

of the proceedings where in the very last portion of the transcribed hearings Ruby states:

"Mr. RUBY. All I want to do is to tell the truth, and the only way you can know it is by the polygraph, as that is the only way you can know it.

"Chief Justice WARREN. That we will do for you."

Following Ruby's insistence on a polygraph test, the Commission initiated arrangements to have the FBI conduct such an examination. A detailed set of questions was prepared for the polygraph examination, which was set for July 16, 1964. A few days before the scheduled test, the Commission was informed that Ruby's sister, Eva Grant, and his counsel, Joe H. Tonahill, opposed the polygraph on the ground that psychiatric examinations showed that his mental state was such that the test would be meaningless.

The Commission was advised that Sol Dann, a Detroit attorney representing the Ruby family, had informed the Dallas office of the FBI on July 15, 1964, that a polygraph examination would affect Ruby's health and would be of questionable value according to Dr. Emanuel Tanay, a Detroit psychiatrist. On that same date, Assistant Counsel Arlen Specter discussed by telephone the polygraph examination with Defense Counsel Joe H. Tonahill, who expressed his personal opinion that a polygraph examination should be administered to Ruby. By letter dated July 15, 1964, Dallas District Attorney Henry Wade requested that the polygraph examination cover the issue of premeditation as well as the defensive theories in the case.

Against this background, it was decided that a representative of the Commission would travel to Dallas to determine whether Jack Ruby wanted to take the polygraph test. Since Ruby had had frequent changes in attorneys and because he was presumed to be sane, the final decision on the examination was his, especially in view of his prior personal insistence on the test. In the jury conference room at the Dallas jail on July 18, Assistant Counsel Arlen Specter, representing the Commission, informed Chief Defense Counsel Clayton Fowler, cocounsel Tonahill, and Assistant District Attorney William F. Alexander that the Commission was not insisting on or even requesting that the test be taken, but was merely fulfilling its commitment to make the examination available. In the event Ruby had changed his mind and would so state for the record, that would conclude the issue as far as the Commission was concerned.

Chief Defense Counsel Fowler had objected to the test. He conferred with Jack Ruby in his cell and then returned stating that Ruby insisted on taking the examination. Mr. Fowler requested that (1) Dr. Tanay, the Detroit psychiatrist, be present; (2) the results of the test not be disclosed other than to the Commission; (3) the questions to be asked not be disclosed to the district attorney's office; and (4) the results of the test be made available to defense counsel. Sheriff William Decker announced his intention to have Allan L. Sweatt, his chief criminal deputy who was also a polygraph operator, present to maintain custody of Jack Ruby while the examination was being administered. Assistant District Attorney Alexander requested a list of questions, a copy of the recording made by the polygraph machine, and a copy of the report interpreting the test. In response to the numerous requests, the procedure was determined that the questions to be asked of Ruby would be discussed in a preliminary session in the presence of defense counsel, the assistant district attorney, and Chief Jailer E. L. Holman, who was to replace Sweatt. The assistant district attorney would not be present when Ruby answered the questions, but Jailer Holman was allowed to remain to retain custody of Ruby. No commitment was made on behalf of the Commission as to what disclosure would be made of the results of the examination. Since Dr. Tanay was not in Dallas and therefore could not be present, arrangements were made to have in attendance Dr. William R. Beavers, a psychiatrist who had previously examined and evaluated Ruby's mental state.

At the conclusion of the lengthy preliminary proceedings, Ruby entered the jury conference room at 2:23 p.m. and was informed that the Commission was prepared to fulfill its commitment to offer him a polygraph examination, but was not requesting the test. On behalf of the Commission, Assistant Counsel Specter warned Ruby that anything he said could be used against him. Chief Defense Counsel Fowler advised Ruby of his objections to the examination. Ruby then stated that he wanted the polygraph examination conducted and that he wanted the results released to the public as promptly as possible. Special Agent Bell P. Herndon, polygraph operator of the FBI, obtained a written "consent to interview with polygraph" signed by Jack Ruby. Herndon then proceeded to administer the polygraph examination by breaking the questions up into series which were ordinarily nine questions in length and consisted of relevant interrogatories and control questions.