, I will revise that one question and break it down.

Mr. TONAHILL. Yes, that's a very good question.

Mr. HERNDON. All right, Mr. Ruby, will this question create any problem for you? "Were you on the sidewalk at the time Lieutenant Pierce's car"—I had "drove out," but was he driving out or was he parked there?

Mr. RUBY. When I noticed him he was already—he was stationary. He was parked. He had stalled there or something.

Mr. SPECTER. "Were you on the sidewalk at the time Lieutenant Pierce's car stopped in front of the guard at the exit?"

Mr. RUBY. Yes, yes. Why do you say "stopped at the exit?"

Mr. TONAHILL. At the ramp exit.

Mr. HERNDON. "The ramp exit"—that makes it specific.

Mr. Ruby, your question will then be, "Were you on the sidewalk at the time Lieutenant Pierce's car stopped on the ramp exit?"

Mr. RUBY. Yes.

Mr. HERNDON. Or, would you prefer "at the ramp exit?"

Mr. RUBY. That's okay.

Mr. HERNDON. Let's leave it "on the ramp exit."

Another question I will ask, "Did you enter the jail by walking through an alleyway?"

Mr. RUBY. What do you call an alleyway—a ramp?

Mr. TONAHILL. It's a ramp, it isn't an alley. It goes under the building and comes out.

Mr. SPECTER. That's all right, we'll stand on that.

Mr. HERNDON. You will stand on that question, Mr. Specter?

Mr. SPECTER. Yes.

Mr. HERNDON. In other words, you can answer that as you want to?

Mr. TONAHILL. Now, if he says "No"——

Mr. ALEXANDER. It isn't an alley, now, it's a ramp.

Mr. SPECTER. Let me specify here—is there another entrance to the jail that you have to go through an alleyway?

Mr. RUBY. There's another—the Commerce Street entrance, and there's two entrances, and there's ways of coming through, I imagine, from the——

Mr. TONAHILL. But it's a driveway, is what it is, going down.

Mr. ALEXANDER. There's nothing in the sense that you're thinking of—you could come from the building out where you could go down the ramp on either side.

Mr. TONAHILL. It's all under the building, not the ramp.

Mr. FOWLER. Actually, I think what he is thinking of is that there is an alley too.

Mr. ALEXANDER. It wouldn't be accessible.

Mr. FOWLER. It would make it very difficult to get down into the basement from the alley.

Mr. ALEXANDER. All right, if Jack knows we're talking about "alley," as long as you distinguish between the alley and the ramp, so he can answer your question.

Mr. TONAHILL. He has always referred to it as a ramp.

Mr. RUBY. That's a ramp.

Mr. SPECTER. By "alley," we do not mean the ramp. We mean the entrance into the building.

Mr. TONAHILL. Now, you've got him squared away.

Mr. SPECTER. Fine. We want you to understand the question exactly.

Mr. HERNDON. The question will stand as is.

Mr. TONAHILL. Why don't you read the question?

Mr. HERNDON. Just leave the question as it is?

Mr. SPECTER. Leave it as it is.

Mr. HERNDON. The next question I'm going to ask, or one of the questions I will ask will be, "Did you walk past the guard at the time Lieutenant Pierce's car was parked on the exit?"

Mr. RUBY. Yes.

Mr. HERNDON. You said it was parked?

Mr. RUBY. Yes.

Mr. HERNDON. I think I'll put it "on the ramp exit" so it's perfectly clear, and I will repeat the question.

The question again, "Did you walk past the guard at the time Lieutenant Pierce's car was parked on the ramp exit?"

Mr. RUBY. Yes.

Mr. HERNDON. Now, the other questions here, "Did you talk with any Dallas police officers on Sunday, November 24, prior to shooting Oswald?"

Mr. RUBY. No.

Mr. HERNDON. Other questions I intend to ask on this next series, Mr. Ruby are: "Did you previously live in Chicago?"

Mr. RUBY. Yes.

Mr. HERNDON. "Are your parents alive?"

Mr. RUBY. No.

Mr. HERNDON. This next question, and you don't have to answer it now. You can answer it on the test. "Did you ever make a false insurance claim?"

Mr. RUBY. No.

Mr. HERNDON. You are a man in business and you would probably have insurance on perhaps your car, your personal life and your business?

Mr. RUBY. Yes.

Mr. HERNDON. I just wondered if you ever made a false insurance claim?

Mr. RUBY. No—I see what you mean—No, I have it on an automobile.

Mr. HERNDON. I put this question in here—I'm not sure, actually, but "Do you still operate the Carousel Club?"

Mr. RUBY. No.

Mr. HERNDON. You don't?

Mr. RUBY. No.

Mr. HERNDON. All right. The questions will be: "Do you still operate the Carousel Club? Were you on the sidewalk at the time Lieutenant Pierce's car stopped on the ramp exit? Did you previously live in Chicago? Did you enter the jail by walking through an alleyway? Are your parents alive? Did you walk past the guard at the time Lieutenant Pierce's car was parked on the ramp exit? Did you ever make a false insurance claim? Did you talk with any Dallas police officers on Sunday, November 24, prior to the shooting of Oswald?"

Do you understand all those questions and can you answer them clearly and simply "Yes" or "No"?

Mr. RUBY. Yes.

Mr. ALEXANDER. Apparently this is series 5?

Mr. SPECTER. We called the last series, series 3a.

Mr. HERNDON. We will call this series 4, according to my records. Is that in sequence, Mr. Specter?

Mr. SPECTER. Yes; I believe it is.

Mr. HERNDON. I will proceed shortly then, gentlemen.

Mr. SPECTER. Mr. Tonahill and Mr. Alexander have now left the room.

Mr. HERNDON. Mr. Ruby, do you want to put both of your feet on the floor for me, sir, and look straight ahead at the wall, and relax until I get the instrument adjusted.

(Reporter's note: 4:35 p.m.)

Mr. HERNDON. All right, I will now put some pressure on the arm cuff, and I will tell you when I am going to start asking you questions, Mr. Ruby.

We will now begin.

(Reporter's note: 4:36 p.m.)

Mr. HERNDON. "Do you still operate the Carousel Club?"

Mr. RUBY. "No."

Mr. HERNDON. "Were you on the sidewalk at the time Lieutenant Pierce's car stopped on the ramp exit?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Did you previously live in Chicago?"

Mr. RUBY. "Yes."

Mr. HERNDON. Try to sit still, if you can.

Mr. RUBY. All right.

Mr. HERNDON. "Did you enter the jail by walking through an alleyway?"

Mr. RUBY. "No."

Mr. HERNDON. "Are your parents alive?"

Mr. RUBY. "No."

Mr. HERNDON. "Did you walk past the guard at the time Lieutenant Pierce's car was parked on the ramp exit?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Did you ever make a false insurance claim?"

Mr. RUBY. "No."

Mr. HERNDON. "Did you talk with any Dallas police officers on Sunday, November 24, prior to the shooting of Oswald?"

Mr. RUBY. "No."

Mr. HERNDON. That series is over. If you will sit still for a moment, Mr. Ruby. I will now release the pressure from your arms.

Mr. RUBY. Am I acting a little nervous?

Mr. HERNDON. A little, but I think you're getting a little bit tired. That's quite all right. I notice a little motion, but I will certainly take that into consideration when I evaluate and interpret these charts.

(Reporter's note: 4:40 p.m.)

Mr. HERNDON. Is there any area of doubt at all in your mind about that question where you were on the sidewalk at the time Lieutenant Pierce's car stopped at the ramp exit?

Mr. RUBY. I said I was on the sidewalk—I walked past.

Mr. HERNDON. Yes; did that question trouble you then?

Mr. RUBY. No.

Mr. HERNDON. You were on the sidewalk?

Mr. RUBY. Yes.

Mr. HERNDON. I just wanted to clarify that. When I asked you, "Are your parents alive?", Mr. Ruby, have they been deceased for some time?

Mr. RUBY. Yes.

Mr. HERNDON. Did that question bother you or trouble you at all?

Mr. RUBY. No; I don't know—I guess I'm nervous now—I don't know just why I said that.

Mr. HERNDON. I have no further questions in that series.

Mr. RUBY. Aren't you going to ask me whether I knew anything as to whether or not he was going to come down, or anything like that?

Mr. HERNDON. We will have to prepare some more questions.

Mr. SPECTER. May the record show that Mr. Alexander and Mr. Tonahill are now back in the room, and we are going to take a brief recess.

Mr. HERNDON. You've done very well thus far, Mr. Ruby, as far as cooperating on the examination.

Mr. RUBY. OK. What happens now?

Mr. HERNDON. We're going to take a break and give you a little rest. Now, if you will just lean forward and raise your arms, I will take this equipment off of you.

Mr. RUBY. I'm not hungry, jailer.

Mr. HOLMAN. Do you want to go lie down?

Mr. RUBY. We only have a 20-minute break. That's all.

Mr. HERNDON. Might I suggest to the jailer that you might like to sit at another chair and change your position?

Mr. RUBY. Yes.

(Reporter's note: 4:45 p.m.)

(The proceedings were in recess at this time from 4:45 p.m. to 6:25 p.m.)

Mr. SPECTER. May the record now show that it is 6:25 p.m. and that we have adjourned for a period of 1 hour and 40 minutes, during which time Mr. Ruby has had an opportunity to rest. Is that correct, Mr. Ruby?

Mr. RUBY. Yes.

Mr. SPECTER. Mr. Ruby has just asked me about the presence of reporters downstairs, and would you get this in the record, Miss Oliver. Would you repeat what you just said to me, Mr. Ruby?

Mr. RUBY. Are you going to make any announcement to them?

Mr. SPECTER. Yes; and you asked me to speak freely about this matter?

Mr. RUBY. Yes.

Mr. SPECTER. My view is that we should, in view of the circumstances, as I have been told—there are a large number of reporters downstairs, and I've discussed this with Mr. Fowler and Mr. Tonahill, and it's our joint view that there should be an announcement made that you have requested a polygraph examination and that we have conducted one under the auspices of the President's Commission through the cooperation of the Federal Bureau of Investigation, that there has been extensive examination and the results, of course, cannot yet be known at this date, but they are to be taken to Washington and studied for future action by the Commission.

Mr. RUBY. Let's make it clear that Mr. Tonahill don't represent me. Joe, let's have that understanding?

Mr. TONAHILL. Clayton is going to make whatever announcement is made for you, Jack.

Mr. RUBY. Joe, let's have that understanding, will you please, Joe?

Mr. FOWLER. Jack, we'll have no difficulty with that, don't worry about that.

Mr. SPECTER. The substance of what I just said was discussed by me with Mr. Fowler and it is our thought that that would be an appropriate statement to make at this particular time. That's about as far as we can go. Do you concur in the advisability of that?

Mr. RUBY. Now, with reference to hedging on questions and so on, don't you think some comment should be made that I wasn't reluctant in answering any of the questions that were put to me?

Mr. SPECTER. I think that would be a fair comment to make, if you want that statement made?

Mr. RUBY. Yes; I think so.

Mr. ALEXANDER. That there was cooperation. That he was cooperative.

Mr. SPECTER. Yes; that he was cooperative.

Mr. RUBY. On all questions on anything and everything pertaining to anything.

Mr. SPECTER. Mr. Ruby, in view of your interest in that disclosure, I think that would be appropriate to be made.

Mr. ALEXANDER. That without reservation, he cooperated fully.

Mr. RUBY. I wanted to be more specific, that I wanted to be asked.

Mr. SPECTER. Well, I said that initially. In other words, that it is at your request that we had conducted this, so that it would be clear that you took the lead in initiating this examination, which is the fact, and we will state the fact or give you the credit in that direction, just as it is the fact.

Mr. RUBY. But the point I wanted to bring out was that I wanted to specify

that I also wanted to be asked any and all questions, regardless of what might be subversive or whatever thoughts might be in your mind.

Bill, I think you can give these people certain questions and more potent ones than they know, because you probably know a lot of things that you have in your own mind that you'd like to have answered too?

Mr. FOWLER. Well, Jack, let me say this for your purpose and for the purpose of the Warren Commission. This is not a trial and really, Mr. Alexander is here as an attorney just like I am. He's representing the State just as Mr. Tonahill and I are representing you.

Mr. RUBY. Yes.

Mr. ALEXANDER. Jack, I can't really think of anything that I'd like to ask.

Mr. RUBY. Well, let me get this clear. I notice that the pictures brought out the fact that there are two sets of private boxes, close together in the post office. Did you gentlemen know this? Which is quite an insinuation.

Mr. ALEXANDER. Jack, let's ask the question, "Did you meet Oswald at the post office at any time, as far as you know, until the next day?"

Mr. RUBY. Yes—and also they had a statement in there that I used the box for purpose of mail orders and to do business with Mexico and Cuba. That's incorrect because I never did business with Mexico and Cuba.

Now, these are things that you gentlemen don't want to ask me, but Mr. Alexander would know what to tell you about that.

Mr. ALEXANDER. There is one question that ought to be asked.

Mr. SPECTER. I want that, Bill.

Mr. ALEXANDER. "Did any Cuban or foreign influence cause you to do any act?"

Mr. RUBY. Very good—very good.

Mr. ALEXANDER. Because there has been some question about maybe Jack was motivated from Cuba and we ought to eliminate that and ask him a question to give him a chance to eliminate it.

Mr. RUBY. Also, I want to get the gun situation straightened out. You know what I'm talking about—the Ray Brantley call.

Mr. ALEXANDER. Yes.

Mr. RUBY. And the trip down to Cuba—I'm getting things confused now.

Mr. ALEXANDER. Let's let him write that.

Mr. SPECTER. Mr. Ruby, we have conferred with all parties here on the substance of the questions to be asked. Naturally, we have limitations in time and we can only ask them in a short series. We have conferred with Mr. Fowler, we have conferred with Mr. Wade and with Mr. Alexander here, and naturally also, the interest of the Commission is paramount, and we are doing our very best not to interfere with the State criminal proceedings. We do not wish to take sides at all nor to influence it in any way. We want to accomplish the purpose of the Commission. Those interests overlap to some extent because whenever we ask a Commission question, it has collateral bearings on a great many things, but to the extent that we can, we have conferred, as I say, with the defense counsel and the representatives of the district attorney's office in arriving at the questions which have been asked, and I think we will cover before this examination is concluded the important areas. Now, at the end of it, if you feel that there is some other area that you would like to have covered, we would be very willing to hear your request and to accommodate you to the maximum extent possible consistent with the policy of the Commission.

Mr. RUBY. Mr. Alexander knows certain questions that he has in his mind that haven't come out and I think I know what he's thinking about.

Mr. SPECTER. Well, Mr. Alexander has talked to me about some questions that I'm sure he would prefer on the record and we have taken those into account in formulating our questions. Isn't that so, Mr. Alexander?

Mr. ALEXANDER. Yes, sir. I think what Jack has in mind is that he wants an opportunity to answer a question regarding any possible connection with anything in Cuba. Also, he wants a question asked that will give him an opportunity to explain that the gun which he asked Ray Brantley to mail to McWillie in Las Vegas—

Mr. RUBY. Not to Vegas, to Cuba, and all I did was to receive a phone call, and this was—I told this to the Warren Commission—and this was during the time when we were very friendly together.

Mr. ALEXANDER. That was in 1958.

Mr. RUBY. All I did was relay the phone message to Ray Brantley, and he said, "Oh, I know Mr. McWillie very well," and following that I never followed up or seen him. Now, this is incriminating for me because all I did—like a tool—got myself involved by relating a message that somebody else wanted. Now, this was during peacetime because he wanted protection from the foreign element coming in.

Mr. ALEXANDER. Jack relayed the message that McWillie wanted a Smith & Wesson or some kind of a .38.

Mr. RUBY. Yes. There wasn't no money or anything in the deal. Ray Brantley said, "Oh, I know McWillie. I've done business with him constantly." Following that—I never followed up on it a time, and what he did—and this is incriminating against me very bad, but he had the irony to do this—when I mentioned the fact that I did call Ray Brantley, this man denied that I called him. That makes me a liar to that extent, so I want that question put to me in reference to Ray Brantley and all that and I want about my trip to Cuba and my association with the underworld.

Mr. SPECTER. Well, the question of the gun with Ray Brantley was covered in detail when the Chief Justice was here and we shall cover that in the balance of the polygraph examination.

Mr. RUBY. I also had numerous phone calls, long-distance calls, all over the country and that was with relationship only to my nightclub that I had trouble with the union. There was no conspiracy, but you'll go into that.

Mr. SPECTER. You covered that also in your testimony before the Commission.

Mr. RUBY. Yes; but that doesn't prove anything.

Mr. ALEXANDER. Let me suggest one question there to ask him?

Mr. SPECTER. Yes, sir.

Mr. ALEXANDER. "Did any telephone call you made have any connection, however remote, with your shooting of Oswald?"

Mr. RUBY. No.

Mr. ALEXANDER. That will cover it.

Mr. TONAHILL. How about asking him if he didn't tell the Warren Commission the truth several weeks ago in answering every question they asked him?

Mr. RUBY. I didn't elaborate enough with them and we didn't go into it enough, because I was telling a complete story. Yes; I'll answer that—certainly I will.

Mr. SPECTER. Fine; that will be asked of you.

Mr. HERNDON. That will be somewhat all inclusive.

Mr. SPECTER. We'll have that for the very next series.

Mr. ALEXANDER. "Did you have any telephone conversation which related in any way with the shooting of Oswald?"

Mr. RUBY. Also, ask me whether the phone calls were in reference to the union trying to get somebody to help me with my club.

Mr. ALEXANDER. Let's make another question about that. "Did any union or underworld connection have anything to do with the shooting of Oswald?"

Mr. RUBY. Very good.

Mr. SPECTER. Yes; I will add those in and cover them to the maximum extent possible, and I add that reservation because there are a great many additional questions to be asked which we have already mapped out.

Mr. HERNDON. Do you want me to proceed with the usual preliminaries?

Mr. RUBY. You don't have to proceed with that. Why don't you just call them to me and I'll answer them. You want to go through a formality—a previous thing.

Mr. ALEXANDER. Jack, he's got to have a record.

Mr. HERNDON: I want to make sure you understand the question involved.

Mr. RUBY. I'm sure I do.

Mr. HERNDON. I feel in fairness to both of us, we have to do this.

Mr. RUBY. Believe me—believe me, you don't have to go through that formality, if you want to save yourself a lot of time, and I think you'll like that better.

Mr. ALEXANDER. Jack, he has to have a written question that's keyed to this tape.

Mr. RUBY. Yes; I follow that, but he doesn't have to go through the preliminary explaining to me this because I'll answer anything you want "off the hook."

Mr. SPECTER. Mr. Ruby, we appreciate your willingness to do that and we'll take you up on that to the fullest extent possible, but Mr. Herndon has to do some preliminary questioning which is indispensable to his evaluation.

Mr. RUBY. All right, get him to minimize it if he can.

Mr. SPECTER. He will bear that in mind and minimize it to the fullest extent.

Mr. HERNDON. Are you ready?

Mr. SPECTER. Yes.

Mr. HERNDON. Then, these gentlemen actually will not be aware of the questions, is that all right with you, I mean—prior to the time they leave? I believe we discussed that previously and I did want to mention it, that it would be so important when the questions would be asked.

Mr. ALEXANDER. Not to me, Jack.

Mr. RUBY. I see—about your being aware of the question.

Mr. HERNDON. Mr. Specter, you recall, previously—one of the reasons I was going over all the questions before actually conducting the examination was in order for these gentlemen that are in attendance to be aware of what questions are going to be asked Mr. Ruby during the actual polygraph examination. Now, if we dispense with that before we go over these questions, if they leave the room, they do not know the questions I'm going to ask him.

Mr. ALEXANDER. I don't think Jack has any objection to us staying here at this time, do you, Jack?

Mr. RUBY. No; I certainly don't.

Mr. FOWLER. Well, of course, I still have the same objection, and respectfully request again, Jack, that we're not trying to hide anything—don't misunderstand me.

Mr. RUBY. Just a minute—let me tell you something. I want to straighten up some things. Whether he leaves the room or not, Mr. Alexander is going to know everything that went on here, so please concede to it.

Mr. FOWLER. Well, I'll concede to this, that at sometime he will know, but I'm saying this—that perhaps there might be something, Jack, that might in some way be to your detriment if Mr. Alexander knew the answer to the question at this time. Now, he may say "No," but I still, as your attorney and in trying to protect your rights, insist that it be handled in this way, and I would certainly appreciate your cooperation with me to that extent.

Mr. RUBY. The only reason I want Mr. Alexander here, I want him to know my effectiveness when I answer the questions.

Mr. FOWLER. Jack, that's very well, and I don't think he has any doubt that you're trying to hide it and all of that.

Mr. SPECTER. Then, let us proceed as we have before, with Mr. Herndon announcing the questions in advance but going through a minimum amount of preliminaries so that he is satisfied that he can evaluate the results.

Mr. RUBY. Yes.

Mr. SPECTER. And we will proceed on that basis.

Mr. RUBY. You can run through them a lot faster and I'll grasp them.

Mr. HERNDON. All right; I will proceed in that manner and also with the questions we have already set forth.

Mr. SPECTER. Yes; and then we'll supplement them to cover the additional topics which have not yet been included.

Mr. HERNDON. All right, Mr. Ruby, do you feel all right to continue with this?

Mr. RUBY. Yes; I am ready.

Mr. HERNDON. Very fine. I will hook this up and go over these questions and I'll just read them out to you and you just speak up if there is one you want to rephrase.

Mr. RUBY. Go ahead.

Mr. HERNDON. "Did you see the armored truck before you went to the basement?"

Mr. RUBY. No.

Mr. HERNDON. "Did you enter the police department through a door at the rear on the east side of the jail?"

Mr. RUBY. No.

Mr. HERNDON. "After talking to Little Lynn, did you hear any announcement that Oswald was about to be moved?"

Mr. RUBY. No.

Mr. HERNDON. "Before you left your apartment Sunday morning, did anyone tell you the armored car was on the way to the police department?"

Mr. RUBY. No.

Mr. HERNDON. Those are your main questions, and I will ask you some of these other routine questions.

Mr. RUBY. All right; go ahead.

Mr. HERNDON. "Do you have any brothers?"

Mr. RUBY. Yes.

Mr. HERNDON. "Do you have any sisters?"

Mr. RUBY. Yes.

Mr. HERNDON. "Have you answered all questions truthfully?"

Mr. RUBY. Yes.

Mr. HERNDON. Now, here's a question I want to go over with you very carefully. "Did you ever hit anyone with any kind of weapon?"

Mr. RUBY. Yes.

Mr. HERNDON. All right; I'll give you an opportunity now to explain that to me. This is for my purposes of the examination.

Mr. RUBY. Well, in running a—in my business, when you get somebody with a—it's a very exciting business. One particular night a man pulled a knife on me and I took a pistol and hit him on the head in that altercation, and sometimes you get fellows with real bad rough reputations. They're real toughs. There's no question about it, and being in my type of business for a livelihood, the only way you can—of course, I do call the law enforcement officers. At that particular moment, it's my life or theirs, and some of these men are pretty powerful physically, and I fought in every way possible, with my fists and everything else—but to minimize the various troubles I had, where there would be an altercation or something come up, I'd tell them to leave, and of course, something would happen and they would go from here—whatever it is. It happened a few times where I would pummel a few of these men.

Mr. HERNDON. I understand, Mr. Ruby, but all of these incidents that you recall are in connection with your operating this club?

Mr. RUBY. Yes; they are at the club. These boys are real bad boys and they all have records, and they're pretty tough guys. Will you agree with something on that?

Mr. ALEXANDER. That's right.

Mr. HERNDON. Then, on the actual test, I'm going to ask you this question: "Other than what you've told me, did you ever hit anyone with any kind of weapon?"

Mr. RUBY. I don't follow—"Other than what you've told me?"

Mr. HERNDON. In other words, other than your being the owner of a nightclub, which because of the type of customers you occasionally have, you would have to use some force, perhaps hit a customer or hit someone in your club?

Mr. RUBY. Yes.

Mr. HERNDON. Have you ever been involved in any other situation where you actually struck at somebody with a weapon? "Weapon" here I'm referring to as a gun, club, or knife or anything that would be other than just a normal fist-fight.

Mr. RUBY. Yes; that happened, but that was before I got in this trouble. This man threatened to kill me and was going to go for his gun, and I was nice enough to have him stay at my place and he was causing a nuisance in the vicinity of the club, causing brawls and all that and I tried to reprimand him, and a little boy of Italian descent and very gracious, somehow he got very belligerent with me, and I knew he had a car and he said, "I'm going to get my pistol," and there's a funny reaction about that. Once they get you cowered to that extent, then you're doomed, and there's a funny feeling, when I was with him, that you have with them. So, I got my pistol and I cornered him and I called him by his name and I called him a name, and I said, "You're going to kill me, you so-and-

so?" Finally he said, "I was only kidding, I was only kidding," and there's a certain reaction you have and I can't explain it. That's the only time any crime of that sort has ever happened outside of my business.

Mr. HERNDON. Outside of your business?

Mr. RUBY. Yes, sir.

Mr. HERNDON. Then, if I asked you whether or not you told me you ever hit anyone with any kind of weapon, unless something else comes up to your mind, you would answer that "Yes"?

Mr. RUBY. Yes, like if I was a goon or something.

Mr. HERNDON. Yes, a union goon.

Mr. RUBY. A union goon. Right. I haven't been a slugger or anything like that.

Mr. HERNDON. All right, we can go along here Mr. Ruby, and I will hook up the instrument.

(Reporter's note: 6:43 p.m.)

Mr. HERNDON. Will you raise your arms, Mr. Ruby, please? Do you feel comfortable?

Mr. RUBY. Yes.

Mr. HERNDON. Now, lean back. [Attached instruments to Mr. Ruby.]

Mr. RUBY. Have I been evading any of your questions?

Mr. HERNDON. You have been most cooperative—thus far no problems.

Mr. RUBY. But you can't tell how I stand, can you?

Mr. HERNDON. Mr. Ruby, I will want to take a considerable amount of time to review these charts very thoroughly before I come to any conclusion.

Mr. RUBY. How long would it take—how long will it take?

Mr. HERNDON. Well, I can't answer that question with a definite answer. It depends on what I may run into when I study these very carefully back in Washington.

Mr. RUBY. Bill, will I still be around when the answers come back?

Mr. ALEXANDER. Yes.

Mr. RUBY. Raise your right hand and give him your word.

Mr. ALEXANDER. That's right.

Mr. RUBY. Chief, you heard him, did you not, Chief? [Addressing the Chief Jailer Holman.] You and I should live so long.

Mr. HERNDON. Is that comfortable, Mr. Ruby?

Mr. RUBY. Yes.

Mr. HERNDON. Now, I'm not going to ask the questions at this time, I'm just going to readjust the instruments.

Mr. TONAHILL. Let's go, Bill.

Mr. SPECTER. Let the record show that Mr. Alexander and Mr. Tonahill have left the room.

Mr. HERNDON. Do you want to cough, Mr. Ruby?

Mr. RUBY. You want me to?

Mr. HERNDON. Yes.

(Mr. Ruby coughed at this time.)

Mr. HERNDON. All right, are you about ready to begin with this one?

Mr. RUBY. Yes.

Mr. HERNDON. Once again, just repeating instructions, if you will uncross your legs, sir, and put your feet flat on the floor and look straight ahead and answer the questions truthfully "Yes" or "No."

This will be series No. 5. I will let you know when the test will begin. Is there a little pressure on the arm cuff?

Mr. RUBY. Yes.

Mr. HERNDON. Now, Mr. Ruby, look straight ahead. That's fine. Now, just look straight ahead and try not to move, and the test will begin.

(Reporter's note: 6:45 p.m.)

Mr. HERNDON. "Is your last name Ruby?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Did you see the armored car before it entered the basement?"

Mr. RUBY. "No."

Mr. HERNDON. "Do you have any brothers?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Did you enter the police department through a door at the rear on the east side of the jail?"

Mr. RUBY. "No."

Mr. HERNDON. "Do you have any sisters?"

Mr. RUBY. "Yes."

Mr. HERNDON. "After talking to Little Lynn did you hear any announcement that Oswald was about to be moved?"

Mr. RUBY. "No."

Mr. HERNDON. "Other than what you've told me, did you ever hit anyone with any kind of weapon?"

Mr. RUBY. I don't know how to answer that.

Mr. HERNDON. All right, just sit still and relax, sir.

Mr. RUBY. Ask me that again—I got the answer.

Mr. HERNDON. "Other than what you've told me, did you ever hit anyone with any kind of weapon?"

Mr. RUBY. "No."

Mr. HERNDON. "Before you left your apartment Sunday morning, did anyone tell you the armored car was on the way to the police department?"

Mr. RUBY. "No."

Mr. HERNDON. "Have you answered all questions truthfully?"

Mr. RUBY. "Yes."

Mr. HERNDON. All right, that test is over. Just sit still for a moment, and I will now release the pressure on your arm. You can move you left arm and relax.

(Reporter's note: 6:50 p.m.)

Mr. HERNDON. I'm sorry if I gave you any problem on that question.

Mr. RUBY. Yes, because it threw me off again.

Mr. HERNDON. All right, we'll just go over it again as a matter of record. I asked you there, "Other than what you've told me, did you ever hit anyone with any kind of weapon," and you explained that at two different times and that once it was in the club with some people and customers, and another time it was outside the club, and when we bring out other than those, was there any other time you hit anybody with a weapon?

Mr. RUBY. Yes.

Mr. HERNDON. You don't recall any other time, is that correct, Mr. Ruby?

Mr. RUBY. Yes. I thought I said two of them—and I thought it meant with my fists.

Mr. HERNDON. Well, I meant with a weapon, when you actually hit someone with an implement in your hand.

Mr. RUBY. You thought I was feminine, didn't you, Chief? Why did you lock me up in that tank? [Addressing Chief Jailer Holman.]

Mr. HERNDON. Mr. Ruby, when I asked you, "Do you have any sisters?" I asked that in the plural—you have more than one sister?

Mr. RUBY. Yes.

Mr. HERNDON. You have several sisters?

Mr. RUBY. Yes.

Mr. HERNDON. How many sisters do you have?

Mr. RUBY. Four.

Mr. HERNDON. Did anything in particular come to your mind when I asked you that question?

Mr. RUBY. No—not like that other question.

Mr. HERNDON. What question?

Mr. RUBY. The one about "Have you ever been married?"

Mr. HERNDON. Yes, I recall.

Mr. RUBY. Do I sound like a man with an unsound mind to you?

Mr. HERNDON. As I said before, Mr. Ruby, I'm not qualified to answer that question.

Mr. RUBY. Oh—oh.

Mr. HERNDON. You have been cooperative as far as answering my questions and proceeding with the examination.

(At this point Mr. Specter left the room and shortly thereafter Messrs. Alexander and Tonahill returned to the room.)

Mr. HERNDON. We can proceed and move pretty fast as soon as Mr. Specter comes back. Just sit and relax. Would you like me to take any of these things off?

Mr. RUBY. No, no.

Mr. HERNDON. Are you comfortable?

Mr. RUBY. You're not going to ask me any more questions? Do you want to go through that stuff there?

Mr. HERNDON. I think I had better wait for Mr. Specter to be here. I don't want to proceed without him. Can I get you a drink of water?

Mr. RUBY. No. Can we talk about certain things?

Mr. HERNDON. I suggest you wait until Mr. Specter returns.

Mr. RUBY. Is there anything on your mind, Bill, off the record?

Mr. ALEXANDER. I think with that Cuban thing cleared up and with an opportunity to answer a question on that—

Mr. RUBY. How about the underworld?

Mr. ALEXANDER. Well, he's going to ask you that, if he hasn't already.

Mr. RUBY. There were a lot of phone calls, as you recall. I'm sure you know that and there should be a specific way to ask me—"What was the purpose of all those calls?"

Mr. ALEXANDER. Well, you see, that wouldn't record on the machine. The question would have to be, "Did any telephone calls have any connection with the shooting of Oswald?"

Mr. RUBY. Yes, but still, when you have so many calls, you still want to know why you called people.

Mr. ALEXANDER. Well, all your telephone calls were either business or personal, weren't they?

Mr. RUBY. That's right, and the other question you asked about Oswald—you know?

Mr. ALEXANDER. "Did any of these calls have any connection with the shooting of Oswald?"

Mr. RUBY. No. How about my trip to Havana?

Mr. ALEXANDER. Has that been asked yet?

Mr. HERNDON. That hasn't been asked.

Mr. ALEXANDER. "Did your trip to Havana have any connection with the shooting of Oswald, however remote?"

Mr. RUBY. Have I ever had any business dealings—I want them to know my relationship.

Mr. ALEXANDER. "Have you ever had any political or business connection with Castro or Cuba?"

Mr. RUBY. That's a good question. Or, why did I make that trip to Havana?

Mr. ALEXANDER. "Was your trip to Havana personal or business?" I think that's overlapping that Cuban deal.

Mr. RUBY. Yes, but here's the thing. When people ask me—they say, "Jack, you went to Havana, Cuba" and I say, "I went there for a vacation." They say, "How long did you stay?" When I say, "8 days,"—you somehow have got to answer specifically that it was a vacation, because a person can be very evasive and say he went for a vacation but yet had other dealings there.

Mr. ALEXANDER. "Was your trip to Havana purely for vacation and pleasure?"

Mr. RUBY. That's right.

Mr. ALEXANDER. Jack, my memory is just vague—you've never been to Mexico?

Mr. RUBY. I never have been to Mexico, but Bill, you know a lot of questions to ask me, I'm sure you know, that I'd like to get cleared up.

Mr. ALEXANDER. Well, you never have been interested in politics, as far as I know?

Mr. RUBY. What I was doing down at that News Building—what was I doing down there Friday—I want that question asked.

(At this point Mr. Specter returned to the room.)

Mr. TONAHILL. That's kind of a belabored question, Jack?

Mr. RUBY. Joe, you don't believe that.

COURT REPORTER. I want to be sure I heard Mr. Ruby's answer to Mr. Alexander's question a little while ago?

Mr. RUBY. You want to hear that again?

COURT REPORTER. I didn't quite hear your answer to Mr. Alexander's question, "Did any of these calls have any connection with the shooting of Oswald?"

MR. RUBY. Oh, you're taking down what I'm saying? I didn't know you were taking that down.

MR. SPECTER. Yes; we're taking everything down.

MR. RUBY. Oh—well, give me the question again.

COURT REPORTER. This was when Mr. Alexander asked you, "Did any of these calls have any connection with the shooting of Oswald?" and what was your answer to that question?

MR. RUBY. No.

COURT REPORTER. Thank you.

MR. RUBY. Are you putting down the questions I've been asking myself?

COURT REPORTER. Yes; everything you've been saying.

MR. RUBY. Voluntarily—correct?

COURT REPORTER. Oh, yes. Just like you say them.

MR. RUBY. Okay.

MR. SPECTER. We are putting it down in the record, Mr. Ruby, just like you're saying it.

Odell, can you bring me up-to-date, I've been out of the room.

COURT REPORTER. Mr. Alexander has been asking him certain questions that might be asked about—

MR. RUBY. About that Havana, Cuba trip.

COURT REPORTER. And had he been to Mexico, and had he been in politics, and Mr. Alexander said to his knowledge he had not been interested in politics, and the purpose of his trip to Cuba, whether it was for business or pleasure, and I believe that is what was covered.

MR. RUBY. The most important question—you haven't asked me yet—why did I shoot Oswald?

MR. ALEXANDER. Jack, they can't ask that kind of question for this machine. They can only ask you—was it for a certain purpose. It has to be a "Yes" or "No" answer.

MR. RUBY. The point is—if I was carried away emotionally, and because I felt that, it sounds so unbelievable. Why shouldn't I be asked a question—why—what motivated me to do it?

MR. SPECTER. Mr. Ruby, answer now the question, "Why did you shoot Oswald?" and then we will turn that around into a question to ask you for a "Yes" or "No" answer.

MR. RUBY. At the particular moment, after watching television all that—

MR. FOWLER. Jack, let me interject right now, again, as your attorney—I advise you not to answer this question.

MR. RUBY. Clayton, I'm sorry, I've got to answer it. I've got to, because, believe me, it means an awful lot to me. I didn't want—I felt so carried away—that at that particular time of the great tragedy, I felt somehow in my little bit of a way I could save Mrs. Kennedy the ordeal of coming back for trial here.

MR. SPECTER. All right, fine, Mr. Ruby. That's the same answer to that general question that you gave when the Commission heard your testimony, and we shall phrase that in an appropriate question for the polygraph examination. Now, will you proceed, Mr. Herndon, with our next series, please?

MR. HERNDON. Do you want me to rehearse the ones that are prepared?

MR. SPECTER. Yes; just our prepared series, and we will take these in a sequence and we will cover everything else later.

MR. HERNDON. All right, I'll go over these for you again, Mr. Ruby, so that you understand the intent of the question and what it means.

"Did you get a Wall Street Journal at Southwestern Drug Store during the week before the assassination?"

MR. RUBY. No.

MR. HERNDON. "Was the Wall Street Journal addressed to a Mr. Bradshaw?"

MR. RUBY. I don't know.

MR. HERNDON. Well, that one, we're going to have to rephrase. "Do you know if the Wall Street Journal was addressed to Mr. Bradshaw?"

Mr. RUBY. I haven't read a Wall Street Journal in the longest time—in years, probably.

Mr. HERNDON. Do you wish to keep that question in, Mr. Specter?

Mr. TONAHILL. Jack, was there a man named Bradshaw, your landlord?

Mr. RUBY. No; Houston Nichols was my landlord, but I know a Bradshaw. He used to be in the pinball game machine business.

Mr. TONAHILL. A jukebox man?

Mr. RUBY. Yes; everybody knows him.

Mr. SPECTER. What is his first name, Mr. Ruby?

Mr. RUBY. I don't know, but he owned a liquor store and he's a pretty successful businessman.

Mr. SPECTER. Was a Wall Street Journal addressed to Mr. J. E. Bradshaw, dated November 16, 1963, in your car at any time?

Mr. RUBY. No, sir.

Mr. SPECTER. Have you ever heard of any such Wall Street Journal having been found in your car?

Mr. RUBY. No.

Mr. SPECTER. We will rephrase that question too. Let's try this: "Do you have any knowledge of a Wall Street Journal addressed to Mr. J. E. Bradshaw being found in your car?"

Mr. RUBY. No; did they find one somewhere in my car?

Mr. SPECTER. Proceed, please, Mr. Herndon.

Mr. HERNDON. "Did you or any of your friends telephone the FBI in Dallas between 2 or 3 a.m. Sunday morning?"

Mr. RUBY. How could I—I was incarcerated? Oh, Sunday morning?

Mr. HERNDON. Some people might refer to that as Saturday night.

Mr. RUBY. I don't know. I know I went to bed about 1:30, so I can't answer that.

Mr. SPECTER. Make that "To your knowledge"—

Mr. RUBY. No.

Mr. SPECTER. "To your knowledge, did any of your friends"—do so and so?

Mr. HERNDON. I think in that way you should be able to answer "Yes" or "No". "Did you or any of your friends telephone the sheriff's office between 2 or 3 a.m. Sunday morning?"

Mr. RUBY. No.

Mr. HERNDON. Again, I can rephrase that—"To your knowledge—" if you wish?

Mr. SPECTER. Make it—"Did you or any of your friends, to your knowledge, phone the sheriff's office?"

Mr. RUBY. No.

Mr. HERNDON. And then, some of these questions I will ask you again here, such as, "Did you previously live in San Francisco?"

Mr. RUBY. Yes.

Mr. HERNDON. I understand you did.

I'm going to ask you this question, which will help me, and that is, "In your dealings, Mr. Ruby, as a nightclub operator, at any time have you ever overcharged a customer?" I assume there are some times when you probably are at the cash register, is that correct, and you are handling the transaction of money with customers or with the bills.

Mr. RUBY. No.

Mr. HERNDON. You understand what I mean by "overcharge"?

Mr. RUBY. We have a very lucrative business in champagne there, the kind of business that—Bill Alexander knows about it—they get merchandise received for what they get. It's quite lucrative and that's one way you can survive, I guess.

Mr. HERNDON. I'll just simply ask the question, "Did you ever overcharge a customer?"

Mr. RUBY. No.

Mr. HERNDON. I'll probably ask you questions for your identity, like "Is your name Jack Ruby?" at the beginning of these series.

Mr. RUBY. Yes.

Mr. HERNDON. Let's see, gentlemen, I believe we've gone over all these questions,

and I'm going to ask you also as a matter of record on the test—are you tired?

Mr. RUBY. No; as a matter of fact, I'm feeling my best right now.

Mr. HERNDON. You feel all right.

Those are the questions we're going to ask.

(Reporter's note: 7:05 p.m.)

Mr. SPECTER. Let the record show that Mr. Alexander and Mr. Tonahill left the room.

Mr. HERNDON. All right, Mr. Ruby, I'll get this machine to going again, and we will get started on series No. 6. Mr. Ruby, could you sit up a little straighter? When you slouch over like that, I'm not getting the tracing I want on the reading. Now, that's much better. [At this time Mr. Herndon snapped his fingers.] Look straight ahead again, Mr. Ruby.

Mr. RUBY. All right.

Mr. HERNDON. I will let you know when I'm going to start the test, and if you will answer the questions again, simply and truthfully, "Yes" or "No."

If I come to any one of these that you feel like you are not sure how to answer it and you don't want to answer it "Yes" or "No," once again just refrain from talking and we will discuss the question at the end of the series.

Mr. RUBY. All right. I'll remain silent, huh?

Mr. HERNDON. Yes; remain silent.

(Reporter's note: 7:08 p.m.)

Mr. HERNDON. The test will now begin.

"Is your name Jack Ruby?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Did you get a Wall Street Journal at the Southwestern Drug Store during the week before the assassination?"

Mr. RUBY. "No."

Mr. HERNDON. "Are you tired?"

Mr. RUBY. "No."

Mr. HERNDON. "Do you have any knowledge of a Wall Street Journal addressed to Mr. J. E. Bradshaw?"

Mr. RUBY. "No."

Mr. HERNDON. "Did you previously live in San Francisco?"

Mr. RUBY. "Yes."

Mr. HERNDON. "To your knowledge, did any of your friends or did you telephone the FBI in Dallas between 2 or 3 a.m. Sunday morning?"

Mr. RUBY. "No."

Mr. HERNDON. "Did you ever overcharge a customer?"

Mr. RUBY. "No."

Mr. HERNDON. "Did you or any of your friends to your knowledge telephone the sheriff's office between 2 or 3 a.m. Sunday morning."

Mr. RUBY. "No."

Mr. HERNDON. I think that series is over and I will release the pressure.

(Reporter's note: 7:10 p.m.)

Mr. RUBY. Are they that important—those questions? I know more important ones than that. Of course—I'm kidding.

Mr. HERNDON. We have some more coming.

Mr. Ruby, has a customer by any chance ever claimed that they were overcharged at your place? Have you ever had any problems along that line?

Mr. RUBY. Oh, yes—we have problems with waitresses and big bills.

Mr. HERNDON. Other than what you told us about the Wall Street Journal, is there anything else that came to your mind with regard to this Wall Street Journal question?

Mr. RUBY. As a matter of fact, the question you asked me is so foreign to me—

Mr. HERNDON. In other words, you are completely unaware of the Wall Street Journal situation?

Mr. RUBY. I don't know how it ever came to be there.

Mr. HERNDON. That completes that series.

(Reporter's note: 7:12 p.m.)

Mr. SPECTER. Let the record show that Mr. Tonahill and Mr. Alexander returned to the room.

Would you now proceed, Mr. Herndon, to the next series, and we'll go through those as rapidly as you can.

Mr. HERNDON. Mr. Ruby. I'll just read these right down the line, and if you have any question, then interrupt me. Otherwise, I'll just keep going.

Mr. RUBY. All right.

Mr. HERNDON. "Do you intend to answer the questions truthfully?"

Mr. RUBY (no response).

Mr. HERNDON. "Did you go to the Dallas police station at any time on Friday, November 22, 1963, before you went to the synagogue?"

Mr. RUBY. No.

Mr. HERNDON. "Do you attend the synagogue regularly?"

Mr. RUBY. No—not of late, because of my businesses and my sister was ill and I had to help at both places—I had to run both places.

Mr. HERNDON. All right, if you feel it is proper, you can answer that question.

Mr. RUBY. This was a special occasion, this Friday night—I wanted to go there because of this tragedy happening.

Mr. HERNDON. Very fine. The way I mean that question is—do you attend the synagogue regularly and at every usual service?

Mr. RUBY. Well, yes—on high holidays and when my father passed away, I went there consistently for 11 months; morning and evening.

Mr. HERNDON. "Did you go to the synagogue that Friday night?" Now, "that Friday night"—you know the night we're talking about?

Mr. RUBY. Friday night.

Mr. HERNDON. The night of the assassination?

Mr. RUBY. Yes.

Mr. HERNDON. I'm going to ask you this question—it's simple and short: "Do you pray?"

Mr. RUBY. Not now, because it's hopeless. I did.

Mr. HERNDON. You can answer it "Yes" or "No" when the question comes.

Mr. RUBY. Pardon me—I take it back—I do pray. I say certain prayers.

Mr. HERNDON. "Did you see Oswald in the Dallas jail on a Friday night?"

Mr. RUBY. Yes.

Mr. HERNDON. "Were you at one time employed by a union?"

Mr. RUBY. Yes.

Mr. HERNDON. "Did you have a gun with you when you went to the Friday midnight press conference?"

Mr. RUBY. Let's have that again?

Mr. HERNDON. "Did you have a gun with you when you went to the Friday midnight press conference?"

Mr. RUBY. You mean at the police station? No.

Mr. HERNDON. Just so we have it clear—what we mean here is—

Mr. RUBY. You mean in my possession?

Mr. HERNDON. Yes.

Mr. SPECTER. Could you insert in there—"at the jail"—"Did you have a gun with you when you went to the Friday midnight press conference at the jail?"

Mr. ALEXANDER. If you put it in his car or on his person. I think he can answer it better.

Mr. RUBY. No—because I recall when I first said I did, and then I changed it later.

Mr. HERNDON. Mr. Ruby, so you understand what I mean when I say "Did you have a gun with you?" I mean on the person.

I'm going to ask this question which one of the gentlemen recommended, and it is, "Have you told the Warren Commission the entire truth?"

Mr. RUBY. Yes; and I may have left out certain things because I was a little—I wasn't as calm as I am now, so in reality, certain things I could have said, I'm sure in my frame of mind now I would be able to do it better, but I told the truth at the time.

Mr. SPECTER. Perhaps we could rephrase it and say, "Is everything you told the Warren Commission the truth?"

Mr. RUBY. Yes; I can say that.

Mr. HERNDON. The question will be then, as Mr. Specter put it, "Is everything you told the Warren Commission the entire truth?"

Mr. RUBY. Yes, sir.

Mr. HERNDON. Any questions, Mr. Ruby?

Mr. RUBY. No.

Mr. HERNDON. Fine; I will proceed.

(Reporter's note: 7:15 p.m.)

Mr. HERNDON. For the record, this will be series No. 7.

Mr. SPECTER. Mr. Alexander and Mr. Tonahill have now left the room.

Mr. RUBY. I wonder why Mr. Tonahill is here. He's not my attorney. Clayton, is Joe Tonahill representing me?

Mr. FOWLER. Well Jack, in some capacity, I think he is still involved.

Mr. RUBY. Well—yes and no.

Mr. FOWLER. But please don't worry about it at this time. He is here.

Mr. HERNDON. Mr. Ruby, do you mind if I tighten the rubber tube on your chest just a slight bit more?

Mr. RUBY. Make it as tight as you want it. I want to get it right.

Mr. HERNDON. No; I don't want to make it too tight, I want to make it comfortable.

Mr. RUBY (addressing Mr. Holman). Are you coming to work tomorrow? I don't know where you'll find me. How about you, chief?

Mr. HOLMAN. Yes.

Mr. HERNDON. All right, now just breathe naturally and sit up a little bit straighter. That's good. That's fine, Mr. Ruby.

(Reporter's note: 7:15 p.m.)

Mr. HERNDON. Just relax. [At this point Mr. Herndon snapped his fingers twice.]

I will tell you once again when the test will begin. Answer the questions truthfully "Yes" or "No." Try to sit perfectly relaxed and try not to move. Look straight ahead, if you will, Mr. Ruby.

Did you just have a gas pain or something trouble you?

Mr. RUBY. No; nothing.

Mr. HERNDON. All right, relax. We will now begin.

(Reporter's note: 7:18 p.m.)

Mr. HERNDON. "Do you intend to answer these questions truthfully?"

Mr. RUBY. "Yes; I do."

Mr. HERNDON. Just answer the questions "Yes" or "No," please.

Mr. RUBY. OK.

Mr. HERNDON. "Did you go to the Dallas police station at any time on Friday, November 22, 1963, before you went to the synagogue?"

Mr. RUBY. "No."

Mr. HERNDON. "Do you attend the synagogue regularly?"

Mr. RUBY. How can I answer that one?

Mr. HERNDON. Just relax. "Did you go to the synagogue that Friday night?"

Mr. RUBY. "Yes".

Mr. HERNDON. "Do you pray?"

Mr. RUBY. "Yes".

Mr. HERNDON. "Did you see Oswald in the Dallas jail on Friday night?"

Mr. RUBY. "Yes".

Mr. HERNDON. "Were you at one time employed by a union?"

Mr. RUBY. "Yes".

Mr. HERNDON. "Did you have a gun with you when you went to the Friday midnight press conference at the jail?"

Mr. RUBY. "No".

Mr. HERNDON. "Is everything you told the Warren Commission the entire truth?"

Mr. RUBY. "Yes".

Mr. HERNDON. That series is over. Just sit still for a moment, Mr. Ruby, and I will release the pressure on your arm, and you may now move.

(Reporter's note: 7:21 p.m.)

Mr. HERNDON. At the beginning of that series, Mr. Ruby, you displayed a

little nervousness and a little tension. Perhaps it was the question I asked with regard to the synagogue. Did that upset you in any way?

MR. RUBY. Because—you're ashamed to admit you haven't been going regular—yet, you don't want to come out with a blunt answer "No"—it makes you sort of an atheist, and I didn't want to answer it that way, but I do go to the high holidays, but going regular and going to the high holidays are two different ways of going. People that go regular go every Friday night and pretty regular during the week, but my hours were entirely different. I mean—I'm trying to explain that to you.

MR. HERNDON. Yes; that's what I want you to do. Go ahead, sir.

MR. RUBY. I could say "Yes" and I would be lying to you saying "Yes". Anyway, the last couple of years—the last year and a half or 2 years have been very tough to me businesswise and I've stayed pretty close, outside the high holidays.

MR. HERNDON. Did that question disturb you in any regard when I asked, "Did you go to the Dallas police station at any time on Friday——"

MR. RUBY. Yes.

MR. HERNDON. "Before you went to the synagogue?" You did show some reaction, will you tell me that, sir?

MR. RUBY. Because I knew that some man in the trial said I did come down there, and naturally, that came flashing into my mind.

MR. HERNDON. Was this some man at the trial?

MR. RUBY. Yes.

MR. HERNDON. Did he testify?

MR. RUBY. Yes; Mr. John Rutledge. He said I was down there earlier, when I wasn't—and the association of this man came to my mind. Can you ask me that over again?

MR. HERNDON. I don't think I have to, Mr. Ruby. I wanted to get your explanation of why. Did you feel a reaction to that question?

MR. RUBY. Yes; because it's like the Wall Street Journal question—when you asked me that. I get nervous too. When they said they found it in my car, there must be some reason that it was found in my car, when I know I never did see this particular paper.

MR. HERNDON. Well, at this trial Mr. John Rutledge's testimony conflicted with what you had said, is that correct?

MR. SPECTER. Not what he said, Mr. Herndon. He didn't testify.

MR. RUBY. He testified emphatically—it looked like I was trying to find out who this Oswald was, and if I went down there more than once.

MR. HERNDON. I see. You did feel the reaction on that question?

MR. RUBY. Yes.

MR. HERNDON. I think we can proceed on to the next series.

MR. SPECTER. We're now at series 8, correct?

MR. HERNDON. The next series will be 8, correct.

(Reporter's note: 7:23 p.m.)

MR. SPECTER. Let the record show that Mr. Alexander and Mr. Tonahill have returned now.

MR. HERNDON. Are you all right, Mr. Ruby?

MR. RUBY. Yes.

MR. HERNDON. We shall continue, and these are questions we want to put to you for this next series.

"Have you ever knowingly attended any meetings of the Communist Party or any other group that advocates violent overthrow of the Government?"

MR. RUBY. No.

MR. HERNDON. Now, is that question too long for you to answer it clearly?

MR. RUBY. No; no.

MR. HERNDON. Of course, there are two parts there—the Communist Party or any other group that advocates the violent overthrow of the Government—do you understand the question?

MR. RUBY. Yes; very much so.

MR. HERNDON. And then I will ask you, "Did you legally change your last name?"

MR. RUBY. Yes.

Mr. HERNDON. I'm going to ask you again at the beginning of the test, "Is your last name Ruby?" I'm going to ask, "Do you know if any of your immediate family or any close friend is a member of the Communist Party?"

Mr. RUBY. No.

Mr. HERNDON. "Were you in the Army Air Corps?"

Mr. RUBY. Yes.

Mr. HERNDON. "Do you know if any of your immediate family or any close friend is a member of any group that advocates the violent overthrow of the Government?"

Mr. RUBY. No.

Mr. SPECTER. Let's rephrase those, Mr. Herndon. "To your knowledge, is any member of your family——"

Mr. HERNDON. Rather than "Do you know——".

Mr. RUBY. Why don't you put it stronger—ask me the question without—to my knowledge—the answer is "No". When you say—to my knowledge—you leave an opening there.

Mr. TONAHILL. Say—"Is any member of your family a member"——

Mr. SPECTER. We will take that and make it categorical—without the prefix.

Mr. RUBY. In other words, I don't want any opening for any doubt that there is.

Mr. HERNDON. Both those questions I started, "Do you know,"—I'm going to just start the question—"Is any member of your family"—et cetera.

Mr. RUBY. Yes.

Mr. HERNDON. Is that all right with you, Mr. Ruby?

Mr. RUBY. No, no; emphatically.

Mr. HERNDON. Here again, "Is any close friend or any member of your immediate family,"—I will have to change this one. I shall ask the question this way, unless you have reason to object. "Do you know if any close friend or any member of your immediate family ever attended a meeting of the Communist Party?"

Mr. RUBY. In other words, if I say I know they did——

Mr. HERNDON. Do you have knowledge, in other words?

Mr. RUBY. No; not knowledge—you're putting me in a spot there. Repeat it.

Mr. HERNDON. Let me ask this question the way I composed it originally. "Do you know if any close friend or any member of your immediate family ever attended a meeting of the Communist Party?"

Mr. RUBY. Yes. Meaning—I know they didn't.

Mr. HERNDON. That's a very valid point.

Mr. SPECTER. Let's rephrase it then—"Did any member of your immediate family or any close friend ever attend a meeting of the Communist Party?"

Mr. RUBY. No.

Mr. HERNDON. How do you want that, Mr. Specter?

Mr. SPECTER. "Did any member of your immediate family or any close friend ever attend a meeting of the Communist Party?"

Mr. RUBY. No.

Mr. HERNDON. I just had it slightly different. "Did any close friend or any member of your immediate family ever attend a meeting of the Communist Party?" Is that all right?

Mr. SPECTER. That phraseology is satisfactory.

Mr. HERNDON. Now, there's one other question here and this one is a little bit long, and we might want to discuss this question so Mr. Ruby will understand it perfectly. "Do you know if any close friend or any member of your immediate family has ever attended a meeting of any group that advocates the violent overthrow of the Government?"

Mr. RUBY. Yes; I know that they didn't.

Mr. SPECTER. Let's rephrase the question, leaving out the "Do you know"——

Mr. HERNDON. So that it will now be, "Did any—et cetera."

Mr. SPECTER. Yes.

Mr. HERNDON. All right, the question will read: "Did any close friend or any member of your immediate family ever attend a meeting of any group that advocates the violent overthrow of the Government?"

Mr. RUBY. No.

Mr. HERNDON. Those are the questions, unless Mr. Ruby has some question on them.

Mr. SPECTER. Let the record show that Mr. Tonahill and Mr. Alexander are now out of the room and we may proceed with this series.

(Reporter's note. 7:28 p.m.)

Mr. HERNDON. For the record, this is series No. 8.

All right, Mr. Ruby, I shall now put some pressure in the arm cuff and if you will look straight ahead, sir, and answer the questions truthfully "Yes" or "No," and I will tell you when I am going to begin asking questions.

The test will now begin.

"Is your last name Ruby?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Have you ever knowingly attended any meetings of the Communist Party or any other group that advocates violent overthrow of the Government?"

Mr. RUBY. "No."

Mr. HERNDON. "Did you legally change your last name?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Is any member of your immediate family or any close friend, a member of the Communist Party?"

Mr. RUBY. "No."

Mr. HERNDON. "Were you in the Army Air Corps?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Is any member of your immediate family or any close friend a member of any group that advocates the violent overthrow of the Government?"

Mr. RUBY. "No."

Mr. HERNDON. Look straight ahead, please, sir. "Did any close friend or any member of your immediate family ever attend a meeting of the Communist Party?"

Mr. RUBY. "No."

Mr. HERNDON. "Did any close friend or any member of your immediate family ever attend a meeting of any group that advocates the violent overthrow of the Government?"

Mr. RUBY. "No."

Mr. HERNDON. That series is over. If you will relax, Mr. Ruby, I will release the pressure on your arm.

(Reporter's note: 7:33 p.m.)

Mr. HERNDON. I know these questions were a little long, but I feel that you got the intent of them all right.

Mr. RUBY. Sure; I did.

Mr. HERNDON. That will complete series No. 8.

Mr. SPECTER. Let the record show that we are now going to take a very short recess, and resume in just a few moments.

Mr. HERNDON. Would you like to take this off just a minute and stand up a little bit, unless you prefer me to leave it on?

Mr. RUBY. All right.

(Reporter's note: Recess began 7:33 p.m. During the recess Mr. Fowler and Mr. Ruby conferred out of the hearing of all in the room.)

Mr. SPECTER. It is now 7:55 p.m. and may the record show that we have taken a 20-minute recess and have now reconvened for the last session.

Mr. RUBY. You're not going to ask about the phone calls?

Mr. SPECTER. Those are going to be covered, Mr. Ruby.

Mr. RUBY. I know you are for me, Joe, I know.

Mr. SPECTER. Let us proceed at this point, Mr. Herndon, with the next series of questions.

Mr. HERNDON. Are you tired, Mr. Ruby?

Mr. RUBY. No.

Mr. HERNDON. Do you feel all right?

Mr. RUBY. Fine.

Mr. HERNDON. We shall then continue. I'm going to read off a good number

of questions here, and I'm going to ask them in a series called 9 and a series called 9a.

Mr. RUBY. All right.

Mr. HERNDON. And I'm not going to interject any of these other minor questions. These are all direct questions and I want to make sure that you understand what they are.

Mr. RUBY. Yes.

Mr. HERNDON. "Did you ever meet Oswald at your post office box?"

Mr. RUBY. No.

Mr. HERNDON. "Did you use your post office mailbox to do any business with Mexico or Cuba?"

Mr. RUBY. No. Pardon me—why don't you say, "Did you ever meet him at the post office or at the club?" Wouldn't that be good too?

Mr. SPECTER. We have asked you if you ever knew him before, and now we're focusing on this.

Mr. RUBY. Oh—"How many times did he come up to the club?"—that's something else. Also, somebody said that they saw Tippit, I, this Mr. Lane stated that he saw Tippit, myself, and Oswald at the club—so go ahead, I don't want to throw you off.

Mr. SPECTER. Well, we will add a question there at that point, such as this: "Did you ever meet with Officer Tippit and Oswald at your club?"

Mr. HERNDON. Do you want that "Oswald and" or "or"?

Mr. SPECTER. Yes; we do. Use "and."

Mr. RUBY. The first thing about that post office box—how do we know whether it's really authentic or the man had the box there or not? It could have been placed there at a later date?

Mr. ALEXANDER. It was right, Jack. He had it. I saw the key myself and it had "X" number on the box.

Mr. RUBY. How come it never come out before then? Why didn't it come out still before that?

Mr. ALEXANDER. It did.

Mr. RUBY. No; it didn't come out until a long time—until just recently. It just came out about a week ago.

Mr. ALEXANDER. They just didn't feature it—it was just overlooked. I saw the key that night.

Mr. RUBY. But Bill, I know one thing—I know that box could have been purchased at a later date, after Oswald's death and could make it look like it's close to mine; I know that.

Mr. SPECTER. Well, the situation there isn't really directly germane here.

Mr. RUBY. It looks very bad for me, though, I know that.

Mr. ALEXANDER. No; Jack, I saw the key Friday night.

Mr. SPECTER. We will cover the subject matter here, so you will have a chance under the polygraph examination to cover it.

Mr. RUBY. You probably saw the key, but I know the affiliation with the Government, that you can always get a box at a later date, if you wanted to do that.

Mr. ALEXANDER. Jack, on Friday night that key was photographed, inventoried, and—

Mr. RUBY. What Friday night?

Mr. ALEXANDER. The Friday night of the assassination.

Mr. RUBY. You mean it was known—the number of the box—that Friday night?

Mr. ALEXANDER. Yes, sir; sure was.

Mr. RUBY. Did the public know about it and everybody else?

Mr. ALEXANDER. I'm sure they did.

Mr. RUBY. All right; go ahead.

Mr. HERNDON. I will proceed, Mr. Ruby. "Did you do business with Castro Cuba?"

Mr. RUBY. No.

Mr. HERNDON. "Was your trip to Cuba solely for pleasure?"

Mr. RUBY. Yes.

Mr. HERNDON. "Did you keep \$2,200 in cash on you because you didn't have a chance to get to the bank?" Is that question clear?

Mr. RUBY. Let me go off the record. This is going to be ad libbing, Miss, so can you hold it off on this? Can you hold it off or do you have to put it down?

Court REPORTER. Mr. Ruby, you have to ask that man over there—Mr. Specter.

Mr. RUBY. All right.

Mr. SPECTER. Do you want to go off the record, Mr. Ruby?

Mr. RUBY. Yes.

Mr. SPECTER. All right, off the record at this point.

(Explanation by Mr. Ruby at this point regarding the \$2,200 cash item previously mentioned—off the record.)

Mr. SPECTER. Back on the record. Mr. Ruby, that's a perfectly good explanation, and I think it would be better if we put that on the record as to this point, if it's all right with you.

Mr. RUBY. Yes; but it's too crazy, mixed up, the way I was saying it.

Mr. SPECTER. Well, essentially what you're saying makes good sense. What you're saying is that you don't want to have it in a condition where somebody can levy on it and get ahold of it before your creditors got it.

Mr. RUBY. Well, I had the total cash for both clubs, but then, this was Friday night. Now, knowing my payroll at the Carousel runs to \$1,600 or \$1,400 on a Sunday night, and the Vegas Club on Saturday night because we close Sunday, consequently that money would be absorbed completely in another night or two.

Mr. SPECTER. Mr. Ruby, that makes good sense. I think that in view of what your answer has been, it is preferable for us to put it on the record rather than to have any suggestion that anything that has been off the record is in anyway damaging or that we're keeping anything off the record that ought to be on the record.

Mr. RUBY. Do you want me to go through that again, now? Do you want me to go through what I said to you now?

Mr. SPECTER. That's right. Now, Miss Odell Oliver, will you go on the record with Mr. Ruby now, and since Mr. Ruby has made a brief explanation with regard to the last question, and at my suggestion he is willing to put it on the record, and he will now repeat the substance of what he has previously said.

Mr. RUBY. All right. Due to my sister being ill and away from running the Vegas Club, I had in my possession for both clubs for operation, for payrolls and everything else, et cetera, et cetera.

Just a week prior to that I had purchased a safe which I knew it was necessary to have, and we already had—my maintenanceman had built the forms for the safe, and we wanted further information as to where to place this safe in the club where it would be safest where burglars couldn't get at it. We called a Mr. Joe Cody of the police department to advise us where to place the thing. Consequently the safe had not been placed in cement as yet, and I had been carrying the total amount of cash for both clubs, the total capital, which include my purchases if there were to be any made, and the payroll for both clubs, and any accumulated excise tax money from the beginning of the last quarter for both clubs. So, hence, that money belonged solely to the operation of the Vegas Club and the Carousel.

Mr. SPECTER. Mr. Ruby, then we will rephrase that question to this and simply state—"Have you now told the truth about why you carried \$2,200 in cash?"

Mr. RUBY. Yes; but you have a reason for asking me that—whether that was somebody else's money or something—yes. All that money is specifically in relationship to the operation of both clubs.

Mr. SPECTER. Well, we could rephrase it, "Have you now told the truth concerning why you carried around \$2,200 in cash?" and we will cover the substance of the matter in that question.

Mr. RUBY. In other words, you don't want to leave it in your apartment because somebody might break in, but you feel it's safe, especially if I'm armed anyway, not that I can handle a gun that well, or whatever it may be, but somehow you feel—it's true I had the safe installed because I thought that would be safer to put any of my possessions in. In other words, it's a cash operation. In other words, \$2,200 in one week is a good return anyway.

Mr. HERNDON. I'll proceed, Mr. Ruby, if you are ready?

Mr. RUBY. All right.

Mr. HERNDON. "Did any foreign influence cause you to shoot Oswald?"

Mr. RUBY. No.

Mr. HERNDON. "Did you shoot Oswald because of any influence of the underworld?"

Mr. RUBY. No.

Mr. SPECTER. Now, by the word "foreign" in those questions, Mr. Ruby, we intend to convey to you—by Russia, by Cuba, or by any other foreign government, so that you may understand the full import of that question.

Mr. RUBY. No—but the whole thing was based on—when was the first time you thought of it—in other words, that Sunday morning, so in other words—well, we'll get to that.

Mr. HERNDON. "No" is the answer?

Mr. RUBY. Yes.

Mr. HERNDON. "Did you shoot Oswald because of a labor union influence?"

Mr. RUBY. No.

Mr. HERNDON. I will now rephrase that, if I may. "Did you shoot Oswald because of labor union influence?"

Mr. RUBY. No.

Mr. HERNDON. "Did any long-distance telephone calls which you made before the assassination of the President have anything to do with the assassination?"

Mr. RUBY. No.

Mr. HERNDON. "Did any of your long-distance telephone calls concern the shooting of Oswald?"

Mr. RUBY. No.

Mr. HERNDON. "Did you shoot Oswald in order to save Mrs. Kennedy the ordeal of a trial?"

Mr. RUBY. Yes.

Mr. HERNDON. "Did you know Officer Tippit?"

Mr. RUBY. This is off the record for a minute, please?

Mr. SPECTER. Mr. Ruby, I think it would be unwise for us to go off the record on this question.

Mr. RUBY. Well, all right. There were three Officer Tippits in the police department. I only knew one.

Mr. SPECTER. Was that Officer J. D. Tippit?

Mr. RUBY. He's the one who was slain?

Mr. SPECTER. Yes—Officer J. D. Tippit?

Mr. RUBY. No; I don't think he was the one.

Mr. SPECTER. Did you know Officer Tippit who was slain?

Mr. RUBY. No; I don't know him. You see, I know so many officers and there are three Tippits, but I know one Tippit, and which one that is—if I would see him personally and see his physical features and knowing him—of course, I didn't have time to—I was incarcerated too soon to find out. Actually, the Tippit I knew, who worked at special service in the police department—you know which one I'm talking about, Bill?

Mr. ALEXANDER. Yes; but that's not the one.

Mr. RUBY. I don't know this Tippit.

Mr. ALEXANDER. This boy had always been a radio patrolman.

Mr. RUBY. Well, I don't know that I had ever seen this fellow before—I had never seen him before. I may have seen him before but I didn't know him.

Mr. HERNDON. Mr. Ruby, if I ask a question, "Did you know the Officer Tippit slain?" Can you reasonably answer that truthfully "Yes" or "No"?

Mr. RUBY. No.

Mr. HERNDON. I mean—you can answer it without any problem mentally?

Mr. RUBY. Yes; that's what I mean.

Mr. SPECTER. To state it differently, you are able to answer whether or not you knew Officer J. D. Tippit?

Mr. RUBY. Well, I can't answer "Yes" or "No" and say whether or not.

Mr. SPECTER. Well, I want to be sure that your last answer is responsive so that we are clear.

Mr. RUBY. Well, I gave the answer "No."

Mr. ALEXANDER. Let's put it this way—"Did you know the Tippit that was killed?"

Mr. RUBY. Repeat that question?

Mr. HERNDON. "Did you know the Tippit that was killed?"

Mr. RUBY. No.

Mr. HERNDON. "Did you tell the truth about relaying the message to Ray Brantley to get McWillie a few guns?"

Mr. RUBY. Yes.

Mr. HERNDON. "Did you come out of the assembly room on Friday night to get the telephone number of KLIF?"

Mr. RUBY. Not come out of the assembly room—I went to the assembly room.

Mr. SPECTER. Did you go to the assembly room?

Mr. RUBY. Yes.

Mr. SPECTER. On Friday night—in order to get the telephone number of KLIF?

Mr. RUBY. Yes.

Mr. HERNDON. All right, we want to make that clear. We want to make that correction.

Mr. RUBY. Did you know that was part of my story, did you know that?

Mr. HERNDON. The question will be worded, Mr. Ruby, "Did you go to the assembly room on Friday night to get the telephone number of KLIF?"

Mr. RUBY. Yes.

Mr. HERNDON. That's clear and concise for you?

Mr. RUBY. Yes.

Mr. HERNDON. "Did you ever meet with Oswald and Officer Tippit at your apartment?"

Mr. RUBY. No.

Mr. HERNDON. Here again the Officer Tippit is the one we're talking about that was killed.

Mr. RUBY. Right.

Mr. HERNDON. All right, Mr. Ruby, those are the questions and we will proceed on those.

Mr. SPECTER. Fine. Let's proceed with this series.

Mr. ALEXANDER. What was that last question?

Mr. HERNDON. "Did you ever meet with Oswald and Officer Tippitt at your apartment?"

Mr. SPECTER. Let the record show that Mr. Alexander and Mr. Tonahill have left the room.

Mr. HERNDON. Do you feel all right now, Mr. Ruby?

Mr. RUBY. Yes.

Mr. HERNDON. Are you tired?

Mr. RUBY. No.

(Reporter's note: 8:10 p.m.)

Mr. HERNDON. All right, we can continue. If we may do so, we can save a little time, I'll go ahead and ask you about seven or eight questions.

Mr. RUBY. All right.

Mr. HERNDON. And I'll just stop so that I can let the pressure off your arm.

Mr. RUBY. Don't worry about me. I'm in good shape. The point is—I want to get as much in as we can. I don't want you to miss anything, because there's a lot of pertinent stuff.

Mr. HERNDON. All right, Mr. Ruby, if you will sit back a little bit higher, and if you will uncross your legs. Take a deep breath.

Mr. RUBY. All right.

Mr. HERNDON. And relax and exhale.

For the record, this will be series 9. If you will look straight ahead and answer these questions truthfully "Yes" or "No." We will now begin.

(Reporter's note: 8:12 p.m.)

Mr. HERNDON. "Did you ever meet Oswald at your post office box?"

Mr. RUBY. "No."

Mr. HERNDON. "Did you use your post office mailbox to do any business with Mexico or Cuba?"

Mr. RUBY. "No."

Mr. HERNDON. "Did you do business with Castro-Cuba?"

Mr. RUBY. "No."

Mr. HERNDON. "Was your trip to Cuba solely for pleasure?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Have you now told us the truth concerning why you carried \$2,200 in cash on you?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Did any foreign influence cause you to shoot Oswald?"

Mr. RUBY. "No."

Mr. HERNDON. "Did you shoot Oswald because of any influence of the underworld?"

Mr. RUBY. "No."

Mr. HERNDON. I'm going to stop here a moment, sir, and release the pressure on your arm and you just relax for a moment. Then I shall begin again in a moment.

Mr. RUBY. Okay.

(Reporter's note: 8:15 p.m.)

Mr. HERNDON. Just relax, Mr. Ruby.

Does your arm feel all right?

Mr. RUBY. Fine—I'm all right.

Mr. HERNDON. I will continue this next series of questions and it will be listed as series 9a.

(Reporter's note: 8:17 p.m.)

Mr. HERNDON. We will begin again.

"Did you shoot Oswald because of a labor union influence?"

Mr. RUBY. "No."

Mr. HERNDON. "Did any long-distance telephone calls which you made before the assassination of the President have anything to do with the assassination?"

Mr. RUBY. "No."

Mr. HERNDON. "Did any of your long-distance telephone calls concern the shooting of Oswald?"

Mr. RUBY. "No."

Mr. HERNDON. "Did you shoot Oswald in order to save Mrs. Kennedy the ordeal of a trial?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Did you know the Tippit that was killed?"

Mr. RUBY. "No."

Mr. HERNDON. "Did you tell the truth about relaying the message to Ray Brantley to get McWillie a few guns?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Did you go to the assembly room on Friday night to get the telephone number of KLIF?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Did you ever meet with Oswald and Officer Tippit at your club?"

Mr. RUBY. "No."

Mr. HERNDON. That completes that series. I will release that pressure and you can now relax.

(Reporter's note: 8:20 p.m.)

Mr. HERNDON. You seem to be relaxed and feeling fine.

Mr. SPECTER. Are you ready, Mr. Herndon?

Mr. HERNDON. Yes; that completes that series.

Mr. SPECTER. Mr. Tonahill and Mr. Alexander have returned to the room.

Mr. HERNDON. Shall I go right into the next series?

Mr. SPECTER. Go right into the series. We just did series 9 and 9a, and we are now going to series 10.

Mr. HERNDON. Yes; we just have a few more questions.

Mr. RUBY. That's wonderful, except there are a few things that I think you've left out.

Mr. SPECTER. Yes, Mr. Ruby. If you have additional questions you want asked, we will do our best to cover anything additional when we finish.

Mr. HERNDON. Here are the next questions which I would like to ask you, Mr. Ruby, on the next series. Again, I want to make sure that you understand each and every one of them.

"Were you at the Parkland Hospital at any time on Friday?"

Mr. RUBY. No.

Mr. HERNDON. "Did you say anything at the time you shot Oswald?"

Mr. RUBY. Yes.

Mr. HERNDON. "Have any members of your family been physically harmed because of what you did?"

Mr. RUBY. Not up to this point; no.

Mr. HERNDON. Then, the question can be answered in your mind either "Yes" or "No"?

Mr. RUBY. No.

Mr. HERNDON. You can answer it?

Mr. RUBY. Yes.

Mr. HERNDON. "Do you think members of your family are now in danger because of what you did?"

Mr. RUBY. Yes, sir.

Mr. HERNDON. "Is Mr. Fowler in danger because he is defending you?"

Mr. RUBY. Yes.

Mr. HERNDON. "Did 'Blackie' Harrison speak to you just before you shot Oswald?"

Mr. RUBY. I don't know—so, I'll say "No." Oh, I see what you mean.

Mr. HERNDON. "Did 'Blackie' Harrison speak to you"——

Mr. RUBY. No.

Mr. HERNDON. "Just before you shot Oswald?"

Mr. RUBY. No.

Mr. HERNDON. I realize this is based on your recollection, but if you feel you can answer it "Yes" or "No," fine.

Mr. RUBY. The trouble is I didn't hear any sounds of voices—then, I've got to say "No."

Mr. HERNDON. It's your recollection you don't recall Blackie Harrison speaking to you just before you shot Oswald?

Mr. RUBY. Yes.

Mr. SPECTER. Mr. Ruby, you answered the question "Yes." Did you say something immediately before you shot Oswald?

Mr. HERNDON. I was going to ask that on here and then ask him about that again.

Mr. SPECTER. Yes; but I would like to cover it in advance. What did you say to Oswald, if you don't mind?

Mr. RUBY. I said, "You killed my President, you rat"—something like that. "You killed my" or "our President, you rat."

Mr. SPECTER. I would like then to modify that question, Mr. Herndon. "Did you say anything to Oswald immediately before shooting him, other than, 'You killed our President, you rat' "? If that's not too long, I'd like that.

Mr. HERNDON. Well, just let me sit down and take a good look at that question. (At this point there was a conference between Messrs. Specter, Alexander, and Herndon out of the hearing of others in the room.)

Mr. SPECTER. Mr. Herndon, would you now read the question to Mr. Ruby as we have modified it after consultation.

Mr. HERNDON. Mr. Ruby, the question will be this way: "Did you say anything when you shot Oswald other than that what you testified about?"

Mr. RUBY. No.

Mr. HERNDON. The testifying about was pertaining to those statements that you've just told us here a few moments ago. Do you follow me there?

Mr. RUBY. The statement I made?

Mr. HERNDON. All right, I will proceed with the series again.

Mr. SPECTER. Let's proceed with the series.

May the record show that Mr. Tonahill and Mr. Alexander have left the room.

(Reporter's note: 8:25 p.m.)

Mr. HERNDON. Are you ready to begin now, Mr. Ruby?

Mr. RUBY. Yes.

Mr. HERNDON. All right, if you will uncross your legs and put your feet flat on the floor, please, Mr. Ruby, and are you comfortable?

Mr. RUBY. Yes.

Mr. HERNDON. Will you look straight ahead during the actual asking of the questions.

For the record, this is series No. 10.

(Reporter's note : 8:26 p.m.)

Mr. HERNDON. I notice during the time—all the time I ask you questions, Mr. Ruby, that you close your eyes. If that's a way that you can concentrate, that's perfectly all right.

Mr. RUBY. That's why—if I were guilty of something or if I were trying to evade something, certainly closing your eyes would be less advantageous for you to cover up something. Do you follow me? In other words, closing your eyes means that I do want to tell the truth.

Mr. HERNDON. That's what I want you to do—just concentrate on the question alone and you have to make that decision whether you will answer it "Yes" or "No".

Mr. RUBY. In other words, if I was trying to cover up anything, I wouldn't try to get more of a vision of what you're trying to refer me to.

Mr. HERNDON. All right, if you will look straight ahead now, and sit perfectly still, we will begin, and I will let you know when we're going to ask the first question.

Mr. RUBY. In other words, I'm trying to be more emphatic with the truth when I close my eyes—more than the truth.

Mr. HERNDON. Would you put your complete left hand on that arm rest—that's it.

(Reporter's note : 8:27 p.m.)

Mr. HERNDON. The test will now begin.

"Is your name Jack Ruby?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Were you at the Parkland Hospital at any time on Friday?"

Mr. RUBY. "No."

Mr. HERNDON. "Did you say anything when you shot Oswald other than what you've testified about?"

Mr. RUBY. "No."

Mr. HERNDON. "Have members of your family been physically harmed because of what you did?"

Mr. RUBY. "No." May I interrupt?

Mr. HERNDON. Just sit perfectly still. We will discuss the questions later, Mr. Ruby.

"Do you think members of your family are now in danger because of what you did?"

Mr. RUBY (no response).

Mr. HERNDON. "Is Mr. Fowler in danger because he is defending you?"

Mr. RUBY (no response).

Mr. HERNDON. "Did 'Blackie' Hanson speak to you just before you shot Oswald?"

Mr. RUBY. "No."

Mr. HERNDON. That will conclude that series, and just sit still a moment, Mr. Ruby, and I will let the pressure out. Now, as soon as I shut this off, we will discuss these questions.

(Reporter's note : 8:30 p.m.)

Mr. HERNDON. On that series of questions, Mr. Ruby, you failed to respond or answer one or two of these questions, which I'll give you an opportunity now to make any comment you wish to make about them.

Question No. 5, I asked, "Do you think members of your family are now in danger because of what you did?"

Mr. RUBY. Well, they're always exposed to it, so I don't know how to answer that.

Mr. HERNDON. In other words, you felt it would be difficult for you to say either "Yes" or "No"; is that correct?

Mr. RUBY. That's right; the same way with Fowler. I know when he's representing me, he's putting himself on the spot.

Mr. WOOD. Neither the court reporter nor I got the last name of "Blackie"—exactly.

Mr. HERNDON. I believe I said "Harrison." That's the way I had it in my notes, but perhaps you might have gotten the impression I said "Hanson." You knew who I was talking about, Mr. Ruby?

Mr. RUBY. Yes.

Mr. HERNDON. That's the main thing that you knew exactly who I meant.

Mr. SPECTER. I believe you said "Harrison."

Mr. Ruby, are there any other questions which you would like to be covered with you?

Mr. HERNDON. Excuse me, Mr. Specter, I have one more question here. For my records—he did not respond to question No. 6. If you want, I can go over that and we can discuss that question without any response.

Mr. SPECTER. No; I'd like to discuss that. Mr. Tonahill and Mr. Alexander have already returned to the room, and I would like to discuss that if it's all right with you here. Let the record show that we would like to cover that now.

Mr. HERNDON. Mr. Ruby, on that last series, I asked a question, "Is Mr. Fowler in danger because he is defending you?" You remained silent, which is one of the instructions I gave you, if you so pleased to do. Would you at this time indicate to me why you wanted to remain silent?

Mr. RUBY. Well, No. 1, this is quite a notorious thing, and don't forget, it's just like I specified when Earl Warren was in danger, you know, so he is—in other words, people have a dislike for me, and Mr. Fowler is trying to defend me, and this won't make him too popular a person—too well liked of a person, I should say.

Mr. HERNDON. Then, you just simply didn't want to come out with a "Yes" or "No" answer?

Mr. RUBY. Yes; because I wouldn't know how to answer that.

Mr. HERNDON. All right, Mr. Specter. Thank you.

Mr. SPECTER. Mr. Ruby, do you now have any other questions which you would like us to ask you on this polygraph examination?

Mr. RUBY. Yes; "At what time did I first think of wanting—when was the first time it ever entered my mind that I wanted to commit this act?"

Mr. SPECTER. You mean the shooting of Oswald?

Mr. RUBY. Yes.

Mr. SPECTER. We asked you that.

Mr. RUBY. You did—because if anything prior to that—in other words—

Mr. SPECTER. No; we asked you that very carefully a number of ways and one way was when Mr. Herndon asked you did you think of it on Friday, and you said "No"; did you think of it on Saturday morning—"No"; did you think of it on Saturday evening—"No"; on Sunday morning "Yes,"—so we've covered that very thoroughly.

Mr. RUBY. Have I ever received any monies—we don't need that, do we, for subversive purposes or anything.

Mr. SPECTER. I think we've covered that whole area very carefully.

Mr. RUBY. Now, what about my being present in the News Building that morning? Here—the assassination took place across the street from there?

Mr. SPECTER. Mr. Ruby, I think we have covered that when we asked you if you told the truth on your testimony before the President's Commission, because you went into that on June 7, and that isn't nearly the central issue as the other specific questions we have asked you.

Mr. RUBY. Yes; but if I was in a conspiracy, wouldn't it start off with that point? Oh, yes; they didn't ask me another question: "If I loved the President so much, why wasn't I at the parade?" Is that a very important question to ask?

Mr. SPECTER. We have considered those questions and that was when we reviewed the transcript of your testimony, and quite frankly, we have rejected them as being not important.

Mr. RUBY. You have? I see. Now, isn't it strange—now, I want to tell you something that's noticeable in this part of the country about the poll tax, and there are a lot of other reasons, maybe. I'm reluctant to buy my poll tax in time, and I don't recall whether or not—is this all right to go in the record if I speak?

Mr. SPECTER. You may go on the record with any facet you think is important for the Commission to know about.

Mr. RUBY. And yet, it's strange that perhaps I didn't vote for President

Kennedy, or didn't vote at all, that I should build up such a great affection for him, when everything points against me. For instance, the parade issue I referred to. How can I answer that and still show my sincerity or my feelings and why I was carried away so emotionally to do something like that, that has put me in such serious trouble?

Mr. ALEXANDER. Jack, there's no way to put that on the machine other than to ask you if you told the truth in your testimony; and that's an opinion without concrete facts.

Mr. RUBY. But I don't remember if I got all the testimony in when Warren was here.

Mr. SPECTER. You testify now as to anything you want to add and we can ask you one question at the end and that will be "Have you told the truth in everything you've said here today?" That one question will cover everything you said, so that if any other phase comes to your mind now, let us hear about it.

Mr. RUBY. What I'm trying to bring out is this: It's—and everyone was very much surprised—why should I be carried away so emotionally to commit the act, and yet knowing how I felt and knowing I know I'm telling the truth, how can we bring that point out that I am not sincere in why I did it?

Mr. SPECTER. We can bring that out with the one general question. Now, is there any other topic you would like to testify about and have us check you on your truthfulness?

Mr. RUBY. Yes—whether or not I was ever mixed up with the underworld here or involved in any crime?

Mr. SPECTER. You've been asked that specifically, and you've testified about that.

Mr. RUBY. Yes. You see, I've been in Dallas 17 years and yet suddenly I get involved in a very serious crime and I was very popular with the police department and a lot of other people, and the irony is—it took a complete reverse of that, because of various suspicions, nature, and so on.

I wonder if you follow what I'm trying to bring out? Maybe there's something we can cover in that area.

Mr. ALEXANDER. Jack, let's cover it this way. "Were any of your relations with the police department improper?"

Mr. RUBY. No—you, like doing business or something or other?

Mr. ALEXANDER. Yes?

Mr. RUBY. No—none whatsoever.

Mr. ALEXANDER. Well, would that question cover what you had in mind?

Mr. RUBY. No.

Mr. ALEXANDER. Tell us what you had in mind and then we'll frame the question, because that's an area.

Mr. RUBY. Whether or not I am of criminal background or whether I'm an honest and sincere person, because all those things came out and suspicions came out that Jack Ruby was involved in this and that and leaves a lot of suspicion as to my background and my character. That's very vague, but that's what I'm trying to bring out.

Mr. ALEXANDER. How would this question be? "Are you a police character?"

Mr. RUBY. No.

Mr. TONAHILL. "Are you a 100 percent patriotic American citizen?"

Mr. ALEXANDER. "Are you a law-abiding citizen?"

Mr. RUBY. That's better—that's the question.

Mr. ALEXANDER. "Are you a law-abiding patriotic citizen?"

Mr. RUBY. Yes.

Mr. TONAHILL. "Are you a 100 percent American patriotic citizen?"

Mr. RUBY. Yes.

Mr. HERNDON. That can be asked.

Mr. RUBY. That's very good, because—shall I elaborate on this?

Mr. SPECTER. Yes.

Mr. RUBY. I became closely attached to our beloved President when he gave that wonderful speech when we had our problem in Cuba at that time. That was a very tremendous speech and then I followed him on television and in magazines wherever he went—to Ireland and different places.

Now, Joe asked a very good question. In other words, either you are Ameri-

can or you're half and half or you're indifferent to the way you feel about your country and how much you love it.

When he stated to me a moment ago, "Are you 100 percent American?"—that's the way you feel about your country. I don't know how to state it but first of all, I want to make sure—I've got my flags in both colors—that doesn't show any overt—but inwardly, I'm a very unstable person. I'm very lax in certain details and things, and yet for the emotional feeling and the feeling for giving my life and for loving this country is so great, that I think when you asked me that question, "Are you 100 percent American?" and if I answered the truth, it will greater effect than any other way you can ask me.

Mr. SPECTER. Mr. Ruby, we can cover that one in a specific question, in another general question, on whether you have told the complete truth here today. Are there any other topics which you want to cover?

Mr. RUBY. Oh, yes, sir. Has any of the underworld ever contributed money to me for my clubs, or was I put in here as a front for the underworld or things to that effect. I mean—this has a relationship to criminal intent.

Mr. SPECTER. We've asked you the question if the underworld had any connection with the shooting of Oswald.

Let me now ask you for the record while you are under oath, whether you were put in here by the underworld?

Mr. RUBY. No.

Mr. SPECTER. Did the underworld contribute in any way to the financing of any of your clubs?

Mr. RUBY. None whatsoever.

Mr. SPECTER. Have you had any connection or association in any way whatsoever with the underworld during the past 17 years you've been in Dallas?

Mr. RUBY. Never have.

Mr. SPECTER. Now, we'll ask you in a few moments with Mr. Herndon, whether you've told the truth, and that will be covered—that will cover this underworld question.

Mr. RUBY. Just the one question is enough to cover it?

Mr. SPECTER. Mr. Herndon advises that it is.

Mr. HERNDON. I can ask that question and have it a matter of record.

Mr. RUBY. You see, there are so many things that I know in the minds of the people in Dallas that you're not concerned with, that maybe I was put here as a front of the underworld and sooner or later they will get something out of me that they want done to their advantage.

Everything I have had financed, my brother Earl has contributed the money for or Ralph Paul, a friend of mine, has loaned me money.

Mr. HERNDON. Mr. Specter, if I can interrupt—on some of these questions you are recently discussing here are more or less in the area of emotions and the area dealing with advance psychology or of a psychiatric nature, and although I can ask them if you so wish, they are questions that don't necessarily lend themselves to the polygraph technique.

Unless you can specifically break them down to a clearcut question which could be answered truthfully "Yes" or "No," that involves a specific action or emotion that he can recall in regard to a particular action, then it would not be a good question here.

Mr. SPECTER. I agree with you.

Mr. HERNDON. You see, this 100 percent American type question doesn't necessarily lend itself to polygraph examination.

Mr. SPECTER. I agree with your conclusion, but what we're trying to do now is to cover all of the important substantive questions which I think we have. After Mr. Ruby tells me that he is satisfied with what we have covered, I propose to ask the same question of Mr. Fowler and Mr. Alexander and also Mr. Tonahill, so that we will have covered the subject matter. We will do our utmost to be all-inclusive here, so that whatever effect the polygraph can gage as to Mr. Ruby's truthfulness, we will do so.

Mr. RUBY. Let me put it this way: Here I run a nightclub. I run a nightclub and on Friday this tragic event happens and I get carried away more so than anyone else. Why? Why was I so sick mentally or so carried away?

I immediately replaced my newspaper ads so that I would be closed for those

3 days. This is the ironic part of it, that wouldn't it be a tremendous hoax, or certain people would probably believe it that way, that here's a fellow that didn't vote for the President, closes his clubs for 3 days, made a trip to Cuba, relayed a message from a person—from Ray Brantley—look at circumstantially how guilty I am? If you want to put all these things together? Then, I happen to be down there, which is a million and one shot, that I should happen to be down there at that particular second when this man comes out of whatever it was—an elevator or whatever it was—all these things—plus the fact of the post office box and other rumors that they saw us together at the club—how can we give me the clearance that the ads I put in were authentic, my sincerity, my feeling of emotionalism were sincere; that that Sunday morning I got carried away after reading the article, a letter addressed to Caroline and then this little article that stated Mrs. Kennedy might be requested to come back and face the ordeal of the trial?

Also, if there was a conspiracy, then this little girl that called me on the phone in Fort Worth then is a part of the conspiracy. Do you follow me?

Mr. SPECTER. I understand you, Mr. Ruby, but you have testified about most of this on the prior occasion, such as seeing the article in the newspaper, about the letter to little Caroline and about the necessity for Mrs. Kennedy to return, and we have formulated the questions concerning the major topics which we have of concern and have supplemented those topics in the questions to you. I think in all fairness that we have gone as far as we can on any of the substantive questions, and I want you to be satisfied, and the Commission wants you to be satisfied, and that's why I keep repeating the question—whether you have any other topic. I can see you are trying to recollect something else—so that you will have covered everything in a conclusive way.

Mr. RUBY. Yes.

Mr. SPECTER. As soon as you are satisfied on that, I'm going to ask the other gentlemen a question, as I say, and as a matter of fact, I can do that now while you are still thinking.

I will ask Mr. Fowler if there is any other question that he would like to have asked of you at this time?

Mr. FOWLER. Sir, I know of no other questions that could be asked at this time.

Mr. SPECTER. Mr. Tonahill, do you have any other questions you would like to have asked?

Mr. TONAHILL. No, I don't. I think it has been very, very comprehensive. From my knowledge of the background, I think if you asked Jack if he went to the Dallas Morning News that morning to attend to business and protested vigorously the ad insulting President Kennedy, if he protested because he's a 100 percent patriotic American citizen, I think he would tell you "Yes" and he would be telling the truth.

I think if you asked him why he went out about 4 o'clock in the morning with George Senator and Larry and took that picture of the sign—

Mr. RUBY. Don't mention anything about that—we're in a bad spot down here because of that.

Mr. TONAHILL (continuing). Of Chief Justice Earl Warren, he would tell you that he did it because he was going to turn it over to the FBI and some attorneys, because he thought it was un-American and he did it because he's a 100 percent patriotic American citizen, and he's telling the truth.

Mr. RUBY. I also went over to the post office to check on the box.

Mr. TONAHILL. The same thing on the box—to see there if the post office numbers on the sign and in the newspaper ad meant the same person was behind it, which would be the John Birchers and Communists both, and he wanted to do something about it because he's a 100 percent patriotic American citizen, he would be telling the truth.

Mr. RUBY. I didn't know about the ad—you're talking about the ad against President Kennedy?

Mr. TONAHILL. Yes.

Mr. RUBY. I didn't refer to the John Birch—with reference to that.

Mr. TONAHILL. He wanted to see if they were connected together—the same people.

Mr. RUBY. I didn't mention the term "John Birch." I just said, "I wonder who could have placed that ad in there?"

Mr. TONAHILL. That's all I have.

Mr. SPECTER. Mr. Alexander, do you have any questions to ask?

Mr. ALEXANDER. I have no questions to ask. I think it has been most comprehensive.

Mr. SPECTER. Mr. Ruby, did you go to the Dallas Morning News to protest the advertisement that made derogatory statements about President Kennedy?

Mr. RUBY. No; I went there to place my ad, because my business is very—it's very important that I'm there on the weekend, in the first place. My business is conducted on a cash basis, and you can't place your ads unless you are there to pay for them.

Mr. SPECTER. You testified to that before?

Mr. RUBY. Yes; I did.

Mr. SPECTER. Did you make any comment about the newspaper advertisement which contained derogatory references to President Kennedy?

Mr. RUBY. We spoke about it up at the Morning News there, and I didn't want to make anything there about it because I knew they accepted it. They accepted the ad. It would be rather embarrassing to say something to them because they were responsible. The phones were ringing off the desks with people canceling various ads and so on, but I did make—I went to the Turf Club—that's where I got all hepped up about it—over at the Turf Lounge, and I went to the post office to find out who was it that placed that ad, you know, and how it came about.

Mr. SPECTER. Are you satisfied then, Mr. Ruby, if we ask you one more question on the polygraph, specifically, "Has all the information which you have testified to today been the truth, the whole truth, and nothing but the truth?"

Mr. RUBY. Plus the fact that I do want to get in my feeling for Americanism and how I felt, because—remember—there may be unseen persons that may not believe in my sincerity, so I want that specifically asked—how I feel about my country I live in and so on, unless it's repeating something. Is it?

Mr. SPECTER. Well, we will ask it of you again so that there's no question about. We will formulate the question, "Do you consider yourself to be a 100 percent American patriot?"

Mr. RUBY. Yes.

Mr. SPECTER. And then we'll ask the general question about whether every bit of information you've given us today has been the whole truth?

Mr. RUBY. Yes.

Mr. SPECTER. All right, will you proceed, Mr. Herndon and ask those two questions.

Mr. RUBY. One more thing—shouldn't you ask me, or isn't it necessary, why I suddenly was so carried away to get involved in this serious crime?

Mr. ALEXANDER. Jack, that won't work on the machine.

Mr. SPECTER. We have to ask you a "Yes" or "No" question, and we've already covered that by asking you the question about Mrs. Kennedy—whether you didn't shoot Oswald to avoid having her come to trial.

Mr. RUBY. Yes; that covers that.

Mr. SPECTER. That covers that subject.

Mr. RUBY. In other words, I can't answer that truthfully and have another reason for doing it; is that correct?

Mr. SPECTER. Correct.

Mr. RUBY. That would answer that?

Mr. SPECTER. Yes. We've asked you all the reasons——

Mr. RUBY. But you don't ask me why I did it, though? Why I was carried away so much—you don't ask me that.

Mr. SPECTER. We did ask you—we asked you "Why did you shoot Oswald?"

Mr. RUBY. But you don't ask me why I got carried away so?

Mr. SPECTER. Well, it's the same question.

Mr. RUBY. Oh, it's the same question.

Mr. SPECTER. This is the same question—in the form of: "Did you do it in order to save Mrs. Kennedy the travail of a trip to Dallas?" That subject matter has been covered as comprehensively as we can through the polygraph.

Now, will you proceed, Mr. Herndon, and ask those final questions?

Mr. HERNDON. I would like to proceed with, "Are you Jack Ruby?"

Mr. SPECTER. That's fine—that's your line.

Mr. HERNDON. Then, I'll ask you, "Do you consider yourself to be a 100 percent American patriot?"

Then, what was the last question you wanted asked, Mr. Specter?

Mr. SPECTER. "Is all of the testimony given by you today the complete truth?"

Mr. HERNDON. I think I can ask those questions now.

Mr. Ruby, does this noise disturb you right now, are you conscious of it or aware of it [referring to audible conversations between other jail occupants outside this room]?

Mr. RUBY. I hear it.

Mr. HERNDON. Are you all right?

Mr. RUBY. Yes.

Mr. HERNDON. Are you tired?

Mr. RUBY. No; I'm all right.

Mr. HERNDON. Are you getting a little tired?

Mr. RUBY. I'm all right.

Mr. HERNDON. I'll ask you just these last few questions. Would you once again kindly put your feet flat on the floor, and let's put these back so you will be comfortable.

(Reporter's note : 8:55 p.m.)

Mr. HERNDON. I will have to wait for the instrument to warm up just a second. This will be series No. 11.

(Mr. Herndon snapped his fingers one time.)

Mr. HERNDON. Are you ready to proceed?

Mr. RUBY. Yes.

Mr. HERNDON. I'll just ask these three questions, and once again, these are more or less summation questions here, and I want you just to relax and answer them simply, "Yes" or "No."

The series will now begin.

"Are you Jack Ruby?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Do you consider yourself to be a 100 percent American patriot?"

Mr. RUBY. "Yes."

Mr. HERNDON. "Has all the testimony given by you today been the complete truth?"

Mr. RUBY. "Yes."

Mr. HERNDON. The series is over.

(Reporter's note : 8:59 p.m.)

Mr. HERNDON. I have no questions, Mr. Specter.

Mr. SPECTER. Thank you. That concludes the polygraph examination.

Mr. HERNDON. Now, I will take all this paraphernalia off of you, Mr. Ruby.

Mr. SPECTER. I would like to have you sign your name about 10 times, for us, Mr. Ruby, and would you put the date on this for us too? The date is July 18, 1964.

Mr. RUBY. Let me have my glasses, Joe.

Mr. TONAHILL (handed glasses to Mr. Ruby).

Mr. SPECTER. And now would you write the sentence at the bottom, "Now is the time for all good men to come to the aid of their country."

Mr. RUBY (complied with request of Mr. Specter).

Mr. SPECTER. Now, would you skip down and write that again. I would like for you to write that three times in all, and you might sit down and take a chair and do so.

Mr. RUBY (complied with request of Mr. Specter).

Mr. SPECTER. Very good.

Mr. RUBY. What time is it?

Mr. HERNDON. It's 9 o'clock.

Mr. SPECTER. I have five after nine—Dallas, Tex., time.

Mr. RUBY. Joe, are you going to do what I asked you to?

Mr. TONAHILL. I'm going to do my best. You know me well enough to know that I'm going to do my best.

Mr. RUBY. I know you well enough.

Mr. HERNDON. You were very cooperative, Mr. Ruby.

Mr. TONAHILL. Goodbye, Jack. Good to see you.

Mr. RUBY. You're going to do what I ask you to do?

Mr. TONAHILL. I'm going to do my best. I told you I would. Everything I do is for your best interest and I have worked awful hard.

Mr. RUBY. I know. You are a big man and I know how big you can be.

Mr. TONAHILL. I'm going to do my best, like I said, and not let anything under the sun happen.

Mr. RUBY. You know what I'm talking about?

Mr. TONAHILL. I know exactly what you're talking about.

(Before leaving the room Mr. Ruby conferred briefly with Messrs. Tonahill and Alexander out of the hearing of others in the room, and departed with Chief Jailer Holman at 9:07 p.m.)

TESTIMONY OF DR. WILLIAM ROBERT BEAVERS

The testimony of Dr. William Robert Beavers was taken at 9:10 p.m., on July 18, 1964, at the Dallas County Jail, Dallas, Tex., by Mr. Arlen Specter, assistant counsel of the President's Commission. Present were: Bell P. Herndon and W. James Wood, special agents of the FBI; Clayton Fowler and Joe H. Tonahill, counsel for Jack Ruby; William F. Alexander, assistant district attorney for Dallas County, Tex.; and E. L. Holman, chief jailer.

Mr. SPECTER. May the record show that it is 10 minutes after 9 p.m. and that Mr. Ruby has departed in the custody of Chief Jailer E. L. Holman and that we are reconvening for the purpose of taking testimony from Dr. William Robert Beavers at the request of Mr. Fowler and Mr. Tonahill.

Dr. Beavers, would you stand and raise your right hand, please? Do you solemnly swear that the testimony you shall give in this proceeding before the President's Commission on the Assassination of President Kennedy shall be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. BEAVERS. I do.

Mr. SPECTER. Will you be seated please, and state your full name for the record.

Dr. BEAVERS. William Robert Beavers.

Mr. SPECTER. What is your occupation or profession, please?

Dr. BEAVERS. I am a psychiatrist and physician.

Mr. SPECTER. Would you set forth your home and office addresses, please?

Dr. BEAVERS. Yes. My home address is 4071 Northlawn Drive, Dallas. My office is at 3911 Maple, Dallas, which is Woodlawn Psychiatric Hospital.

Mr. SPECTER. Would you describe briefly your educational background, please?

Dr. BEAVERS. Yes, I finished medical school here at Southwestern in Dallas in 1953, interned in Wayne County General Hospital in Eloise, Mich. I had a fellowship in pharmacology in 1954-55, spent 2 years in the Air Force in the Arctic in research and returned; I was an assistant professor of pharmacology for 3 years and during that time I took a year of internal medicine at St. Paul's Hospital here in Dallas. Following this in 1960 I entered a residency in psychiatry at Southwestern here in Dallas and completed the residency in 1963. Following this, I went back on the faculty of the Medical School as assistant professor of psychiatry.

Mr. SPECTER. And, do you hold the latter position at the present time?

Dr. BEAVERS. That's correct.

Mr. SPECTER. Are you a member of any accredited psychiatric societies?