

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?

Dr. BEAVERS. Yes; I'm a member of the Dallas neuropsychiatric group, the Texas Neuropsychiatric Society and the American Psychiatric Association.

Mr. SPECTER. Have you now set forth the major items of your background with respect to qualifications in the field of psychiatry?

Dr. BEAVERS. Perhaps it should be mentioned that I am on the attending staff at Parkland as a psychiatrist and that I consult at the Terrell State Hospital as a psychiatrist.

Mr. SPECTER. Have you had occasion to examine Mr. Jack Ruby prior to today?

Dr. BEAVER. Yes; on numerous occasions prior to about 4 weeks ago, did I see him.

Mr. SPECTER. On approximately how many occasions have you examined Mr. Ruby?

Dr. BEAVERS. Without my records here, it would not completely accurate, but it would be in the area of about 9 or 10 times, I believe.

Mr. SPECTER. And what did you observe with respect to Mr. Ruby's mental condition during the course of those examinations?

Dr. BEAVERS. I saw him first—can I get somebody to help me with a date?

Mr. TONAHILL. April the 27th, the 28th, or 29th of this year.

Dr. BEAVERS. The day that Dr. West first came down was on a Sunday.

Mr. TONAHILL. Yes, that was the 26th of April.

Dr. BEAVERS. He testified Monday morning and then I saw Mr. Ruby first on that Tuesday.

Mr. TONAHILL. The 28th.

Dr. BEAVERS. Right, and at that time he had briefly what I call a psychotic depression, that is, he had evidences of auditory hallucinations and a poorly defined but definite delusional system which waxed and waned during the time of the interview, and he had evidence of a severe degree of depression.

Because of the combined symptoms of the hallucinatory activity, the delusions in which, and I should spell them out, that he felt that both members of his family, his close family, were being harmed, mutilated and/or destroyed because of his crime, and further, that there was a pogrom concerning Jews generally because of his crime.

These symptoms plus the depression which was evident, caused me to diagnose a psychotic depressive reaction.

Mr. SPECTER. Have you now stated your conclusion regarding his mental state?

Dr. BEAVERS. At that time.

Mr. SPECTER. And have you set forth the essence of the underlying factors relating to that conclusion?

Dr. BEAVERS. In very brief nature—yes.

Mr. SPECTER. Do you have any different conclusion as to his mental state today?

Dr. BEAVERS. Yes, I do. I think that as I have seen him, the depressive element has diminished, and that the delusional system has become much less open and obvious, and that it has become more fixed, and it seems to—and this I'm not sure of—whether it waxes and wanes depending on the time in the weeks or whether it waxes and wanes depending on the closeness of the people that he sees.

Mr. SPECTER. Doctor, when you say that the state is much less open, do you mean by that, that it is now more obvious?

Dr. BEAVERS. Less obvious.

Mr. SPECTER. Less obvious?

Dr. BEAVERS. Less obvious.

Mr. SPECTER. But is it present, notwithstanding the degree of how much it is apparent?

Dr. BEAVERS. In my opinion it is. Yes. The thing that I'm trying to make clear here is that you take a person that has a mental illness which shows itself in delusions, that is, ideas that things that we say aren't real—they can be very uncertain and changing and very obvious, and which the person will share them with just about anybody, or they can be much more covert—hidden—and shared only seldom, and much more fixed, not shifting around, but fixed.

Mr. SPECTER. How would you characterize his condition in your opinion as he sat here today during the polygraph examination?

Dr. BEAVERS. Based on—let's see if I can give the specific things that make me come up with this opinion—the relationship that he has with the prosecuting attorney, the relationship he has with his attorneys; there are certain kinds of actions and behavior in these two relationships which fit better in my opinion with the continuation of a covert delusional system concerning threat to his race, his family, based on his presumed activity in a conspiracy, then it would fit with rational realistic appreciation of the factors in his environment.

Mr. SPECTER. Were you present today, Dr. Beavers, during the entire course of the polygraph examination?

Dr. BEAVERS. Yes, I was.

Mr. SPECTER. In your opinion, was Mr. Ruby in contact with reality during the course of the polygraph examination?

Dr. BEAVERS. In the greater proportion of the time that he answered the questions, I felt that he was aware of the questions and that he understood them, and that he was giving answers based on an appreciation of reality.

Mr. SPECTER. Was there any element of a delusional state present in the answers which he gave during the course of this polygraphic examination?

Dr. BEAVERS. I felt the only time that there were questions which tapped any of the underlying delusional systems were the questions relating to his opinion about the safety of his defense counsel and the safety of his family, either past or present.

It seemed to me, because he was fairly certain in his answers during the trial run, and then following this during the actual run of the polygraph, there was so much hesitation and uncertainty which resulted in no answers, that we were seeing a good deal of internal struggle as to just what was reality.

His explanation following this, following the run of the polygraph, I don't think enlightened us very much in terms of what it was he was actually feeling or thinking.

Mr. SPECTER. But would you have concluded that he was delusional had he stated that his family and his attorneys were in danger?

Dr. BEAVERS. I've got to think about that. You can't answer it "Yes"—if it had been as strong a question as it might have been possible to frame, but I feel that to get a perfectly accurate idea of what he meant by it would require more than a "Yes" or "No" answer, but this would have been one of things that had he answered it directly, that would have led me to think that he had an area here where reality in the testimony was poor.

Mr. SPECTER. Well, does his refusal to answer that question during the course of the polygraph examination, subject to the analysis that the polygraphic examinations can bring to bear, indicate that he is not in a delusional state?

Dr. BEAVERS. I'm not sure I follow you here.

Mr. SPECTER. Well, perhaps I can rephrase that.

During the course of the polygraphic examinations, he is subject to certain checks on truthfulness, at least to some extent.

Dr. BEAVERS. I see what you're getting at now.

That would be an assumption, I think, on both our parts that I wouldn't make as to why he didn't answer. It possibly could have been his trying to protect in some way an answer from the polygraph.

I felt it equally likely that it was the fact that it was the second time through on the same question which he had answered first and then there had been a lot of thinking going on, was a great deal more opportunity for uncertainty.

Mr. SPECTER. So, you think his first answer that his family and counsel were in danger, indicated to some extent at least, a delusional state, and then after he had had an opportunity to consider it, that he became uncertain because of the greater opportunity to focus on what in your opinion was a delusion to start with?

Dr. BEAVERS. Yes. This thing to me is complicated, maybe because—for example, if I can digress for a moment.

Mr. SPECTER. Yes; feel free to do that.

Dr. BEAVERS. Chief Holman has told me a number of times and I have seen it in a sense, he feels that this man has tried to seem delusional. On the other

hand, at times it is quite obvious that he is trying to seem sane and becomes quite truculent and angry at people who imply that he was in fact of unsound mind.

One of the things I think that is extremely obvious in any of this man's discourse over a period of time is the marked ambivalence, that is, the mixed feelings which are strong but on both sides of almost any position that he has taken.

This may be true at the time or it may be true sequentially, so that on the one hand we see him trying to appear quite sane and according to some testimony, at times he has not done this but in fact, not according to my own testimony, but the statements that I have heard from others, he has tried to appear a little bit more delusional than the person thought that he was.

Now, I felt that this answer that we saw the second time around was consistent with the same attitude that he had when he came, when he was stating very definitely that he was not of unsound mind. In other words, it may have given him a little more time to cover.

Mr. SPECTER. Aside from the questions to which you have referred on the danger to counsel and family, did the delusional state which you have characterized as his condition of today, have any effect in your opinion on the polygraphic examination?

Dr. BEAVERS. I can't answer the question like it's put, but I can answer it this way, if I may, because I'm just not an expert on that box over there. I don't know that much about polygraph.

Mr. SPECTER. You are referring to the polygraph machine. Well, consider the question rephrased in a manner that you find it convenient to respond to?

Dr. BEAVERS. All right. I felt that so far as my ability to evaluate this man in responding to questions, that any delusional state did not interfere with awareness of the past, with the presence of seemingly adequate memory, with the presence of an apparently reasonable appreciation of reality in reference to his whereabouts and his behavior in the critical time that was under discussion.

In short, he seemed to behave like a man with a well-fixed delusional system in which whole areas of his thinking and his behavior is not strongly interfered by the delusion.

Mr. SPECTER. So that the major portion of the polygraphic examination then, except for those parts which you have already referred to, would not be affected in your opinion by what you have characterized as his delusional state?

Dr. BEAVERS. In my opinion, the major portion of his appreciation of questions and of his answers would be unaffected by the delusional state.

I just can't, you see, in all honesty, answer something about what the machine taps, because I think I would sort of be making a fool of myself because I don't know that much about polygraph.

Mr. SPECTER. Dr. Beavers, do you have an opinion as to whether the polygraphic examination which was conducted here today hurt Mr. Ruby mentally or physically in any way?

Dr. BEAVERS. Well, after the period of time, I think we were all fatigued. I think he was and I think everybody in the room was. I felt that he was fatigued as the rest of us were, during the course of a pretty long number of hours of interrogation.

Whether this would come under the heading of any physical harm, I don't know. I would not consider it so ordinarily.

Mr. SPECTER. Would that fatigue diminish or evaporate with some rest tonight?

Dr. BEAVERS. I think so; I think so. I know what you're trying to get at and I'll try to answer it the best I can. The question of whether his mental state, and secondarily, a physical problem would be seriously affected by having this interrogation, by having this man take a polygraph examination. The one thing that this man has not been ambivalent on since my acquaintanceship with him, and I mean that so far as I can think of literally, the one area, the one subject that he has not been having these mixed feelings about is the fact that he did want to make this testimony, either with truth serum or with a polygraph or some way of getting the truth out.

Now, as a physician, and this was my role in these evaluations, not at the time and so far until right now, not as somebody testifying, I was concerned with his mental state, and rather early I felt there would possibly be something useful

so far as the man's mental state, if he could have a chance to tell his story. The mixture of what I consider his delusional state surrounding the possible conspiracy that people thought that he had, and therefore this tremendous number of destructive actions, that were presumably going on, fitted to an extent with some published reports of people's opinions here and abroad. In short, there has been a mixture of the delusional and of the factual, a mixture of his confusion and a mixture of all other people's confusion, and he is aware of it and has been, because apparently he gets newspapers. Apparently he has access to what both reasoned and unreasoned statements that are made. Consequently, I felt that it would be useful, if anything, that he be allowed a chance for this. I haven't stated this to anybody, I don't think, because there were a lot of other things that I could not evaluate. I'm not in a position to evaluate the legal or other reasons that might not be useful.

Mr. SPECTER. But with respect to his mental status, would it have been your expectation prior to the time that the polygraph examination started that it would have been beneficial rather than harmful to have it conducted?

Dr. BEAVERS. If anything, the odds are good that it actually wouldn't do much one way or the other in my opinion, but the feeling of getting out the catharsis or the getting his story before the people that he has felt, for example, including the State, that were involved in some kind of action against people he cared for, because they assumed erroneously there was some conspiracy, then this might have some beneficial effect.

Mr. SPECTER. And what is your conclusion after being present during the course of the polygraphic examination as to whether it had beneficial effect or not?

Dr. BEAVERS. It's hard to say. I think he held up rather remarkably well. At least, this is my opinion. I haven't been present with polygraph interrogations, but he certainly did not show undue stress, either physical or emotional, and handled the questions better than I thought he would. It did seem like he was getting, in a sense, his day in court, which was by reasons of his, as I understand it, trial procedure and presumed defense tactics not allowed him in the first trial. This to me is what he kept coming back to during the course of the examination, that he wanted to get his story out, and during the times I have seen him.

Mr. SPECTER. Is it your interpretation that the consequence during the course of this polygraph examination may have the ultimate consequence of benefiting him?

Dr. BEAVERS. I think it could. I would suspect, if I tried to look and see what would happen tomorrow, that he might be somewhat depressed. This usually is what happens with somebody who has been looking forward to something for a long, long time that's going to be solving all of his problems and it actually happens and nothing much is different, but I think he will be depressed.

Mr. SPECTER. If he is depressed tomorrow, is that what you would think would be a temporary state?

Dr. BEAVERS. Yes; I think it.

Mr. SPECTER. So that that would not necessarily characterize the longrun effects of this examination?

Dr. BEAVERS. That's correct.

Mr. SPECTER. When you characterized a few moments ago his situation as being fatigued, as we all were, do you think that he understood all the questions which were being put to him and then answered them responsively, or do you think that at some point his fatigue reached such a point that he was not responding understandably to the questions?

Dr. BEAVERS. I was impressed with the skill of the man giving the test. I felt the breaks were fairly well spaced. He didn't show an excessive amount of fatigue, in my view, except before the first break. He seemed to show more fatigue than he did later on.

Mr. SPECTER. Of course, you observed his interest in pursuing a great many topics and the difficulty really in bringing the examination to a close.

Dr. BEAVERS. Yes; which sort of fits with my feeling about the depression a little bit in that he was aware that, well, "the show is about over," that his day

in court was coming to a close, and I suspect that the long-expected kinds of feelings probably were not as great as he hoped for.

Mr. SPECTER. Do you have anything else to add which you think would be helpful to the President's Commission in any way?

Dr. BEAVERS. I would only say that I think I'll make it my business to read up a little bit on some of the interrelationships between mental illness and polygraph. When I state that I'm not an expert in this area, it's true. If by a combination of my readings, which I plan to do, and my presence here and my previous and present views of Mr. Ruby, I might be of help in forming an opinion, I will be available.

Mr. SPECTER. If you find through that course of study that you have anything to add, I'm certain the Commission would be interested in having any supplemental observations or conclusions on your part.

Mr. Fowler, do you have anything you would care to ask Dr. Beavers?

Mr. FOWLER. I am requesting Mr. Tonahill to ask a few questions, if you have no objection, which is not in the way of cross-examination but just by way of a further development.

Mr. SPECTER. All right, Mr. Tonahill.

Mr. TONAHILL. Dr. Beavers, during the trial of Jack Ruby for the murder of Lee Harvey Oswald, Mr. Bill Alexander, the assistant district attorney, sought and obtained a death sentence for Jack Ruby for the murder of Oswald, and I along with other counsel sought far less—an acquittal or at least a number of years. You have noted, have you not, here that Mr. Ruby resents my presence. He says I'm not his attorney and then asked me to do him favors and this, that, and the other, and you have noticed he has tremendous faith and confidence in Mr. Alexander, who obviously is here to, in the event of another trial—and in the event of Mr. Fowler's efforts and mine to obtain another trial for him is successful—he is here to obtain information for the benefit and use of whatever information he can get to get another death penalty.

Have you an opinion as to what goes on with reference to Ruby's mental illness that causes him to put faith in Mr. Alexander and no faith in me. With reference to the question—is his mental state such that he can't aid and assist his lawyers in their efforts to appeal his sentence and try to get him a new trial, and in his defense, and in the management of his personal affairs, is he of such mental incompetency that those things indicate to you that there is something in his mind, something mentally ill about him that prevents him from realizing what is best for him in his dealings with the prosecutor and his defense attorneys, and in connection with managing his affairs and in helping his defense attorneys in his ability, his capacity, his capabilities of handling his personal affairs. What is your feeling about that from what you've seen here today and what you've known from other observations of Mr. Ruby?

Dr. BEAVERS. Maybe I can get it in pieces and parts of that—I don't know. I think the question of mental competency in the hearing that's going to be coming up in the future, at least from what I read in the newspapers, and I think possibly rather than an off-the-cuff answer, you may have to sort of settle for a statement that I made concerning his mental illness, because I don't do a whole lot of legal work, and I would be quite cautious in making a statement concerning the specific legal questions about competency for affairs until I got more acquainted with this particular statute.

In other words, if you're asking me a question about his mental status and the mental illness, maybe I can make some comments.

Mr. TONAHILL. Well, I was trying to do it, but I wanted to give you a little range and you could pinpoint yourself down to such as the episodes here today between the relationship of his own lawyers and his apparent partiality to Mr. Alexander here.

Dr. BEAVERS. This is what I referred to earlier, and I will be glad to amplify it a bit. On the face of it, it seems to me that as far as an awareness and appreciation of reality, there was this jeopardy—that some of the behavior that he had toward Mr. Alexander as far as wanting him very definitely to be in the room when he made certain damaging statements concerning the

amount of premeditation—this would not be the actions of a wise and prudent man in my opinion. I think it does fit more clearly with his previously stated delusional material to me, that in fact there is a considerable body of people, the district attorney's office and district attorneys included, who do feel that he is a part of a conspiracy, and that in fact either past, present and/or future actions toward loved ones and toward members of his race are going to be taken against these people because of this presumed conspiracy. If this were the case, then it would make extremely good sense that he would want Mr. Alexander here, and he would want him here very definitely because he, instead of being wise and prudent in the defense of his presumed safety and welfare at a future trial, he is much more concerned with getting the truth out so that a whole host of terrible things won't happen.

Now, in reference to his activities toward you [referring to Mr. Tonahill], the ambivalence we talked about was beautifully illustrated. He begins by reading you out, by firing you in a sense, and then later on in the middle of the activities he begins to have a markedly warm attitude toward you and begins to refer to you as, I think, "Joe," once again. A reverse I may have noticed of this, of two or three changes back and forth, but they were both distinctly and clearly expressed, which has been my experience and also my opinion based on working with people who have this kind of a delusional system, that they show consistently, that is, with somebody who is related to them very closely—you're going to catch hell and then you're going to be responded to in an effort of bringing you back. In other words, I think there is a probability that the reasons for relating warmly to the district attorney's representative and ambivalently toward you are as I have stated, and very slightly different from one another.

Mr. TONAHILL. In his present mental state, do you feel he is capable of conferring with Mr. Fowler and me and Mr. Burleson and aiding and assisting in an appellate effort in his behalf in reference to his mental capacity?

Dr. BEAVERS. This entails two questions—one, his mental state, and two, how much in fact is involved in aiding you in this appeal.

Now, to the first one, I hope and am reasonably confident of the opinion I have given of this present mental illness at this time. As to the latter, I have sort of opinions off-the-cuff from everything that he needs to be pretty savvy and help you out, to the fact that it doesn't make any difference at all as to whether he can talk or not in terms of an appeal, so I don't know, because I don't know No. 2.

Mr. TONAHILL. You and Dr. Holbrook, Dr. John Holbrook, who has examined him, and Dr. Stubblefield who has examined him, and Dr. West who has examined him, all four psychiatrists and outstanding men—

Dr. BEAVERS. And Dr. Tanay.

Mr. TONAHILL. And Dr. Tanay—five. Is it uniform agreement among you five gentlemen that Jack Ruby is mentally ill and suffers with psychotic delusions?

Dr. BEAVERS. The last time I talked to the other four gentlemen you have just mentioned, their opinion was the same as my own. I couldn't state if anybody changed their mind. Dr. Tanay, following his visit here, and I had lunch together and discussed the case. At the time that we talked to the judge, Dr. Stubblefield and I, and then some 2 weeks later, shared our views, and they were in reasonably consistent agreement. There was no disparity to speak of. Dr. West, I talked to by telephone about 2 weeks ago, I believe.

Do you remember when that was, Mr. Fowler?

Mr. FOWLER. I think perhaps that would be a month ago, Dr. Beavers, or somewhere thereabouts.

Dr. BEAVERS. Well, it was after I came back from vacation. At any rate, between 2 weeks and a month ago, I believe, and his view was that this man was mentally ill, and further than that, that he was pretty much as I have described him here.

Mr. TONAHILL. And there have been instances where he rammed his head into the wall and then tried to get his finger up in the light socket, and then tried to rip the seam out of his trousers to kill himself, you felt he was suicidal and should be protected from that effort, and all of you agreed on that, I believe?

Dr. BEAVERS. Yes. It really wasn't based on those actions as much as, I think,

the depression that I saw initially, which has cleared up somewhat as he has gotten more delusional.

Mr. TONAHILL. You all felt that he should be out of jail and in a mental hospital where he could get adequate mental care and mental treatment, from psychiatric care and therapy medications?

Dr. BEAVERS. Yes; I thought this and this was the recommendation of the other doctors that saw him.

Mr. TONAHILL. That would be Dr. Stubblefield, Dr. Holbrook, Dr. West, and Dr. Tanay?

Dr. BEAVERS. I'm not sure about Dr. Tanay. I don't know that I heard him state that specific thing. I do know that the recommendation of Dr. Holbrook and Dr. Stubblefield and myself, and further that Dr. West, made the same recommendation. I do feel that we had two problems. One was security as well as medical care. I feel like maybe I was perhaps a little bit more concerned about this than maybe some of the other specialists; I don't know. This just happened to be my own view, that I was not only concerned about this man, hopefully finding a place for hospitalization, but that it would have to be a place where he had adequate security from without as well as any idea of suicide.

Mr. TONAHILL. Is there anything unusual about a person who is mentally ill and of unsound mind, still possessing keen memory faculties and being able to recall things accurately and clearly as well as being able to give responsive answers and to be in touch with reality?

Dr. BEAVERS. Oh, I would say that many people of unsound mind are deteriorated enough that they do not have adequate memory. Early in the course of many mental illnesses a lot of the faculties, including memory, are preserved, so that this in itself I don't think would—because he has an apparently good memory would not mean that he is of sound mind.

Mr. TONAHILL. That's what I mean—that there's nothing unusual about the fact that he could still be of unsound mind and still have good recall and good response to the questions asked by the polygraph operator?

Dr. BEAVERS. I'm a little hung up on the term "unusual," because to me, this is a statistical matter when you put it in that phrase, and then you would be talking about what percentage of people do and what percentage of people don't.

Mr. TONAHILL. I don't mean to do that.

I meant to ask you specifically, can Jack Ruby be of unsound mind, not know right from wrong, appreciate the nature and quality of his actions, and still have a keen memory, a good memory, and give clear response to questions that appear to place him in touch with reality?

Dr. BEAVERS. In my opinion this is possible for a person.

Mr. TONAHILL. Is it reasonably probable from the standpoint of medical certainty in your profession?

Dr. BEAVERS. I think so. You have included a question that I find it very difficult to answer—this business of right and wrong.

Mr. TONAHILL. Yes.

Dr. BEAVERS. I stated my opinion to the Dallas Criminal Bar Association concerning this particular phraseology, and you asked it inclusive, in terms of several things?

Mr. TONAHILL. Well, with Mr. Alexander's help, we're going to eliminate that from the criminal test for insanity in criminal law in Texas.

I believe that's all, unless Mr. Fowler has something.

Mr. FOWLER. Let me ask one thing, Dr. Beavers.

I believe that you do have a written report that you have submitted to the court, is that correct?

Dr. BEAVERS. Yes, sir. Now, I submitted a written report about the first evaluation, not to the court but to Mr. Burleson, who requested my services on behalf of family.

I then sent a shorter report, which included the major points and the recommendations, to the attorneys, to the judge, to Sheriff Decker, and I believe that's all.

Now, I assume, and I think it's the case that probably the defense attorneys passed the report on to the judge, but I did not send it myself.

Mr. FOWLER. In any of these reports, you have no objection to making them available to this Commission?

Dr. BEAVERS. Oh, no.

Mr. FOWLER. If they are requested?

Dr. BEAVERS. If the rights of the patient and the defense attorneys are in agreement—if the rights of the patient are maintained—no, I have no objection.

Mr. TONAHILL. I think it would be nice, if you would, let him have copies of all the reports you have written with respect to his illness, and they would not involve any jeopardy of Mr. Ruby's rights at all, if you would mail them to Mr. Specter.

Dr. BEAVERS. Would you like to have them?

Mr. SPECTER. The Commission would be glad to receive any reports you have or any other supplemental information that you may wish to provide.

Dr. BEAVERS. I'll be happy to.

Mr. SPECTER. Mr. Alexander, do you have a question?

Mr. ALEXANDER. Just one or two questions.

Do you recognize that late counsel for the defense, Mr. Fowler, did not participate in the Jack Ruby trial and is not as aware of the facts brought out in the investigation as perhaps I, who was in on it at the first, or Mr. Tonahill, who was in on the trial? You appreciate that, do you not?

Dr. BEAVERS. You are saying that—

Mr. ALEXANDER. That Mr. Fowler got in so late on this thing that he probably doesn't know—that he is not as aware of the facts of the case as I am?

Dr. BEAVERS. I don't know how I would know that. I know when he came in, but how aware of the facts he is, I don't know that. How would I know that?

Mr. ALEXANDER. Did it appear to you that Ruby was looking to me for aid in framing some of these questions because of my peculiar knowledge of the case, in that I was in on it from the moment of the assassination of the President?

Dr. BEAVERS. I noticed that he did look to you in terms of getting some sort of support or information or possibly framing questions.

Mr. ALEXANDER. And you see nothing unusual in that, considering the fact that I am probably the one person that has possession of the most facts?

Dr. BEAVERS. I think I have already covered what I felt was probable, as far as what was going on with Mr. Ruby as to how he behaved here.

Mr. ALEXANDER. Did you feel that he wanted me particularly to know the truth about certain areas or at least the truth as he represented it?

Dr. BEAVERS. Yes, sir.

Mr. ALEXANDER. You did not feel that I took advantage of him in any way here today, do you?

Dr. BEAVERS. No, I thought you were extremely gentlemanly and pleasantly helpful.

Mr. TONAHILL. I am not making that comment.

Mr. FOWLER. You have been the most cordial since we have been in this, Bill. Let me make one other statement—this is relevant.

Are you through, Bill?

Mr. ALEXANDER. Yes, sir.

Mr. FOWLER. I wish to make this statement for the record that at some time during the course of this interrogation and hearing, that I was called by Mr. Bill Decker, stating that a telephone call, long distance, had been made to him. I answered the phone and Mr. Earl Ruby and Mr. Sol Dann were on the phone speaking from Detroit. They wanted to know what was going on and who had authorized this hearing, and why I came down and why Mr. Tonahill was here, and why we did not stop the hearing.

I tried to the best of my ability to explain to him that I had talked with Jack and has also explained to the Commission that we were of the opinion that Mr. Ruby had certain rights that might be violated here, but that this was entirely the wishes and demands of Jack Ruby himself, and these matters had been set up prior to my entrance into the case and prior to the entrance of Mr. Dann, and that I could not control them.

I was informed by Mr. Dann at that time that it was his intention to immediately contact the Warren Commission in Washington and file a criminal case, a case of assault and battery, against all parties conducting this hearing, including myself and Mr. Tonahill. At this point I was summarily fired, together with Mr. Tonahill, and I feel that this matter of course is something that Mr. Dann is not aware of, that all of this that has taken place here today—I think that we have tried to protect the rights of Jack Ruby, and I put this in to merely show that the call was made, and if any of you gentlemen have fear of reprisal or for whatever purpose it might be, and that I am sure that something further will be made of it.

Again, I wish to state this that in my opinion, whether we are still employed in the case, and I have not been fired by Jack Ruby, that we feel absolutely that his rights have been protected.

Mr. ALEXANDER. His brother Earl has not fired you either.

Mr. SPECTER. That concludes the proceedings. Thank you all very much.

Mr. ALEXANDER. Just one more thing.

I myself will make no statement to anybody outside this room about anything, and let me make the suggestion that whatever statement is made, is made by Mr. Specter, if you want to agree on that.

Mr. TONAHILL. In fact I think that if Mr. Specter is going to give this statement, that if he tells them that a polygraph has been taken, I don't think any of the questions and answers should be given out.

Mr. FOWLER. No; I very definitely and specifically request that these matters that have been gone into here today be for the Commission and the Commission only. It is our wish.

Mr. SPECTER. That will be done. The Commission heretofore has made no public statement of content to any extent. It has been the practice of the Commission to announce only what witnesses have been heard, and a very general statement of the witness' status. In fact, Mr. Ruby was insistent that there be a statement made in terms of his request and his cooperation, and that had been discussed before as being the appropriate limit of such a statement. It's my view that that should be followed up on, but no details of any sort stated as to his responses or anything else that transpired in this proceeding today.

Mr. TONAHILL. Yes; that he cooperated to the best of his ability.

Dr. BEAVERS. Any questions that are asked me, I will refer to Mr. Arlen Specter.

Mr. SPECTER. Very fine, Dr. Beavers.

Thank you very much. This will conclude these proceedings.

Proceedings concluded at 10 p.m.

TESTIMONY OF BELL P. HERNDON

The testimony of Bell P. Herndon was taken at 2:05 p.m., on July 28, 1964, at 200 Maryland Avenue NE., Washington, D.C., by Mr. Arlen Specter, assistant counsel of the President's Commission.

Mr. SPECTER. May the record show that this is a deposition proceeding of the President's Commission on the Assassination of President Kennedy.

Present today is Mr. Bell P. Herndon, a special agent of the Federal Bureau of Investigation, who has been asked to testify concerning the results of the polygraph examination administered to Jack Ruby in Dallas, Tex., on July 18, 1964.

With that preliminary statement of purpose, would you rise, please, Mr. Herndon, and raise your right hand?

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

Mr. HERNDON. I do.