

EXHIBIT 40—LETTER FROM U.S. DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION, TO HON. JOHN E. MOSS, MAY 24, 1965

WASHINGTON, D.C., May 24, 1965.

Hon. JOHN E. MOSS,
House of Representatives, Washington, D.C.

MY DEAR CONGRESSMAN: This letter is to confirm the telephonic conversation between Mr. John P. Mohr, assistant to the Director, and Mr. Benny Kass, general counsel of your subcommittee, on May 21, 1965.

With regard to your interest in securing testimony in the Edward Grady Partin matter involving James R. Hoffa, the Attorney General has advised that it will not be possible to furnish such testimony in view of the fact an appeal is pending in this matter.

So far as the Jack L. Ruby polygraph examination is concerned, material dealing with this is contained in the Warren Commission report. In addition, the Attorney General believes it appropriate for your subcommittee to contact the Texas prosecuting authorities prior to testimony inasmuch as the Ruby case is being appealed in the Texas State courts.

Sincerely yours,

J. EDGAR HOOVER.

EXHIBIT 41—LETTER FROM BENNY L. KASS, SUBCOMMITTEE COUNSEL, TO HENRY WADE, DISTRICT ATTORNEY, DALLAS, TEX.

FOREIGN OPERATIONS AND GOVERNMENT
INFORMATION SUBCOMMITTEE,
*Washington, D.C., May 22, 1965.*Mr. HENRY WADE,
*District Attorney,
Records Building, Dallas, Tex.*

DEAR MR. WADE: This is to confirm our telephone conversation of Friday evening, May 21, 1965, where you stated you had no objection to the Foreign Operations and Government Information Subcommittee exploring certain aspects of the FBI's polygraph test given to Mr. Jack Ruby. Hearings with the FBI will begin on May 25, 1965, and I will send you a transcript just as soon as they are available.

As I mentioned on the telephone, the FBI's polygraph test of Mr. Ruby was extensively reported in both the hearings and the report of the President's Commission on the Assassination of President Kennedy. They can be found in vol. XIV (hearings), pages 504-598, and in appendix XVII of the final report.

Sincerely yours,

BENNY L. KASS, *Counsel.*

EXHIBIT 42—EXCERPT FROM FEDERAL BUREAU OF INVESTIGATION MANUAL

PART II

2. Interviews with witnesses, suspects, and subjects; confessions and signed statements.

A. Policy and instructions (interviews of subjects, suspects, and witnesses must be handled in a businesslike manner, carefully prepared, and thoughtfully planned. It is imperative that all pertinent information be obtained in a minimum of time. Every effort should be made to avoid recontacts unless good judgment, common sense, and sound investigation make them necessary):

1. Interviews with persons under arrest must be in a manner that will not unnecessarily delay their appearance before a U.S. Commissioner.

2. Constitutional safeguards must be borne in mind at all times. At the beginning of an interview with a subject, suspect, or an arrested person, such person must be promptly informed that he is not required to make a statement and that any statement can be used against him in court. The identity of the interviewing Agents must be known by such persons. Care must be taken to see that no duress is exercised; that no threats are made; that the suspect or subject is not promised immunity from prosecution or amelioration of punishment. Involuntary statements, confessions, or admissions of guilt are not admissible in evidence.