

Mr. KASS. Let's reserve the control questions for a moment. Are you satisfied, in your operation of the polygraph, that you are getting so-called normal responses from the person, so when you ask a relevant question you will obtain a significant deviation?

Mr. HERNDON. I believe so, with the use of controls and techniques, such as the guilt complex and peak tension technique.

Here again what I am getting at, Mr. Kass, is not a firm judgment, but an informed opinion, if I may use such terminology. I am trying to get across the fact that we don't say because subject A responds higher in one place than another, that he is deceiving. But it gives an examiner, who has had years of experience and training interrogating people with this instrument, a good indication that this particular question has created a sufficient physiological disturbance that it is possible he is engaging in deception. Many times when one challenges the man about his response, he is aware of a sensation and he will admit to it thereby perhaps opening up the avenue for a confession.

Mr. KASS. What if the person doesn't admit to it?

Mr. HERNDON. It is still the job of the investigator to try to solve the case without a confession.

Mr. KASS. Let's get to the techniques for a moment. Can you explain what you mean by the control question technique?

Mr. HERNDON. In many types of scientific examination you have to establish a control. A control question in polygraph technique is a question concerning which the examiner would normally expect a particular individual to attempt to deceive or hedge thereby giving a physiological response.

Mr. KASS. You stated a "scientific" technique. Do you consider the polygraph to be a scientific technique?

Mr. HERNDON. I consider it more of an art or skill, but it does have some fundamentals in the area of science, but it is not pure science.

Mr. KASS. Did you give the polygraph examination to Jack Ruby?

Mr. HERNDON. Yes, sir, I did.

Mr. KASS. Could you explain the circumstances behind that?

Mr. HERNDON. I would like to comment that the polygraph examination of Jack Ruby was given at the specific request of the Chief Justice of the United States, who was then Chairman of the President's Commission on the Assassination of President Kennedy. He agreed to Mr. Ruby's many requests for a polygraph examination in his hearing with Mr. Ruby at Dallas, Tex. Mr. Ruby, at the very beginning of his conversations with the Chief Justice, specifically asked for a lie detector test, a polygraph examination.

Mr. KASS. Why was this?

Mr. HERNDON. He indicated, I believe, he wanted to prove to the Commission and to the world, that there was no conspiracy between him and Oswald.

Mr. MONAGAN. Was this with relation to the Warren Commission investigation?

Mr. HERNDON. That is correct.

Mr. MONAGAN. Not with relation to any criminal prosecution?

Mr. HERNDON. No.

Mr. MOSS. The Chair would like to say that the staff has contacted the district attorney in Dallas, Tex., about this matter, so any discussion here today is sanctioned and is not meant to interfere in any manner with any appeal pending there.