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INVESTIGATION OF  
THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

HEARINGS  
Before the President's Commission  
on the Assassination  
of President Kennedy

PURSUANT TO EXECUTIVE ORDER 11130, an Executive order creating a Commission to ascertain, evaluate, and report upon the facts relating to the assassination of the late President John F. Kennedy and the subsequent violent death of the man charged with the assassination and S.J. RES. 137, 88TH CONGRESS, a concurrent resolution conferring upon the Commission the power to administer oaths and affirmations, examine witnesses, receive evidence, and issue subpoenas

*Volume*

IV

UNITED STATES GOVERNMENT PRINTING OFFICE

WASHINGTON, D.C.

Boston Public Library  
Superintendent of Documents

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U.S. GOVERNMENT PRINTING OFFICE, WASHINGTON: 1964

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PRESIDENT'S COMMISSION  
ON THE  
ASSASSINATION OF PRESIDENT KENNEDY

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Biographical information on the Commissioners and the staff can be found in the Commission's *Report*.

\*Mr. Willens also acted as liaison between the Commission and the Department of Justice.



## Preface

The testimony of the following witnesses is contained in volume IV: Sebastian F. Latona, a fingerprint expert with the Federal Bureau of Investigation; Arthur Mandella, a fingerprint expert with the New York City Police Department; Paul Morgan Stombaugh, a hair and fiber expert with the Federal Bureau of Investigation; James C. Cadigan, a questioned document examiner with the Federal Bureau of Investigation; Drs. Robert Roeder Shaw and Charles Francis Gregory, who attended Governor Connally at Parkland Hospital; Governor and Mrs. John Bowden Connally, Jr.; Jesse Edward Curry, chief, Dallas Police Department; Capt. J. W. Fritz and Lts. T. L. Baker and J. C. Day of the Dallas Police Department, who participated in the investigation of the assassination; Lyndal L. Shaneyfelt, a photography expert with the Federal Bureau of Investigation; Robert Inman Bouck, special agent in charge of the Protective Research Section of the Secret Service; Robert Carswell, Special Assistant to the Secretary of the Treasury; Winston G. Lawson, a Secret Service agent who worked on advance preparations for the President's trip to Dallas; Alwyn Cole, a questioned document examiner with the Treasury Department; and John W. Fain, John Lester Quigley, and James Patrick Hosty, Jr., agents of the Federal Bureau of Investigation who interviewed Oswald, or people connected with him, at various times during the period between Oswald's return from Russia in 1962 and the assassination.



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# Hearings Before the President's Commission on the Assassination of President Kennedy

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*Thursday, April 2, 1964*

## TESTIMONY OF SEBASTIAN F. LATONA AND ARTHUR MANDELLA

The President's Commission met at 9 a.m. on April 2, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Representative Hale Boggs, Representative Gerald R. Ford, and Mr. Allen W. Dulles, members.

Also present were Melvin Aron Eisenberg, assistant counsel; Norman Redlich, assistant counsel; Samuel A. Stern, assistant counsel; and Charles Murray and Charles Rhyne, observers.

## TESTIMONY OF SEBASTIAN F. LATONA

The CHAIRMAN. The Commission will be in order.

Mr. Latona, the purpose of today's hearing is to take your testimony and that of Arthur Mandella. Mr. Mandella is a fingerprint expert from the New York City Police Department. We are asking both of you to give technical information to the Commission.

Will you raise your right hand and be sworn?

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LATONA. I do.

The CHAIRMAN. You may be seated. Mr. Eisenberg will conduct the examination.

Mr. EISENBERG. Mr. Latona, could you state your full name and give us your position?

Mr. LATONA. My full name is Sebastian Francis Latona. I am the supervisor of the latent fingerprint section of the identification division of the Federal Bureau of Investigation.

Mr. EISENBERG. What is your education, Mr. Latona?

Mr. LATONA. I attended Columbia University School of Law, where I received degrees of LL.B., LL.M., M.P.L.

Mr. EISENBERG. And could you briefly outline your qualifications as a fingerprint expert?

Mr. LATONA. Well, I have been with the Federal Bureau of Investigation for a little more than 32 years. I started in the identification division as a student fingerprint classifier, and since that time I have worked myself up into where I am now supervisor of the latent fingerprint section.

Mr. EISENBERG. Could you approximate the number of fingerprint examinations you have made?

Mr. LATONA. Frankly, no. There have been so many in that time that I would not be able to give even a good guess.

Mr. EISENBERG. Would the figure run in the thousands or hundreds?

Mr. LATONA. So far as comparisons are concerned, in the millions.

Mr. EISENBERG. Have you testified in court?

Mr. LATONA. I have testified in Federal courts, State courts, commissioners' hearings, military courts, and at deportation proceedings.

Mr. EISENBERG. Mr. Chief Justice, I ask that this witness be accepted as an expert.

The CHAIRMAN. The witness is qualified.

Mr. EISENBERG. Mr. Latona, could you briefly outline for us the theory of fingerprint identification?

Mr. LATONA. The principle of fingerprint identification is based on the fact primarily that the ridge formations that appear on the hands and on the soles of the feet actually are created approximately 2 to 3 months before birth, on the unborn child, and they remain constant in the same position in which they are formed until the person is dead and the body is consumed by decomposition.

Secondly, the fact that no two people, or no two fingers of the same person, have the same arrangement of these ridge formations, either on the fingers, the palms, or the soles and toes of the feet. Plus the fact that during the lifetime of a person this ridge formation does not change, it remains constant—from the time it is formed until actual destruction, either caused by voluntary or involuntary means, or upon the death of the body and decomposition.

Mr. EISENBERG. Mr. Latona, do you have any personal experience indicating the uniqueness of fingerprints?

Mr. LATONA. Yes; I do. My experience is based primarily upon the work which I have actually done in connection with my work with the FBI. I have had the experience of working on one case in particular in which millions of comparisons were actually and literally made with a small portion of a fingerprint which was left on a piece of evidence in connection with this particular case, which was a kidnaping case.

This fragmentary latent print which we developed consisted of approximately seven to eight points. Most fingerprints will have in them an average roughly of from 85 to about 125.

This fragmentary latent print was compared with literally millions of single impressions for the purpose of trying to effect an identification. And we were unable, over a lengthy period while we were making these millions of comparisons, not able to identify these few fragmentary points.

The important thing is simply this; that on the basis of that fragmentary print, it was not possible to determine even the type of pattern that the impression was. Accordingly, we had to compare it with all types of fingerprint patterns, of which there are really four basic types—the arch, tented arch, loop, and whorl. And we are still making comparisons in that case, and we have not been able to identify these few points.

Now, that means simply this—that the theory that we are going on an assumption that people do not have the same fingerprints—and we find it not necessary to compare, say for example, a loop pattern with a whorl pattern, and as there is a possibility that, it is contended by some of these so-called authorities, that maybe the points that you find in a loop may be found in the same arrangement in a whorl—is not true. I think that that case, a practical case we have actually worked on, disproves that theory so strongly in my mind that I am convinced that no two people can possibly have the same fingerprints.

Mr. EISENBERG. That is, you had a print with seven points, and these same seven points appeared in none of the millions—

Mr. LATONA. Of the millions that we actually compared over a period—well, since 1937. You may recall the case. It was the Matson kidnaping case out in Tacoma, Wash. That is one of only three major kidnaping cases the FBI has not yet solved.

Mr. EISENBERG. Are palmprints as unique as fingerprints?

Mr. LATONA. Yes; palmprints are. They are not as useful for purposes of setting up a file in order to conduct searches, for the simple reason that there are not as many variations of patterns occurring with any frequency in the palms as occur on the tips of the fingers. That is primarily why the fingertips are used—because you have 10 digits, and there is a possibility of finding

variations of the four basic pattern types which can be additionally subdivided by utilizing certain focal points which occur in those particular patterns, which enable us to actually subdivide our files into millions of groups. Accordingly, when you make a search in the fingerprint file, it can be reduced actually to a matter of minutes, whereas to attempt to set up a palmprint file to the extent of the size of the fingerprint file we have in the FBI would be a practical impossibility, much less a waste of time.

The CHAIRMAN. Approximately how many fingerprints do you have these days?

Mr. LATONA. At the present time, we have the fingerprints of more than 77 million people, and they are subdivided in this fashion: we have two main files; we have the criminal files and we have what are referred to as civil files.

As the names imply, in the criminal files are the fingerprints of criminals, people who have had a prior criminal record or whose fingerprints have been received in connection with an investigation or interrogation for the commission of a crime. In that file we have approximately 15 million sets of fingerprint cards, representing approximately 15 million people.

In our civil files, in which are filed the fingerprints of the various types of applicants, service personnel and the like, we have fingerprints of approximately 62½ million people.

Mr. EISENBERG. Returning to palmprints, then, as I understand your testimony, they are not as good as fingerprints for purposes of classification, but they are equally good for purposes of identification?

Mr. LATONA. For purposes of identification, I feel that the identifications effected are just as absolute as are those of fingerprints.

Mr. EISENBERG. Are experts unanimous in this opinion, Mr. Latona?

Mr. LATONA. As far as I know, yes.

Mr. EISENBERG. Now, Mr. Latona, I hand to you an object which I will describe for the record as being apparently a brown, homemade-type of paper bag, and which I will also describe for the record as having been found on the sixth floor of the Texas School Book Depository Building near the window, the easternmost window, on the south face of that floor.

I ask you whether you are familiar with this paper bag?

Mr. LATONA. Yes, I am. This is a piece of brown wrapping paper that we have referred to as a brown paper bag, which was referred to me for purposes of processing for latent prints.

Mr. EISENBERG. And you examined that for latent prints?

Mr. LATONA. Yes; I did.

Mr. EISENBERG. Mr. Chairman, may I have this admitted into evidence as Commission Exhibit 626?

The CHAIRMAN. It may be admitted.

(The item referred to was marked Commission Exhibit No. 626 and received in evidence.)

Mr. EISENBERG. Mr. Latona, do your notes show when you received this paper bag?

Mr. LATONA. I received this paper bag on the morning of November 23, 1963.

Mr. EISENBERG. And when did you conduct your examination?

Mr. LATONA. I conducted my examination on that same day.

Mr. EISENBERG. When you had received it, could you tell whether any previous examination had been conducted on it?

Mr. LATONA. When I received this exhibit, 626, the brown wrapper, it had been treated with black dusting powder, black fingerprint powder. There was nothing visible in the way of any latent prints on there at that particular time.

Mr. EISENBERG. Were you informed whether any fingerprints had been developed by means of the fingerprint powder?

Mr. LATONA. No; I determined that by simply examining the wrapper at that particular time.

Mr. EISENBERG. Could you briefly describe the powder process?

Mr. LATONA. The powdering process is merely the utilizing of a fingerprint powder which is applied to any particular surface for purposes of developing any latent prints which may be on such a surface.

Now, we use powder in the FBI only on objects which have a hard, smooth, nonabsorbent finish, such as glass, tile, various types of highly polished metals, and the like.

In the FBI we do not use powder on paper, cardboard, unfinished wood, or various types of cloth. The reason is that the materials are absorbent. Accordingly, when any finger which has on it perspiration or sweat comes in contact with an absorbent material, the print starts to become absorbed into the surface. Accordingly, when an effort is made to develop latent prints by the use of a powder, if the surface is dry, the powder will not adhere.

On the other hand, where the surface is a hard and smooth object, with a nonabsorbent material, the perspiration or sweat which may have some oil in it at that time may remain there as moisture. Accordingly, when the dry powder is brushed across it, the moisture in the print will retain the powder giving an outline of the impression itself.

These powders come in various colors. We utilize a black and a gray. The black powder is used on objects which are white or light to give a resulting contrast of a black print on a white background. We use the gray powder on objects which are black or dark in order to give you a resulting contrast of a white print on a dark or black background.

Mr. EISENBERG. Now, Mr. Latona, how did you proceed to conduct your examination for fingerprints on this object?

Mr. LATONA. Well, an effort was made to remove as much of the powder as possible. And then this was subjected to what is known as the iodine-fuming method, which simply means flowing iodine fumes, which are developed by what is known as an iodine-fuming gun—it is a very simple affair, in which there are a couple of tubes attached to each other, having in one of them iodine crystals. And by simply blowing through one end, you get iodine fumes.

The iodine fumes are brought in as close contact to the surface as possible. And if there are any prints which contain certain fatty material or protein material, the iodine fumes simply discolor it to a sort of brownish color. And of course such prints as are developed are photographed for record purposes.

That was done in this case here, but no latent prints were developed.

The next step then was to try an additional method, by chemicals. This was subsequently processed by a 3-percent solution of silver nitrate. The processing with silver nitrate resulted in developing two latent prints. One is what we call a latent palmprint, and the other is what we call a latent fingerprint.

Mr. EISENBERG. Can you briefly explain the action of the silver nitrate?

Mr. LATONA. Silver nitrate solution in itself is colorless, and it reacts with the sodium chloride, which is ordinary salt which is found in the perspiration or sweat which is exuded by the sweat pores.

This material covers the fingers. When it touches a surface such as an absorbent material, like paper, it leaves an outline on the paper.

When this salt material, which is left by the fingers on the paper, is immersed in the silver nitrate solution, there is a combining, an immediate combining of—the elements themselves will break down, and they recombine into silver chloride and sodium nitrate. We know that silver is sensitive to light. So that material, after it has been treated with the silver nitrate solution, is placed under a strong light. We utilize a carbon arc lamp, which has considerable ultraviolet light in it. And it will immediately start to discolor the specimen. Wherever there is any salt material, it will discolor it, much more so than the rest of the object, and show exactly where the latent prints have been developed. It is simply a reaction of the silver nitrate with the sodium chloride.

That is all it is.

Mr. EISENBERG. Do you frequently find that the silver nitrate develops a print in a paper object which the iodine fuming cannot develop?

Mr. LATONA. Yes; I would say that is true, considerably so. We have more success with silver nitrate than we do with the iodine fumes.

The reason we use both is because of the fact that this material which is exuded by the fingers may fall into one of two main types—protein material and salt material. The iodine fumes will develop protein material. Silver nitrate will develop the salt material.

The reason we use both is because we do not know what was in the subject's fingers or hands or feet. Accordingly, to insure complete coverage, we use both methods. And we use them in that sequence. The iodine first, then the silver nitrate. The iodine is used first because the iodine simply causes a temporary physical change. It will discolor, and then the fumes, upon being left in the open air, will disappear, and then the color will dissolve. Silver nitrate, on the other hand, causes a chemical change and it will permanently affect the change. So if we were to use the silver nitrate process first, then we could not use the iodine fumes. On occasion we have developed fingerprints and palmprints with iodine fumes which failed to develop with the silver nitrate and vice versa.

Mr. EISENBERG. Now, Mr. Latona, looking at that bag I see that almost all of it is an extremely dark brown color, except that there are patches of a lighter brown, a manila-paper brown. Could you explain why there are these two colors on the bag?

Mr. LATONA. Yes. The dark portions of the paper bag are where the silver nitrate has taken effect. And the light portions of the bag are where we did not process the bag at that time, because additional examinations were to be made, and we did not wish the object to lose its identity as to what it may have been used for. Certain chemical tests were to be made after we finished with it. And we felt that the small section that was left in itself would not interfere with the general overall examination of the bag itself.

Mr. EISENBERG. That is, the small section of light brown corresponds to the color which the bag had when you received it?

Mr. LATONA. That is the natural color of the wrapper at the time we received it.

Mr. EISENBERG. And the remaining color is caused by the silver nitrate process?

Mr. LATONA. That is correct.

Mr. EISENBERG. Does paper normally turn this dark brown color when treated by silver nitrate?

Mr. LATONA. Yes; it does. It will get darker, too, as time goes on and it is affected by light.

Mr. EISENBERG. Mr. Latona, does the silver nitrate process permanently fix the print into the paper?

Mr. LATONA. Permanent in the sense that the print by itself will not disappear. Now, it can be removed, or the stains could be removed chemically, by the placing of the object into a 2 percent solution of mercuric nitrate, which will remove the stains and in addition will remove the prints. But the prints by themselves, if nothing is done to it, will simply continue to grow darker and eventually the whole specimen will lose its complete identity.

The CHAIRMAN. May I ask a question here?

So I understand from that that this particular document that you are looking at, or this bag, will continue to get darker as time goes on?

Mr. LATONA. Yes; it will.

The CHAIRMAN. From this date?

Mr. LATONA. That's right.

Mr. EISENBERG. Returning to the prints themselves, you stated I believe that you found a palmprint and a fingerprint on this paper bag?

Mr. LATONA. That is correct.

Mr. EISENBERG. Did you find any other prints?

Mr. LATONA. No; no other prints that we term of value in the sense that I felt that they could be identified or that a conclusion could be reached that they were not identical with the fingerprints or palmprints of some other person.

Mr. EISENBERG. Did you attempt to identify the palmprint and fingerprint?

Mr. LATONA. The ones that I developed; yes.

Mr. EISENBERG. Were you able to identify these prints?

Mr. LATONA. I—the ones I developed, I did identify.

Mr. EISENBERG. Whose prints did you find them to be?

Mr. LATONA. They were identified as a fingerprint and a palmprint of Lee Harvey Oswald.

Mr. EISENBERG. Now, Mr. Latona, what known sample of Lee Harvey Oswald's prints, finger and palm, did you use in making this identification?

Mr. LATONA. The known samples I used were the ones forwarded by our office at Dallas, the Dallas office.

Mr. EISENBERG. Do you have those with you?

Mr. LATONA. I do.

Mr. EISENBERG. Mr. Latona, you have handed me three cards, one of which appears to be a standard fingerprint card, and the other two of which appear to be prints of the palms of an individual. All these cards are marked "Lee Harvey Oswald."

Are these the cards which you received from your Dallas office which you just described as being the prints of Lee Harvey Oswald?

Mr. LATONA. They are.

Mr. EISENBERG. Mr. Chairman, I would like these admitted into evidence as 627, 628, and 629. I would like the standard fingerprint card, 10-print card, admitted as 627.

The CHAIRMAN. It will be admitted.

(The item referred to was marked Commission Exhibit No. 627 and received in evidence.)

Mr. EISENBERG. I would like the card which is—which appears to be the left palm admitted as 628.

The CHAIRMAN. It will be admitted.

(The item referred to was marked Commission Exhibit No. 628 and received in evidence.)

Mr. EISENBERG. I would like the card which is the right palm admitted as 629.

The CHAIRMAN. That may be admitted.

(The item referred to was marked Commission Exhibit No. 629 and received in evidence.)

Mr. LATONA. May I ask a question, please? Would it be possible to accept copies instead of the originals?

The CHAIRMAN. They are identical?

Mr. LATONA. These are true and faithful reproductions of the originals which Mr. Eisenberg has.

The CHAIRMAN. The originals, then, may be withdrawn, and the copies substituted for them.

Mr. EISENBERG. Shall I mark those 627, 628, and 629 in the same manner as the originals?

The CHAIRMAN. Exactly.

Mr. EISENBERG. Mr. Latona, do you know how the known samples we have just marked 627, 628, and 629 were obtained?

Mr. LATONA. How they were obtained?

Mr. EISENBERG. Yes. Can you tell the process used in obtaining them?

Mr. LATONA. You mean in recording the impressions?

Mr. EISENBERG. Yes, sir.

Mr. LATONA. Fingerprints are recorded by the use of a printer's ink, heavy black ink, which is first placed on a smooth surface, such as glass or metal, and it is rolled out in a smooth, even film. Then the subject's fingers are brought in contact with the plate by a rolling process, rolling the finger from one complete side to the other complete side, in order to coat the finger with an even film of this heavy ink. Then the finger is brought in contact with a standard fingerprint card and the finger again is rolled from one complete side to the opposite side in order to record in complete detail all of the ridge formation which occurs on the tip of the finger, or the first joint, which is under the nail.

Mr. EISENBERG. Did you received a second submission of known prints?

Mr. LATONA. Yes; we did.

Mr. EISENBERG. When did you receive those?

Mr. LATONA. Those were received in the identification division on November 29, 1963.

Mr. EISENBERG. Did this include two palms, or was this simply——

Mr. LATONA. No; it did not. It was simply a fingerprint card.

Mr. EISENBERG. Do you know why the second submission was made?

Mr. LATONA. The second submission was made, I believe, in order to advise us formally that the subject, Lee Harvey Oswald, had been killed, and it has the notation on the back that he was shot and killed 11-24-63 while being transferred in custody.

Mr. EISENBERG. And did you examine that second submission?

Mr. LATONA. Yes, I did.

Mr. EISENBERG. And is it in all respects identical to the first?

Mr. LATONA. The fingerprints appearing on this card are exactly the same as those that appear on the card which you have previously referred to as Commission Exhibit 627.

Mr. EISENBERG. Mr. Latona, do you have a copy of the second submission?

Mr. LATONA. No; I do not.

Mr. EISENBERG. I wonder whether you could supply one to us at a later date.

Mr. LATONA. Yes; I could. If you feel it necessary, you can take this one.

Mr. EISENBERG. Well, it is up to you. We will accept a copy.

The CHAIRMAN. If you wish, you may substitute a copy for it later.

Mr. LATONA. All right.

The CHAIRMAN. And then you may withdraw it.

Mr. EISENBERG. May I mark that as 630, with the understanding that it can be substituted for by a copy?

The CHAIRMAN. Yes.

(The item referred to was marked Commission Exhibit No. 630 and received in evidence.)

(At this point, Representative Ford entered the hearing room.)

Mr. EISENBERG. Mr. Latona, could you tell us what portion of the palm of Lee Harvey Oswald was reproduced on the paper bag, Exhibit 626?

Mr. LATONA. The portion of the palm which was identified was of the right palm, and it is a portion which is sometimes referred to as the heel. It would be the area which is near the wrist on the little-finger side. I have a photograph here which has a rough drawing on it showing the approximate area which was identified.

The CHAIRMAN. Which hand did you say?

Mr. LATONA. The right hand.

Mr. EISENBERG. That little finger, is that sometimes called the ulnar side?

Mr. LATONA. The ulnar side; yes, sir.

Mr. EISENBERG. Is this a true photograph made by you?

Mr. LATONA. This is a true photograph of one of the exhibits you have received.

Mr. EISENBERG. That is to say, the exhibit showing the right palmprint, which is marked 629?

Mr. LATONA. That's correct.

Mr. EISENBERG. Mr. Chairman, may I have this photograph admitted into evidence as 631?

The CHAIRMAN. It may be admitted.

(The item referred to was marked Commission Exhibit No. 631 and received in evidence.)

Mr. EISENBERG. Do you have another photograph there?

Mr. LATONA. I have here a photograph which is a slight enlargement of the latent palmprint developed on the bag. It has a red circle drawn around it showing the palmprint which was developed.

Mr. EISENBERG. Is that a true photograph made by you?

Mr. LATONA. This is. It is approximately a time-and-a-half enlargement of the palmprint which I developed on the paper bag.

Mr. EISENBERG. May I have that admitted, Mr. Chairman, as 632?

The CHAIRMAN. It may be admitted by that number.

(The item referred to was marked Commission Exhibit No. 632 and received in evidence.)

Mr. EISENBERG. Having reference to the paper bag, Exhibit 626, Mr. Latona, could you show us where on that bag this portion of the palm, the ulnar portion of the palm, of Lee Harvey Oswald was found?

Mr. LATONA. This little red arrow which I have placed on the paper bag shows the palmprint as it was developed on the wrapper.

The CHAIRMAN. Is it visible to the naked eye?

Mr. LATONA. Yes; it is. I think you can see it with the use of this hand magnifier.

Mr. EISENBERG. Mr. Latona, could you mark that arrow "A"—the arrow you have just referred to on Exhibit 626, pointing to the portion of the palmprint of Lee Harvey Oswald?

The CHAIRMAN. What is the number of the exhibit that it is on?

Mr. EISENBERG. That is 626.

Mr. LATONA. May I—I tell you, I am going to furnish you a copy of this, but I cannot make a copy unless I have it.

Mr. EISENBERG. We can lend it to you for that purpose.

The CHAIRMAN. You may have it to make the copy.

Mr. LATONA. And I will send you the copy. Thank you.

Mr. EISENBERG. Now, I believe you said you also found a fingerprint of Lee Harvey Oswald on this paper bag, 626.

Mr. LATONA. Yes; I did.

Mr. EISENBERG. Can you tell us what finger and what portion of the finger of Lee Harvey Oswald you identified that print as being?

Mr. LATONA. The fingerprint which was developed on the paper bag was identified as the right—as the left index fingerprint of Lee Harvey Oswald. I also have a slight enlargement of it, if you care to see it.

Mr. EISENBERG. You are showing us a true photograph of the actual fingerprint?

Mr. LATONA. As it appeared on the bag, slightly enlarged.

Mr. EISENBERG. May I have that admitted as 633, Mr. Chairman?

The CHAIRMAN. It may be admitted.

(The item referred to was marked Commission Exhibit No. 633 and received in evidence.)

Mr. EISENBERG. You are holding another photograph, Mr. Latona?

Mr. LATONA. I have here a photograph of the fingerprint card, of the one which I just took back, and it is actually a true reproduction of the front of the card. That was Exhibit 630. This one here is a true reproduction of the front of Exhibit 630.

Mr. EISENBERG. And have you circled on that, the photograph which you are holding, the left index finger?

Mr. LATONA. That's right.

Mr. EISENBERG. And would you show that to the Chief Justice? That is a true reproduction, Mr. Latona?

Mr. LATONA. Yes; it is.

Mr. EISENBERG. I would like that admitted as 633A.

The CHAIRMAN. It may be admitted.

(The item referred to was marked Commission Exhibit No. 633A and received in evidence.)

Mr. LATONA. Could that take the place of this?

Mr. EISENBERG. I think our exhibits would be confused.

Mr. LATONA. Very well.

Mr. EISENBERG. Now, what portion of the left index finger was that, Mr. Latona?

Mr. LATONA. That is the area which is to the left, or rather to the right of the index finger.

Mr. EISENBERG. On which joint?

Mr. LATONA. On the first joint, which is under the nail.

Mr. EISENBERG. Is that known as the distal phalanx?

Mr. LATONA. That's right.

Mr. EISENBERG. So it is the right side of the distal phalanx of the left index finger?

Mr. LATONA. That is correct. Now, that would be looking at an impression made by the finger. If you were to look at the finger, you would raise the finger up and it would be on the opposite side, which would be on the left side of the distal phalanx.

Mr. EISENBERG. Now, when we were talking before about the palmprint, and you said that it was on the right side—you said it was on the ulnar portion of the palm?

Mr. LATONA. That is correct.

Mr. EISENBERG. And that is looking at the palm itself?

Mr. LATONA. Looking at the palm itself.

Mr. EISENBERG. Now, I would rather—

Mr. LATONA. That would still be the ulnar side when you look at the print.

Mr. EISENBERG. Why don't we use ulnar and radial then when we refer to portions of fingerprints, ulnar referring to the little-finger side, and radial to the thumb side? So referring to the left index fingerprint now, that would correspond to the ulnar side of the left index finger of Lee Harvey Oswald?

Mr. LATONA. That is correct.

The CHAIRMAN. Congressman Ford, I'm going to leave now to attend a session of the Court. If you will preside in my absence, Mr. Dulles will be here in a few moments, and if you are obliged to leave for your work in the Congress, he will preside until I return.

(At this point, Mr. Dulles entered the hearing room and the Chairman left the hearing room.)

Mr. EISENBERG. Mr. Latona, could you show us where on the paper bag, Exhibit 626, this left index finger was developed by you?

Mr. LATONA. The left index fingerprint was developed in the area which is indicated by this small red arrow.

Mr. EISENBERG. Could you put a "B" on that arrow to which you are pointing?

Mr. Latona, did you make comparison charts of the known and latent or the inked and latent palmprints of Lee Harvey Oswald which you have been referring to as found on this paper bag, 626?

Mr. LATONA. Yes; I did.

Mr. EISENBERG. Could you—

Mr. DULLES. Shouldn't you change that question a little bit? I don't think you should say Lee Harvey Oswald at this point.

Mr. EISENBERG. He has identified the print as being that of Lee Harvey Oswald.

Mr. DULLES. Excuse me.

Mr. EISENBERG. Mr. Latona, could you show us that chart and discuss with us some of the similar characteristics which you found in the inked and latent print which led you to the conclusion that they were identical?

Mr. LATONA. Yes. I have here what are referred to as two charted enlargements. One of the enlargements, which is marked "Inked Left Index Fingerprint. Lee Harvey Oswald" is approximately a 10-time enlargement of the fingerprint which appears on Exhibit 633A. The other enlargement, which is marked "Latent Fingerprint on Brown Homemade Paper Container," is approximately a 10-time enlargement of the latent fingerprint which was developed on the brown wrapping paper indicated by the red arrow, "B."

Mr. EISENBERG. And that also corresponds to the photograph you gave us, which is now Exhibit 633?

Mr. LATONA. That's correct.

Representative FORD. And the arrow, "B," is on Exhibit 626?

Mr. LATONA. That's correct. Now, in making a comparison of prints to determine whether or not they were made by the same finger, an examination is made first of all of the latent print.

An examination is made to see if there are in the latent print any points or characteristics which are unique to the person making the determination. In other words, in looking at the latent print, for example, this point, which is marked "1," is a ridge. The black lines are what we term ridges. They were made by the ridge formations on the fingers. That is, when the finger came in contact with the brown paper bag, it left an outline in these black lines on the brown paper bag.

Now, in looking at the latent print in the enlargement you notice there is one black line that appears to go upward and stop at the point which has been indicated as point No. 1.

Mr. EISENBERG. Mr. Latona, may I interrupt you there for a second.  
Mr. Chairman, I would like to introduce this chart, this comparison chart, as an exhibit.

Representative FORD. It may be admitted.

Mr. EISENBERG. That will be 634.

(The item referred to was marked Commission Exhibit No. 634 and was received in evidence.)

Mr. LATONA. Looking further we notice——

Mr. DULLES. Could I just ask a question about this? This is referring to Exhibit 634. I want to make sure what line we are talking about. You are talking about a black line that goes up as though two rivers came together there, and here is the point where this line stops.

Mr. LATONA. That's correct.

Mr. DULLES. No. 1. This is the latent?

Mr. LATONA. This is the imprint. This is the print on the bag.

Mr. DULLES. Yes.

Mr. LATONA. The contrast here is not as good as it is here.

Mr. DULLES. This goes up here, and these two lines come in there, so there is the point where your black line stops?

Mr. LATONA. Right at the end of the red line which is marked "1."

Mr. DULLES. Thank you.

Mr. LATONA. Now, looking further we find this point that has been indicated as No. 3. And No. 3 is located——

Mr. DULLES. Why do you skip 2?

Mr. LATONA. I am going to come to that.

Mr. DULLES. I see.

Mr. LATONA. I am going to tie these three in. Point No. 3 is above and to the left one ridge removed from—one black line—there is No. 3. Now looking further, we can look over to the right, or rather to the left, and we notice that one ridge removed from No. 3 are two ridges that come together and give you a point which has been indicated as No. 2.

Mr. EISENBERG. Is that what you might call a bifurcation?

Mr. LATONA. That is referred to, generally speaking, as a bifurcation.

Mr. EISENBERG. That is No. 2?

Mr. LATONA. And No. 1 is what is referred to as a ridge end.

Now, keeping those three points in mind, and the relationship they have to each other, if this print here, the inked print, were made by the same finger which left the print on the brown paper bag, we should be able to find those three points in the same approximate area, having the same relationship to each other.

Now, at this point we have not made a determination of any kind as to whether they are or are not identical. Examining the inked fingerprint, bearing in mind the general formation of this print that we see here, the latent print, we would examine the inked print and that would direct us to this approximate area here. And looking, we find sure enough there is point No. 1—or rather there is a point which appears to be the same as point No. 1 here. Bearing in mind how we located points Nos. 2 and 3, we would then check the inked print further and say to ourselves, "If this print were the same, there should be a point No. 2 in exactly the same relationship to No. 1 as there was in this latent print." We look over here—one, two, three, four—there is point No. 2.

Mr. EISENBERG. That point, or that count that you are making, is of ridges between the first and second point?

Mr. LATONA. Between the points, that's right. Then we have over here one, two, three, four. And bearing in mind again how point No. 3 bears a relationship to point No. 2, we should find point No. 3 in the same relative position in the inked print that it occurs in the latent print. Counting over again—one—we find a point which could be considered No. 3.

Now, at this time we have coordinated three points. We have tied three points together. On that basis, by themselves, we would not give a definite determination. Accordingly, we would pursue a further examination to determine whether there are other characteristics which occur.

Mr. DULLES. How many times is that magnified?

Mr. LATONA. This is magnified approximately 10 times.

Then we would pick up point No. 5. We notice point No. 5 is again one of those bifurcations which occurs above and slightly to the left of point No. 3. We also notice that it envelops point No. 1—as we go down further, slightly to the right of point No. 5, we notice that bifurcation envelops point No. 1. So we would look around for such a characteristic in the latent print.

If the same finger made those two prints, we have to find point 5. And looking over here we find such a formation, we look at it, and sure enough it envelops point No. 1—exactly the same relationship to each other appears in the latent print, and in the inked print. It has the same relationship to point No. 3 that occurs in the latent print as occurs in the inked print. Then we would pick up point No. 4—one, two, three, four.

Mr. EISENBERG. Again you are counting ridges?

Mr. LATONA. Counting ridges again, from point No. 5—one, two, three, four. There is a so-called ridge end, which occurs above, above and almost slightly to the left of point No. 5, point No. 5 enveloping No. 1. Point No. 5.

Mr. DULLES. Is 5 a ridge-end?

Mr. LATONA. Five is what we term a joining, forking, or bifurcation. These two come together at point 5. Over here, together at point 5.

Mr. DULLES. Is that where the two ridges come together there and encase it?

Mr. LATONA. Yes, sir. From point No. 5 we pick up point No. 7, which is another one of those so-called bifurcations. One, two, three, four.

Mr. EISENBERG. Again a ridge count?

Mr. LATONA. Ridge counting from 5 to 6. That is in the latent print. We must find the same situation in the inked print. Counting from point No. 5 the ridges which intervene, one, two, three, and then we count four, the point itself. There is the bifurcation right here.

Mr. EISENBERG. Mr. Latona, in making these ridge counts, do you also pay attention to the so-called, let's say, geographical relation, the spacial relation of the two points?

Mr. LATONA. Very definitely. Now, it does not always follow that the so-called geographical position will coincide exactly the same. That would be caused because of variations in the pressure used when the print was made. For example, when you make a print on a fingerprint card: when the inked print was made, the print was made for the specific purpose of recording all of the ridge details. When the print was left on the paper bag, it was an incidental impression. The person was not trying to leave a print. In fact, he probably did not even know he left one. So the pressure which is left, or the position of the finger when it made the print, will be a little different. Accordingly the geographical area of the points themselves will not always coincide. But they will be in the general position the same.

Mr. EISENBERG. Mr. Latona, without going into detail, there are some apparent dissimilarities on the two sides of that chart. Can you explain why there should be apparent dissimilarities?

Mr. LATONA. The dissimilarities as such are caused by the type of material on which the print was left, because of the pressure, because of the amount of material which is on the finger when it left the print. They would not always be exactly the same. Here again there appears a material difference in the sense there is a difference in coloration. This is because of the fact that the contrast in the latent print is not as sharp as it is in the inked impression, which is a definite black on white, whereas here we have more or less a brown on a lighter brown.

Mr. EISENBERG. Now, Mr. Latona, when you find an apparent dissimilarity between an inked and a latent print, how do you know that it is caused by absorption of the surface upon which the latent print is placed, or by failure of the finger to exude material, rather than by the fact that you have a different fingerprint?

Mr. LATONA. That is simply by sheer experience.

Mr. EISENBERG. Would you say, therefore, that the identification of a fingerprint is a task which calls for an expert interpretation, as opposed to a simple point-by-point laying-out which a layman could do?

Mr. LATONA. Very definitely so; yes.

Mr. EISENBERG. How much training does it take before you can make an identification?

Mr. LATONA. Well, I cannot tell you exactly how much in terms of time, insofar as what constitutes an expert. I can simply tell you what we require of our people before they would be considered experts.

Mr. EISENBERG. Yes, could you do that?

Mr. LATONA. We require our people before they would be——

Mr. DULLES. This is the FBI?

Mr. LATONA. Yes; this is the FBI. It would be 10 years of practical work in connection with the classifying and searching and verifying of regular fingerprint cards which bear all 10 prints. Those prints would be searched through our main fingerprint files. That means that that person would have to serve at least 10 years doing that. Of course, he would have to progress from the mere searching operation to the operation of being what we call unit supervisor, which would check—which would be actually the checking of the work of subordinates who do that work. He would be responsible for seeing that the fingerprints are properly searched, properly classified.

Mr. EISENBERG. And how long will he work in the latent fingerprint section?

Mr. LATONA. He would have to take an adaptability test, which would take 3 or 4 days, to determine, first of all, do we feel he has the qualifications for the job. Then if he passed the adaptability test, he would receive a minimum of 1 year's personal training in the latent fingerprint section—which means that he would have to serve at least 11 years in fingerprint work constantly, day in and day out, 8 hours a day in fingerprint work, before we would consider him as a fingerprint expert for purposes of testifying in a court of law.

Mr. EISENBERG. So that when you show us this chart, this is actually, or I should say, is this actually a demonstration, rather than a chart from which we could make an identification?

Mr. LATONA. That's right. The purpose is simply a hope on my part that by my explanation you may have some idea as to how a comparison is made, rather than for me to prove it to you through these charts, because unquestionably there are certain points that you will not see which to me are apparent.

Mr. EISENBERG. Now, Mr. Latona——

Mr. DULLES. May I ask a question? Is this ridge formation, sort of two ridges coming together, is that one of the most distinctive things you look for? I note on these charts, Exhibit 634, the various examples you have given us have been of one type so far.

Mr. LATONA. Two.

Mr. DULLES. I did not get the two. I get the two ridges coming together with sort of the ending of a valley. You were saying there were two distinctive things. I have only caught so far one distinctive thing—that is the two ridges coming together in a kind of valley with no exit.

Mr. LATONA. Two that come together, like a fork. And the other one was the one that just ends by itself—does not join.

Mr. EISENBERG. Which is an interrupted ridge?

Mr. DULLES. I do not get the distinction.

Mr. EISENBERG. Is that an interrupted ridge you just described?

Mr. LATONA. What we call an ending ridge.

Mr. EISENBERG. Off the record.

(Discussion off the record.)

Mr. EISENBERG. Back on the record. Mr. Latona, could you prepare a diagram which would show some of the characteristics, in broad outline, which we have been discussing, and have those labeled, and could you submit that diagram to us at a future date?

Mr. LATONA. Yes; I could.

Mr. EISENBERG. We will append it to your testimony, so that your testimony may be more easily followed in the record—with the permission of the Chairman.

Representative FORD. It will be prepared and submitted and included in the record.

(The item referred to was later supplied and was marked Commission Exhibit No. 634A.)

Mr. LATONA. Well, if you could give me your indulgence, I could do it right here as fast as I did it on the board.

Representative FORD. Off the record.

(Discussion off the record.)

Representative FORD. Back on the record.

Mr. DULLES. These, I understand, are the particular distinguishing points, the points that you would look for to determine whether the latent print—

Mr. LATONA. Not so much the looking for the points, as to finding points having a relationship to each other. It is the relation that is the important thing, not the point itself. In other words, all of us would have to a certain extent these points.

Mr. DULLES. They have to be in the same relation to each other.

Mr. LATONA. That is correct. For example, on the illustration I have here—

Mr. EISENBERG. This is an illustration on the blackboard.

Mr. LATONA. The mere fact that this is an ending ridge and bifurcation and another ending ridge and a dot in themselves mean nothing. This is a type of pattern which is referred to as a loop, which is very common. These comprise approximately 65 percent of pattern types. It has four ridge counts, for example. You can find hundreds of thousands and millions of four-count loops. But you would not find but one loop having an arrangement of these characteristics in the relation that they have. For example, the enclosure is related to this ending ridge. This ending ridge is related by one ridge removed from the dot. This bifurcation is next to the so-called core which is formed by a rod, the ending ridge.

The points themselves are common. The most common type of points are the ending ridge and the bifurcation. Those are the two points we have covered so far.

Mr. EISENBERG. Mr. Latona, I see that you have marked nine characteristics on your chart. Are these all the characteristics which you were able to find—

Mr. LATONA. On this particular chart; yes. They were the only ones that bore—actually, there is still one more characteristic—there could have been 10.

Mr. EISENBERG. Now, is there any minimum number of points that has to be found in order to make an identification, in your opinion?

Mr. LATONA. No; in my opinion, there are no number of points which are a requirement. Now, there is a general belief among lots of fingerprint people that a certain number of points are required. It is my opinion that this is an erroneous assumption that they have taken, because of the fact that here in the United States a person that qualifies in court as an expert has the right merely to voice an opinion as to whether two prints were made by the same finger or not made. There are no requirements, there is no standard by which a person can say that a certain number of points are required—primarily because of the fact that there is such a wide variance in the experience of men who qualify as fingerprint experts.

Mr. EISENBERG. Mr. Latona, you said that not all experts are in agreement on this subject. Is there any substantial body of expert opinion that holds to a minimum number of points, let's say, 12?

Mr. LATONA. In the United States, to my knowledge, I know of no group or body that subscribe to a particular number. Now, quite frequently some of these departments will maintain a standard for themselves, by virtue of the fact that they will say, "Before we will make an identification, we must find a minimum of 12 points of similarity."

I am quite certain that the reason for that is simply to avoid the possibility of making an erroneous identification. Now, why they have picked 12 I believe that that 12-point business originated because of a certain article which was written by a French fingerprint examiner by the name of Edmond Locard back in 1917, I think—there was a publication to the effect that in his opinion where there were 12 points of similarity, there was no chance of making an erroneous identification. If there were less than 12, he voiced the conclusion that the chances would increase as to finding duplicate prints.

Now, today we in the FBI do not subscribe to that theory at all. We simply say this: We have confidence in our experts to the extent that regardless of the number of points, if the expert who has been assigned to the case for purposes

of making the examination gives an opinion, we will not question the number of points. We have testified—I personally have testified in court to as few as seven points of similarity.

Mr. DULLES. But you would not on two, would you?

Mr. LATONA. No, sir; because I know that two points, even though they would not be duplicate points, could be arranged in such a fashion that it might possibly give me the impression that here are two points which appear to be the same even though they are are not.

Mr. DULLES. But it is somewhere between two and seven—somewhere in that range?

Mr. LATONA. That is right. Where that is, I do not know. And I would not say whether I would testify to six, would I testify to five, would I refuse to testify to four.

Mr. DULLES. You say you would—or would you?

Mr. LATONA. I don't know. That's a question I could not answer. I would have to see each case individually before I could render a conclusion.

Now, going outside of the United States, we have been approached—I mean the FBI—have been approached by other foreign experts in an attempt to set a worldwide standard of 16 characteristics, a minimum of 16, as opposed to 12, which is generally referred to by people in this country here. Now of course we would not subscribe to that at all. And I think—

Mr. DULLES. That would be 16 on the fingerprint of the same finger?

Mr. LATONA. That's right.

Mr. DULLES. Obviously, if you have two fingers that would alter the number—if you had three on one and two on the other, would you consider that five?

Mr. LATONA. We would.

Now, whether the foreign experts would not, I don't know. In other words, if we were to go along with this European theory of 16 points, we would not testify to this being an identification. That is really what it would amount to. Yet to me, in my mind, there is no question that these prints here—

Mr. EISENBERG. Which is what exhibit?

Mr. LATONA. The enlargements in Exhibit 634—are simply reproductions of the left index fingerprint of Lee Harvey Oswald.

Representative FORD. There is no doubt in your mind about that?

Mr. LATONA. Absolutely none at all. The fact that there are only the nine points charted—and I feel this way, it is purely a matter of experience. They simply do not have the experience that we have in the FBI. The FBI has the world's largest practical fingerprint file. We receive on an average of 23,000 to 25,000 cards a day which are processed within a 3-day period.

Mr. DULLES. In a 3-day period?

Mr. LATONA. In a 3-day period.

Mr. DULLES. And by processed do you mean they are filed according to certain characteristics?

Mr. LATONA. They are. At first they are recorded as having been received from a particular agency, as to the number that we have received, as to the type of the card. Then they are checked to see if the impressions which are on the fingerprint card are complete and legible, that they are placed in their proper sequence, that is they are properly classified.

Then they are checked through our files to see if the person has or has not a prior criminal record. Then a reply is prepared and forwarded to the contributor. That is done in a 3-day period.

Mr. DULLES. How old is the art, roughly?

Mr. LATONA. Insofar as this country is concerned, I would say back to 1903, when the first fingerprint file for purposes of classification and filing was set up in this country in New York.

Mr. DULLES. Did it start in France?

Mr. LATONA. No. Really, I daresay the English were probably as early as any, or even down to South America—you have in Argentina the setting up of fingerprint files as early as 1891. For a long time we never recognized the fact that Argentina had a fingerprint file. I think it is primarily because all of the works on fingerprinting were written in Spanish, and it was just a question of finding somebody to take the time and effort to translate it into English.

The French are credited with the so-called Bertillon system, which is a measurement of the bone structure of the body. Alphonse Bertillon was a French—

Mr. DULLES. Didn't Bertillon go into fingerprints later?

Mr. LATONA. Very reluctantly. He was very reluctant to accept it. He was a sort of diehard. He felt that his method, the measurement of certain bones of the body, would not change after a person reached the adult stage. But we know that that is not true. There is a change—because of age, disease, dissipation. A person that was once 6'2" may, because of the fact he is getting older, hump down a little more and instead of being 6'2" he might be 5'11". Certain bone structures over the years make certain changes—plus the fact that his system was not a good system in that certain allowances had to be made because of the way that people were measured.

Sometimes one operator might measure the bones of the arm, for example, too tight, and another too loose. And they used the metric system of measurement, which in terms of their measuring might sometimes mean that the same person would not measure the same bone the same way twice.

We have the celebrated case here which we refer to as the Will West case, here in the United States, in which a man was sentenced to the penitentiary in Leavenworth. He was a colored man by the name of Will West. The operator there, going through the mechanics of taking the various measurements and his photograph, said, "I see you are back here again." The man said, "No, this is the first time I have been to Leavenworth." The operator was certain he had measured and photographed this man before. He went to check his records and he came up with a prior record which disclosed a Will West who had practically the same Bertillon measurements as the man currently being examined.

He said, "Isn't this you?" And he showed him a picture. He looked at the picture and recognized the picture as being one of himself. He said, "Yes, that is me, but I have never been here before."

They checked the records and found still there in the penitentiary was another Will West who looked almost exactly like a twin. But they were not even related. Their features were the same, their measurements were the same, but then their fingerprints were completely different.

If they made that error that one time, how many other times could the same error have been made? And accordingly, we here in the United States, around 1903—the Bertillon method was slowly put out of use. It became obsolete.

Bertillon, before he died, conceded that fingerprints was a good means of identification, and he very reluctantly conceded that the two systems, his method and fingerprints together, would be an absolute means of identification.

We completely did away with the Bertillon system. In fact, the FBI never used it. We started our fingerprint work years after all that had been resolved, back in 1924.

On July 1, 1924, that is actually when the FBI went into the fingerprint business.

Mr. DULLES. Thank you very much. I found that very interesting.

Representative FORD. Go ahead, Mr. Eisenberg.

Mr. EISENBERG. Mr. Latona, did you also prepare a chart showing a comparison of the latent and known left-index fingerprint of Lee Harvey Oswald found on the paper bag, Exhibit 626?

Mr. LATONA. The left index finger. That is the one we just discussed.

Mr. EISENBERG. I'm sorry—the right palmprint.

Mr. LATONA. Right.

Mr. EISENBERG. And before we go any further, I should state for the record that the exhibit we have been referring to as 626 was earlier introduced as 142, and it is 142.

Mr. DULLES. Off the record.

(Discussion off the record.)

Mr. DULLES. Back on the record.

Mr. EISENBERG. Also, before we get to the palmprint—

Mr. DULLES. Just a moment. It seems to me it would be well to have for the files of the Commission copies of the earlier fingerprints of Lee Harvey Oswald that were taken, and the time that they were taken.

Mr. EISENBERG. I agree, sir. Mr. Latona—

Mr. LATONA. Do I understand you are asking—

Mr. EISENBERG. I will develop this on the record.

Mr. Latona, you had earlier submitted to us, and we had marked as an exhibit, copies of fingerprint cards and two palmprint cards which were made up by the Dallas police and forwarded to you, received by you from your Dallas office; is that correct?

Mr. LATONA. Yes, sir.

Mr. EISENBERG. Now, in addition, did the Federal Bureau of Investigation have in its files prints of Lee Harvey Oswald which it had received at some earlier date, prior to November 22?

Mr. LATONA. Yes, sir; I believe there is a Marine Corps print.

Mr. EISENBERG. Would these prints have been taken by the FBI?

Mr. LATONA. No; they would not.

Mr. EISENBERG. They were taken by—

Mr. LATONA. The regular service.

Mr. EISENBERG. And forwarded to the FBI?

Mr. LATONA. That's right.

Mr. EISENBERG. Did you compare the 10-finger card which you received from the Dallas office of the FBI and compare it with the Marine fingerprint card?

Mr. LATONA. Yes, sir.

Mr. EISENBERG. Were they identical?

Mr. LATONA. They were the same.

Mr. EISENBERG. Were the palmprints taken by the Marines?

Mr. LATONA. No; not to my knowledge.

Mr. EISENBERG. Could you submit to us a copy of the 10-print card which you received from the Marine Corps?

Mr. LATONA. Yes; I could.

Mr. EISENBERG. With the Chairman's permission, that will be appended as an exhibit to Mr. Latona's testimony.

Representative FORD. Do you wish to identify it by a number at this time?

Mr. EISENBERG. Yes. If we could give it a number in advance of receiving it, I would like to give it Commission Exhibit No. 635.

(The item referred to was later supplied and was marked Commission Exhibit No. 635.)

Representative FORD. It will be admitted.

Mr. DULLES. Do you know whether any fingerprints were taken after Lee Harvey Oswald returned from the Soviet Union?

Mr. LATONA. Those after he was arrested in connection with this particular offense.

Mr. DULLES. Apart from the fingerprints obtained in connection with the assassination.

Mr. LATONA. I do not.

Mr. DULLES. Do you have a right to go to anybody and demand their fingerprints?

Mr. LATONA. No.

Mr. DULLES. Under law?

Mr. LATONA. No, sir; only persons taken into custody for Federal violations as such. Now, the FBI has actually no authority at all, except in cases of making an arrest.

Mr. DULLES. There is nothing done in connection with the census or anything of that kind?

Mr. LATONA. No, sir. Some persons are ordered, by virtue of being aliens, to be fingerprinted—those that are domiciled here in the United States must register under the Alien Registration Act.

Mr. DULLES. And fingerprints then are taken of aliens in connection with their registration?

Mr. LATONA. That's right.

Mr. DULLES. Otherwise there is no general procedure for the taking of anybody that you may happen to want to take?

Mr. LATONA. The Services, of course, require it. Applicants for certain positions are required by law. For example, all civil service, Federal civil service

applicants must be fingerprinted. Locally, there are certain local cases. For example a man may in some localities, if he even applies for a chauffeur's license, has to be fingerprinted. If he desires a gun permit, he has to be fingerprinted. In some places, if he applies for certain jobs he must be fingerprinted.

Mr. DULLES. As I recall, I gave a fingerprint when I got my automobile license. Is that general throughout the United States?

Mr. LATONA. What State was that?

Mr. DULLES. Here in the District. Didn't I give that?

Mr. LATONA. No, sir. To my knowledge, there are none that require it—fingerprinting—for an automobile license. In California I believe it is voluntary—to place the finger, if you desire to, on your card.

Mr. DULLES. Thank you very much.

Mr. EISENBERG. Mr. Latona, Exhibit 630, which is one of the known 10-print cards submitted by the Dallas office, is marked "Refused to sign" in the box with the printed caption "Signature of person fingerprinted." Do you recall whether Lee Harvey Oswald signed the Marine Corps card?

Mr. LATONA. Offhand, I do not.

Mr. EISENBERG. I think it would be interesting, for the record, to see if that is signed, and, of course, as we read the record and get the card, we will be able to note that information.

We were discussing whether you had made a chart of the known and latent right palmprint of Lee Harvey Oswald found on Exhibit 142, as I will refer to it from now on.

Mr. LATONA. I believe I have already furnished you smaller photographs.

Mr. EISENBERG. Yes; you have. Those have been marked into evidence.

Mr. LATONA. This is the inked—the right inked palmprint, a photograph of the right inked palmprint of Lee Harvey Oswald.

Mr. EISENBERG. You say "this." Can you identify that exhibit? It is 631.

I am handing you Exhibit 632.

Mr. LATONA. Exhibit 632 is approximately a time and a half enlargement of the latent palmprint which was developed on the brown wrapper.

Mr. EISENBERG. That is Exhibit 142.

Mr. LATONA. Exhibit 142—which is indicated by the red arrow A.

Mr. EISENBERG. Did you prepare this chart, Mr. Latona?

Mr. LATONA. Not personally, no. This was made under my personal direction and supervision.

Mr. EISENBERG. And is it an accurate reproduction of the known and latent prints which were earlier introduced into evidence?

Mr. LATONA. It is. It is a true and faithful reproduction of these areas, enlarged to approximately eight times the originals.

Mr. EISENBERG. May I have this introduced into evidence as 636, Mr. Chairman? Representative FORD. It will be introduced.

(The item referred to was marked Commission Exhibit No. 636 and received in evidence.)

Mr. DULLES. May I ask whether this was discovered immediately after the assassination—at what time did you discover this particular palmprint?

Mr. LATONA. It was on the 23d of November, the day after.

Mr. EISENBERG. Using this chart, 636, Mr. Latona, could you demonstrate to us some of the points which led you to the conclusion that the latent palmprint on 142 was the palmprint of Lee Harvey Oswald?

Mr. LATONA. The procedure in making this comparison was exactly the same as the procedure followed in connection with making the prior examination of the fingerprint. Now, the area which shows in approximately an eight-time enlargement, and is marked "Latent Palmprint Developed on Brown Homemade Paper Container," which is Exhibit 636, is roughly outlined on Commission Exhibit 631 in red, which is a photograph of the inked right palmprint of Lee Harvey Oswald.

This area below the little finger, or what we referred to as the ulnar portion of the palm—now, in making the examination or comparison, here again—first of all I would like to point out that there is a black line that goes right through—in an upward fashion—through the enlargement of the latent fingerprint. That line is caused by virtue of the fact that the palmprint which is developed is

partially on a piece of tape as well as the wrapper itself. In other words, a part of the print is on a piece of tape and the other part is on the paper itself.

Mr. EISENBERG. Mr. Latona, could you show how the palm lay on the paper to produce that impression?

Mr. LATONA. The palm lay in this fashion here.

Mr. EISENBERG. You are putting your right hand on the paper so that the fingers are pointing in the same direction as the arrow A?

Mr. LATONA. That's right.

Mr. EISENBERG. And it is at approximately right angles to the paper bag?

Mr. LATONA. That's right.

Here again, in making the comparison, a check is made for the location of certain points.

Now, we notice here that the points appear to be much closer than they were in the fingerprint, and that is probably because of the pressure which was exercised, possibly in holding the object which was in this paper container.

Now, you notice this point No. 1 here, which we term the ending ridge. Point No. 2 is also an ending ridge. And you notice in between these points there is a ridge. Point No. 2 is to the left of point No. 1.

Then we find there is a point No. 3 which is a point which is similar in character to point No. 2 and is almost directly below, but there are two intervening ridges. Then there is a point No. 4 which is below point No. 3, and going in a direction opposite from point No. 3.

If we bear those four points in mind—and if the latent palmprint was made by the same palm that made the inked palmprint—then we should find these four points in that position over there.

Now, in order to first of all find the particular area where we would look to see if those points exist, we would bear in mind the general formation of the print itself. We notice the so-called looping formation in the inked print. We see that there is a looping formation here. Definitely it is not as pronounced in the latent print as it is in the inked print. But to the experienced eye, it is right here.

Accordingly, bearing in mind where these points would occur, we would generalize in the area to the extreme right of the enlargement, and find that there is a point which is somewhat similar to the point which appears in the inked impression, which momentarily we would say appears to be the same point as No. 1.

Now, bearing in mind how No. 2 is related to point No. 1, does such a point appear in the latent print? And making the check, exactly in the same fashion and relationship that occurred in the inked print, we find that there is such a point.

Does a third point appear in the same relationship to point No. 2 as it appears in the inked print?

Counting down one, two, and then the three point being the point itself. And in the same general flowing direction we count here, one, two, three—there it is.

Bearing in mind again that we found point No. 4 is what we refer to as a bifurcation going in the opposite direction from No. 3, which was directly below and to the left, do we find such a point here? Sure enough, there it is.

Now, an additional test would be this: At this point here we notice there is an abrupt ending of a ridge at this point here. It was not even charted. The fact is, it also occurs here. You see this point here, through which there is no line drawn, here it is right here—

Mr. EISENBERG. You are pointing above 4?

Mr. LATONA. Directly above 4 to a ridge going—what we term flowing to the right. Now, at this point here, to a fingerprint examiner of any experience at all, he would start saying these prints were probably made by the same fellow. To satisfy himself, he would continue to point No. 5—one, two, three, four—there is point No. 5. Then there is No. 6, and there is No. 6 here, having exactly the same relationship to each other.

On the basis of those six points alone, I would venture the opinion that these palmprints were made by the same person. But for purposes of carrying it out further, here is point No. 7. Point No. 7 is obliterated to a certain degree

to the inexperienced eye by virtue of the fact that it almost coincides with that line there. You probably do not see that.

And here is point No. 8, which is related to point No. 7 by the separation of those ridges in the same way. One, two, three, four—one, two, three, four. In its relationship to No. 9 here—just above and to the left, flowing in the same general direction. Here it is here.

Then your point No. 10, which is tied into point No. 11 in this fashion here, and 12 and 13. All of them have the same relationship insofar as the intervention of ridges is concerned, the same general area, plus the fact that they all flow in the same general direction.

Picking up No. 14, which is going upward, to point No. 15, which stands out rather easily—15 here. To throw in just one point extra—see this little point here, that ends here?

Mr. EISENBERG. That is to the upper right of 15?

Mr. LATONA. To the right and upward of 15.

Mr. DULLES. So you really have 16 points there?

Mr. LATONA. Actually, there are more than that in here, which I have not even bothered to chart. The opinion here, without any question at all, this latent print, which was developed on the brown bag marked "A"—142—was made by the right palm of Lee Harvey Oswald. And in my opinion, this identification is absolute. There is no question at all that only the right palm of Lee Harvey Oswald made this print, or could have made it.

Mr. EISENBERG. Are there any further questions on the prints appearing on this bag?

Representative FORD. Mr. Murray?

Mr. MURRAY. May I suggest this, Mr. Chairman? Since the print on the bag may become obliterated, and since members of the Commission have already seen it, it might be advisable to put on the record that they have seen it, because in time to come it may not be visible to anybody.

Representative FORD. Well, I for one would be willing to state that I have personally seen that fingerprint through a glass on the bag—both the finger and the palm.

Mr. DULLES. I would be glad to concur that I also have seen the fingerprint and the palmprint to which Congressman Ford refers.

Mr. EISENBERG. In that general connection, Mr. Latona, do you commonly make your fingerprint identifications on the basis of the object on which the latent print appears, or on the basis of a photograph of that object?

Mr. LATONA. Normally it is made on the basis of photographs. We work more or less like an assembly-line basis, and we do not have the time or the opportunity to work from the originals, as was done in this case—this being quite an exceptional case. So the usual identification would be made—this was made on the basis of the bag itself, rather than to wait and get finished photographs from our photographic laboratory.

If I recall correctly, this was on a Saturday—the 23d?

Mr. EISENBERG. Yes; it was.

Mr. LATONA. We did not have our full staff there. We were called in to handle this case specially. There were no photographers available at that time for that particular purpose. Frankly, under the circumstances it would not have made any difference whether they were available or not. This had a priority over everything we were working on and naturally we had to proceed as fast as we could, in a sense, to render conclusions and opinions at that time.

Accordingly, the original comparisons were made directly from the wrapper, rather than a photograph, which was prepared subsequently to this.

Representative FORD. The suggestion has been made, Mr. Murray, that perhaps you would like to look at that palmprint and the fingerprint on the wrapping, and you might make a statement the same as Mr. Dulles and I have made.

Mr. EISENBERG. Could you point out to Mr. Murray, Mr. Latona, the two prints?

Mr. LATONA. Yes, sir. "A" is the fingerprint.

Mr. DULLES. And the witness certifies that these are true photographs of the fingerprint and the palmprint that you have exhibited?

Mr. LATONA. Yes, sir.

Mr. MURRAY. May I say for the record, Mr. Chairman, that I definitely and clearly saw what appeared to me to be a palmprint in the part of Exhibit 142 which was designated with a "B," and less clearly, but nevertheless I did see, the fingerprint on the other portion of the bag.

Mr. EISENBERG. Mr. Latona—

Mr. LATONA. "B" is the finger, and "A" is the palm.

Mr. MURRAY. Yes; that's correct. And the palm "A"—there I definitely saw what appeared to be a palmprint, and more faintly I saw a fingerprint in the portion marked "B."

Mr. DULLES. And these are exhibits—

Mr. EISENBERG. This is Exhibit 142.

(At this point Representative Boggs entered the hearing room.)

Mr. DULLES. Both the palmprint and the fingerprint are on Exhibit 142.

Mr. EISENBERG. Yes—marked "A" and "B" respectively.

Mr. LATONA, one further question on this subject. When you testify in court, do you frequently testify on the basis of the photographs rather than the original object?

Mr. LATONA. If the originals are available, I would prefer that they be brought into court. If they are not, then photographs are used—plus the original negative of the latent prints which were photographed.

Mr. EISENBERG. Now, Mr. Latona, I hand you Commission Exhibit 139 which, for the record, consists of the rifle found on the sixth floor of the TSBD building, and which was identified yesterday as the rifle—and the day before yesterday—as the rifle which fired the fatal bullets, and I ask you whether you are familiar with this weapon?

Mr. LATONA. Yes; I am.

Mr. EISENBERG. And did you examine this weapon to test—did you examine this weapon to determine whether there were any identifiable latent fingerprints on it?

Mr. LATONA. I examined the weapon to determine whether there were any identifiable latent prints on the weapon.

Mr. EISENBERG. When did you receive the weapon?

Mr. LATONA. On the morning of November 23, 1963.

Mr. EISENBERG. And when did you proceed to make your examination?

Mr. LATONA. I proceeded to make my examination that same day that I received it.

Mr. EISENBERG. Can you tell us what techniques you used?

Mr. LATONA. Well, the technique that I used first was simply to examine it visually under a magnifying glass, a hand magnifying glass, primarily for the purpose of seeing, first of all, whether there were any visible prints. I might point out that my attention had been directed to the area which we refer to as the trigger guard on the left side of the weapon, Commission Exhibit 139.

Mr. EISENBERG. The trigger-guard area?

Mr. LATONA. The trigger-guard area.

Mr. EISENBERG. Which actually, in the case of this particular weapon, is the area in which the magazine is inserted at the top; is that correct? You are looking at the weapon now, and the magazine comes out the bottom of what is called the trigger-guard area, which would be a trigger guard on another weapon.

Mr. LATONA. That's correct. There had been placed over that area a piece of cellophane material. My attention had been directed to it, to the effect that a prior examination had been made of that area, and that there were apparently certain latent prints available—visible under that area.

I first examine most prints to see—

Mr. DULLES. Who placed the cellophane material there, in your opinion?

Mr. LATONA. Well, I was told—my information was simply that the Dallas Police Department had done so. I have no personal knowledge as to who did it, other than information that the Dallas Police had examined the weapon and they had found these visible marks on there, that they had developed the prints.

Now, by what means they did it, I do not know, but I would assume they used a gray powder.

Mr. DULLES. What was the purpose of putting the cellophane there?

Mr. LATONA. To protect the prints while the rifle was in transit to the FBI.

Mr. EISENBERG. Now, when you received it with the cellophane cover, what portion did it cover?

Mr. LATONA. Closest to the trigger area.

Mr. EISENBERG. On the trigger guard, closest to the trigger area?

Mr. LATONA. That's right.

Mr. EISENBERG. Was that on the right or left side of the weapon?

Mr. LATONA. Left side.

Mr. EISENBERG. And was there a print visible to you underneath the cellophane?

Mr. LATONA. I could see faintly ridge formations there. However, examination disclosed to me that the formations, the ridge formations and characteristics, were insufficient for purposes of either effecting identification or a determination that the print was not identical with the prints of people. Accordingly, my opinion simply was that the latent prints which were there were of no value.

Now, I did not stop there.

Mr. EISENBERG. Before we leave those prints, Mr. Latona, had those been developed by the powder method?

Mr. LATONA. Yes; they had.

Mr. EISENBERG. Was that a gray powder?

Mr. LATONA. I assumed that they used gray powder in order to give them what little contrast could be seen. And it took some highlighting and sidelighting with the use of a spotlight to actually make those things discernible at all.

Representative FORD. As far as you are concerned.

Mr. LATONA. That's right.

Mr. DULLES. Is it likely or possible that those fingerprints could have been damaged or eroded in the passage from Texas to your hands?

Mr. LATONA. No, sir; I don't think so. In fact, I think we got the prints just like they were. There had, in addition to this rifle and that paper bag, which I received on the 23d—there had also been submitted to me some photographs which had been taken by the Dallas Police Department, at least alleged to have been taken by them, of these prints on this trigger guard which they developed. I examined the photographs very closely and I still could not determine any latent value in the photograph.

So then I took the rifle personally over to our photo laboratory. In the meantime, I had made arrangements to bring a photographer in especially for the purpose of photographing these latent prints for me, an experienced photographer—I called him in. I received this material in the Justice Building. My office of operations is in the Identification Division Building, which is at 2d and D Streets SW. So I made arrangements to immediately have a photographer come in and see if he could improve on the photographs that were taken by the Dallas Police Department.

Well, we spent, between the two of us, setting up the camera, looking at prints, highlighting, sidelighting, every type of lighting that we could conceivably think of, checking back and forth in the darkroom—we could not improve the condition of these latent prints.

So, accordingly, the final conclusion was simply that the latent print on this gun was of no value, the fragments that were there.

After that had been determined, I then proceeded to completely process the entire rifle, to see if there were any other prints of any significance or value—any prints of value—I would not know what the significance would be, but to see if there were any other prints. I completely covered the rifle. I also had a firearms man—

Representative BOGGS. What do you cover it with?

Mr. LATONA. Gray fingerprint powder.

Representative BOGGS. What is that powder?

Mr. LATONA. It is usually a combination of chalk and mercury, or possibly white lead and a little bit of resin material to give it some weight.

Mr. EISENBERG. And you testified earlier that that adheres—

Mr. LATONA. To the moisture that was left by the finger, the fingers or the hands, when it came in contact with the surface.

Representative BOGGS. How long will that condition remain?

Mr. LATONA. Going from one extreme to the other, it may remain for years; under other circumstances, it may not even last for 15 or 20 minutes.

Representative BOGGS. Why the difference?

Mr. LATONA. Because of the amount of material which was left and the condition of the material which was left. Basically, the material may be made up of protein material and salt and water—primarily water. If it is totally water, with very little salt or oily material, when the evaporation is effected, then it is complete—there will be nothing left.

Representative BOGGS. You mean that it is gone?

Mr. LATONA. Right. On the other hand, if there is an oily matter there, we know that latent prints will last literally for years on certain objects.

Representative BOGGS. Well, just for purposes of information, if I make fingerprints there on the table, how long would they normally last?

Mr. LATONA. I don't know.

Representative BOGGS. Well, would there be any way to know?

Mr. LATONA. No, sir.

Mr. DULLES. It depends on temperature, on the amount of moisture involved? What does it depend on?

Mr. LATONA. First of all, I saw him touch it, but I am not even sure he left a print there.

Representative BOGGS. Well, I can see it.

Mr. LATONA. As to the quality of the print, there again it is simply a matter of what material you have in your hands that made that print, as to how long it will last, how long it will take for it to evaporate.

Actually, when it dries out, it may, in itself, leave a print with such clarity that it would not—even though it would not accept the powder, still by highlighting it, the way you did to see that the print was there, we could photograph it so it would come out just as clear as though it were black on white.

Representative BOGGS. Does the material that one touches have any effect?

Mr. LATONA. Very definitely. It depends on how hard or smooth the material is.

Representative BOGGS. Now, does a weapon lend itself to retaining fingerprints?

Mr. LATONA. This particular weapon here, first of all, in my opinion, the metal is very poorly finished. It is absorbent. Believe it or not, there is a certain amount of absorption into this metal itself. It is not finished in the sense that it is highly polished.

Representative BOGGS. So this would be conducive to getting a good print, or would it?

Mr. LATONA. It would not.

Representative BOGGS. I see—because it would absorb the moisture.

Mr. LATONA. That's right. Now, there are other guns—for example, Smith and Wesson, which have exceptionally nice finishes, the blue metal finishes are better surfaces for latent prints. Where you have a nickel-plated or silver-plated revolvers, where it is smooth—they are much more conducive to latent prints than some of these other things, say like the army type, the weapons used in wartime that are dull, to avoid reflection—things of that type—they are not as good.

Mr. DULLES. I wonder if you would like to look at the fingerprints we have gone over. They are quite apparent there with the glass.

Representative BOGGS. I would like to look at them. That is all I want to ask right at the moment.

Mr. DULLES. I would like to ask a general question.

Mr. LATONA (addressing Representative BOGGS). This is one of the fingerprints developed on the brown wrapper. It is this print here.

Mr. DULLES. You can see these prints quite clearly, and the palmprint.

Representative BOGGS. This is a photograph of that?

Mr. LATONA. This is approximately a time and a half enlargement. This is the left index finger. Here is the palmprint that was developed.

Representative FORD. Mr. Boggs—each of us here, Mr. Dulles, Mr. Murray, and myself, have said on the record that we have seen the prints on the wrapping.

We did this because, as Mr. Latona has indicated, such prints may disappear over a period of time. We thought it might be well for the record to indicate that we saw them. If you wish to do the same—

Representative Boggs. I would like to do the same, having just seen it.

Mr. DULLES. The witness has certified to the fact that these are true photographs of the prints that we have seen.

Representative Boggs. And the witness has also certified that those are Oswald's prints?

Mr. LATONA. No; I cannot certify to that.

Mr. EISENBERG. Do you want to explain that?

Mr. LATONA. As I am not the one that fingerprinted Oswald, I cannot tell from my own personal knowledge that those are actually the fingerprints of Lee Harvey Oswald.

Mr. EISENBERG. But you can certify that those prints are identical with the prints on the card which bears the name of Lee Harvey Oswald which was furnished to you?

Mr. LATONA. That is right.

Mr. EISENBERG. We will get other evidence in the record at a subsequent time to show those were the prints of Oswald. Mr. Latona, you were saying that you had worked over that rifle by applying a gray powder to it. Did you develop any fingerprints?

Mr. LATONA. I was not successful in developing any prints at all on the weapon. I also had one of the firearms examiners dismantle the weapon and I processed the complete weapon, all parts, everything else. And no latent prints of value were developed.

Mr. EISENBERG. Does that include the clip?

Mr. LATONA. That included the clip, that included the bolt, it included the underside of the barrel which is covered by the stock.

Mr. EISENBERG. Were cartridge cases furnished to you at that time?

Mr. LATONA. They were, which I processed, and from which I got no prints.

Mr. EISENBERG. Therefore, the net result of your work on Exhibit 139 was that you could not produce an identifiable print?

Mr. LATONA. That's correct.

Mr. DULLES. May I ask one question? Does the Secret Service do fingerprinting work, or do they turn it over to you—turn to you for all of that?

Mr. LATONA. I think they do some of their own, and on occasion we will do some for them, too. Primarily I think they do their own. I am not too familiar with the Secret Service as to how elaborate their laboratory is.

Mr. EISENBERG. So as of November 23, you had not found an identifiable print on Exhibit 139?

Mr. LATONA. That is right.

Mr. EISENBERG. I now hand you a small white card marked with certain initials and with a date, "11-22-63." There is a cellophane wrapping, cellophane tape across this card with what appears to be a fingerprint underneath it, and the handwriting underneath that tape is "off underside of gun barrel near end of foregrip C 2766," which I might remark parenthetically is the serial number of Exhibit 139. I ask you whether you are familiar with this item which I hand you, this card?

Mr. LATONA. Yes; I am familiar with this particular exhibit.

Mr. EISENBERG. Can you describe to us what that exhibit consists of, that item rather?

Mr. LATONA. This exhibit or this item is a lift of a latent palmprint which was evidently developed with black powder.

Mr. EISENBERG. And when did you receive this item?

Mr. LATONA. I received this item November 29, 1963.

Mr. EISENBERG. Before we go any further may I have this admitted into evidence?

Representative FORD. It will be. What is the number?

Mr. EISENBERG. That will be No. 637.

(The document referred to was marked Commission Exhibit No. 637, and received in evidence.)

Mr. EISENBERG. Mr. Latona, could you describe to us what a lift is?

Mr. LATONA. A lift is merely a piece of adhesive material which is used for purposes of removing a print that has been previously developed on an object, onto the adhesive material. Then the adhesive material is placed on a backing, in this case which happens to be the card. The adhesive material utilized here is similar to scotch tape. There are different types of lifting material. Some of them are known as opaque lifters, which are made of rubber, like a black rubber and white rubber, which has an adhesive material affixed to it, and this material is simply laid on a print which has been previously developed on an object and the full print is merely removed from the object.

Mr. EISENBERG. When you say "the print" is removed, actually the powder—

Mr. LATONA. The powder that adhered to the original latent print is picked off of the object.

Mr. EISENBERG. So that the impression actually is removed?

Mr. LATONA. That is right.

Representative FORD. Is that a recognized technique?

Mr. LATONA. Yes; it is.

Representative FORD. In the fingerprinting business?

Mr. LATONA. It is very common, one of the most common methods of recording latent prints.

Mr. EISENBERG. Who did you get this exhibit, this lift from?

Mr. LATONA. This lift was referred to us by the FBI Dallas office.

Mr. EISENBERG. And were you told anything about its origin?

Mr. LATONA. We were advised that this print had been developed by the Dallas Police Department, and, as the lift itself indicates, from the underside of the gun barrel near the end of the foregrip.

Mr. EISENBERG. Now, may I say for the record that at a subsequent point we will have the testimony of the police officer of the Dallas police who developed this print, and made the lift; and I believe that the print was taken from underneath the portion of the barrel which is covered by the stock. Now, did you attempt to identify this print which shows on the lift Exhibit 637?

Mr. LATONA. Yes; I did.

Mr. EISENBERG. Did you succeed in making identification?

Mr. LATONA. On the basis of my comparison, I did effect an identification.

Mr. EISENBERG. And whose print was that, Mr. Latona?

Mr. LATONA. The palmprint which appears on the lift was identified by me as the right palmprint of Lee Harvey Oswald.

Mr. EISENBERG. Now, Mr. Latona, as I understand it, on November 23, therefore, the FBI had not succeeded in making an identification of a fingerprint or palmprint on the rifle, but several days later by virtue of the receipt of this lift, which did not come with the weapon originally, the FBI did succeed in identifying a print on Exhibit 139?

Mr. LATONA. That is right.

Mr. EISENBERG. Which may explain any inconsistent or apparently inconsistent statements, which I believe appeared in the press, as to an identification?

Mr. LATONA. We had no personal knowledge of any palmprint having been developed on the rifle. The only prints that we knew of were the fragmentary prints which I previously pointed out had been indicated by the cellophane on the trigger guard. There was no indication on this rifle as to the existence of any other prints. This print which indicates it came from the underside of the gun barrel, evidently the lifting had been so complete that there was nothing left to show any marking on the gun itself as to the existence of such—even an attempt on the part of anyone else to process the rifle.

Mr. DULLES. Do I understand then that if there is a lifting of this kind, that it may obliterate—

Mr. LATONA. Completely.

Mr. DULLES. The original print?

Mr. LATONA. That is right.

Mr. EISENBERG. So that you personally, Mr. Latona, did not know anything about a print being on the rifle which was identifiable until you received, actually received the lift, Exhibit 637?

Mr. LATONA. On the 29th of November.

Mr. EISENBERG. Seven days after the assassination.

And in the intervening period, correspondingly, the FBI had no such knowledge?

Mr. LATONA. As far as I know.

Mr. EISENBERG. Mr. Latona, could you tell us what portion of the palm of Lee Harvey Oswald you identified that print as being?

Mr. LATONA. Yes. Here again I have a photograph that will show the approximate area involved, which is on the ulnar side of the lower portion of the palm.

Mr. EISENBERG. The ulnar—

Mr. LATONA. Down near the base of the palm toward the wrist.

Mr. EISENBERG. This is the right palm?

Mr. LATONA. The right palm.

Mr. EISENBERG. As it was in the case of the paper bag, Exhibit 142?

Mr. LATONA. Yes, sir.

Mr. EISENBERG. Could you display that photograph, please? This is a photograph which you took of the inked print which was furnished to you by the Dallas office?

Mr. LATONA. I didn't personally prepare the photographs. They were prepared at my personal direction.

Mr. EISENBERG. Was it prepared under your supervision?

Mr. LATONA. Yes, sir.

Mr. EISENBERG. Is it an accurate reproduction?

Mr. LATONA. It is.

Mr. EISENBERG. Mr. Chairman, may I have this admitted as 638?

Representative FORD. It shall be admitted.

(The photograph referred to was marked as Commission Exhibit No. 638, and received in evidence.)

Mr. LATONA. I might point out that you have the original of this which has been previously admitted.

Mr. EISENBERG. Yes; but this photograph shows a red circle around the portion which you identified—

Mr. LATONA. That is right.

Mr. EISENBERG. As being the latent found on the lift, is that right?

(Discussion off the record.)

(The reporter read the last question.)

Mr. LATONA. Yes.

Mr. EISENBERG. Mr. Latona, now you are showing me another photograph which appears to be a photograph of the lift itself, Exhibit 637, but an enlargement thereof?

Mr. LATONA. Slightly enlarged; yes, sir.

Mr. EISENBERG. Was this prepared by you or under your supervision?

Mr. LATONA. It was.

Mr. EISENBERG. And there is a red circle around this, on this photograph, that is around the print, the latent print?

Mr. LATONA. That is right.

Mr. EISENBERG. Mr. Chairman, may I have this photograph admitted as 639?

Representative FORD. It shall be admitted.

(The photograph referred to was marked Commission Exhibit No. 639, and received in evidence.)

Mr. EISENBERG. Mr. Latona, did you also prepare a chart showing an enlarged portion of the inked and latent palmprint?

Mr. LATONA. Yes, sir; I did.

Mr. EISENBERG. Illustrating some of the points which you used in making your identification?

Mr. LATONA. Yes, sir; I did.

Mr. EISENBERG. Was this chart prepared by you or under your supervision?

Mr. LATONA. This was prepared under my direct supervision.

Mr. EISENBERG. May I have this admitted as 640?

Representative FORD. It shall be admitted.

(The chart referred to was marked Commission Exhibit No. 640, and received in evidence.)

Mr. EISENBERG. What is the enlargement of this chart?

Mr. LATONA. Approximately an eight-time enlargement of the latent print which appears on the lift, Commission Exhibit—

Mr. EISENBERG. 637?

Mr. LATONA. 637. And the inked right palmprint enlargement is approximately eight times an enlargement of the Exhibit 638.

Mr. EISENBERG. The inked print?

Mr. LATONA. Which is encircled in red, a portion of that area.

Mr. EISENBERG. I wonder whether you could put that up on this easel here so that we can all see it, and explain to us some of the points which led you to your conclusion.

Mr. LATONA. Here again the approach insofar as making a comparison is concerned is exactly the same. That never changes. In making a comparison of fingerprints or palmprints, the mechanics are exactly the same.

First to look for what might be considered as points which are easy to see to the fingerprint man.

Representative FORD. May I ask first was the lift a good print for technical purposes?

Mr. LATONA. Yes; to the extent that the identification was made. There is no question as to the identity.

Now, insofar as quality is concerned, I believe that is what you have in mind, we don't, in fingerprint circles, don't say that this is a good latent as compared to a bad latent. If it is valuable for purposes of identification, so far as we are concerned it is good.

Now, that may not appear to the inexperienced eye possibly as being as clear as some of those others which you have already seen, but for the purpose of identification the points are here. That is the main thing.

Now, in making the comparison here it is easy to see the inked print. There is very little question here. This print was made on purpose for purposes of recording the ridges. This was made more or less incidental or possibly accidental.

Mr. DULLES. How does the left one differ? I thought you told us before it was 10 times.

Mr. LATONA. No; those were the others.

Mr. DULLES. That was the fingerprint that was 10 times?

Mr. LATONA. That is right.

Mr. DULLES. And the palm has always been eight times?

Mr. LATONA. That is right, because of the fact to make it 10 times it would have been enlarged to the extent that maybe you wouldn't be able to see the significance as to what it purports to be.

If you enlarge a fingerprint too much, it loses its identity. I have seen them where they were enlarged so big that you couldn't tell what they were, and if somebody would tell you it is a fingerprint you would say, if you say so it is, but it doesn't look like it to me.

Now, in some other sciences, for example, like handwriting and things of that kind, you can enlarge them pretty good size, typewriting and things of that type, but a fingerprint because of the poorness in contrast plus the fact that in themselves these black marks have no particular significance, they might lose their identity, you won't reconcile a palmprint with a palmprint.

So, actually for purposes of making comparisons we never make a comparison from an enlargement. The best way to make a comparison, the more complete, is to make it from the actual size, utilizing a regular fingerprint glass which enlarges approximately four diameters.

We would never think of enlarging the prints for purposes of making our initial comparison. We make them on the basis of the actual size, just like you see it here, utilizing a fingerprint, which gives you a better picture.

Mr. EISENBERG. Fingerprint glass, you mean?

Mr. LATONA. Fingerprint glass, because you get a much better view of the impression than you do where it is enlarged because in enlarging you have a tendency to distort the dissimilarities, to exaggerate what may be considered as dissimilarities.

Now, looking at these marks here again, which are very apparent here in the

ink print, this No. 1 which is a black line which flows over to the right, then one ridge directly below it and off to the left is this point No. 2. Then by counting down 1, 2, 3, 4 we come to this portion, a short-ending ridge, which is similar to this short-ending ridge in the illustration drawn on the board, is No. 3.

Now, here again the fingerprintman simply mentally says to himself, "If these palmprints were made by the same palm I should be able to find three such points in approximately the same area of this palmprint as was found here."

The manner of isolating the area is by virtue of the fact that you see this looping formation, the looping formation is right in here, rather vague but it is there.

Looking in that approximate area, you notice faintly this black line that comes over to this area and stops at the point there. Now, is this point No. 1 the same as this point No. 1? If it is, then there should be a point No. 2 in the latent print which is in the same relative position as point No. 2 occurs in the ink print. By looking in such a position by this one ridge removed and to the left, there is this point No. 2.

Then looking down to point No. 3, we notice one, two, three, four, there is this so-called short-ending ridge which to me shows up very clearly here in the enlargement of the latent print.

Point No. 4 is this black line which is coming toward point No. 3, and right within the same area or line, there is point No. 4.

Point No. 5 is picked up in this position over here, which is another one of these short-ending ridges. It is removed by one ridge or rather to the left of point No. 6 as is seen here.

Then we pick up point No. 7, which is this point showing a cluster of ridge formation here.

Point No. 8 is tied in. You can tie in point No. 8 to point No. 4, point No. 5 to point No. 7, and that coincides with point No. 8 here. In that way we pick up point No. 9, showing the relationship of one, two, three and over here one, two, three, always the same formation, the same general area, the same relationship to each other. In that way we pick up point No. 10, point No. 11, and point No. 12, which have exactly the same formation.

Here is point No. 10 coming this way, point No. 11 going that way, these two ridges are in between. It checks perfectly. The same way with point No. 12 which is just below point No. 11, and having the same relationship to point No. 10, the same general areas, identically the same type of characteristics, and exactly the same relationship to each other.

On the basis of those points, the obvious conclusion to an experienced fingerprintman is simply that the same palm made both of these prints. Only one palm could have made it, and that palm is the one which is alleged to be of Lee Harvey Oswald, his right palm.

Representative BOGGS. Is it true that every fingerprint of each individual on earth is different?

Mr. LATONA. Yes, sir; that is my sincere belief. I say that not only on earth but all those that have died before and all those to come. There will never be duplication.

Mr. DULLES. The same is true of palmprints, isn't it?

Mr. LATONA. Absolutely; yes, sir; fingerprints and palmprints and footprints.

Representative BOGGS. Can they be distorted, destroyed?

Mr. LATONA. They can be destroyed in the sense that—

Representative BOGGS. Cut your finger off, that is right?

Mr. LATONA. Sure, you can cut your finger off. You can resort to what is known as—they can be transferred. You can slice off a pattern from one finger and place it on another but you will see the scar. They can have what is known as surgical planing.

Representative BOGGS. That is what I was thinking about.

Mr. LATONA. That can be done, too.

Representative BOGGS. What happens then?

Mr. LATONA. What happens is that you lose the ridge area and you will simply have a scar. There will be no more pattern. Now, the pattern is formed by what are known as dermal papilla, which is below the epidermis or outer layer of skin. As long as you only injure the outer surface the ridge formation will grow back

exactly the same as it was before. If you get down to the dermal papilla, which lay like this—

Mr. EISENBERG. You are drawing an illustration on the board which shows short, broad, downward strokes.

Mr. LATONA. If you destroy or injure these to the extent that there is actual bleeding, you will get a permanent scar.

Fingerprints can be destroyed or scarred in such a fashion that we would not be able to successfully classify them.

Mr. DULLES. Do criminals do that?

Mr. LATONA. Yes; they do. We have had one case, probably the most successful was known as the so-called Roscoe Pitts case. This was a fugitive who in order to avoid identification went to an unscrupulous doctor who performed an operation and he did so by virtue of first cutting five slits on one side of his chest. Then he removed the pattern areas, what we call the pattern areas, which would consist of removal of the whole core area down to the delta area, sliced that off.

Representative BOGGS. How much would that be?

Mr. LATONA. He would literally have to draw blood. He would have to get down and just slice that off completely. He did that with five fingers. Then he taped the five fingers to the side of his chest and he kept them there for about 2 weeks. The same procedure was gone through with the other hand, and at the end of that time they were taken down and bound up individually. When they finally healed, all he has now is scar tissue for his pattern areas; but all we did in order to identify him was to drop down to the second joint. We made the identification from the second joint.

Now, at that particular time—

Representative BOGGS. After all that business.

Mr. LATONA. It didn't do him any good. Literally, the easiest person in our files to identify is Roscoe Pitts. He is the only one that has scar patterns like that. As soon as they see anything like that, everybody that knows anything about our files knows—Roscoe Pitts.

Representative BOGGS. Develop, if you will, please, that point that no two human beings ever have similar prints. Why is that, in your opinion?

Mr. LATONA. Well, earlier we went through a case which we have in the FBI, in which we literally have compared millions, millions of single prints with a fragmentary latent print which we developed on a demand note in a kidnaping case, one of our major kidnaping cases which occurred back in 1937, and we have compared this fragmentary print.

Now, ordinarily in fingerprints there are four basic pattern types. You have an arch, tented arch, a loop, and a whorl.

Now in making a comparison, naturally if you can tell the type of pattern you are going to restrict your comparison to the particular type.

In this instance we cannot tell what type of pattern this fragment that we developed is. We know that it is from a finger. And in attempting to identify the subject of this kidnaping case, we have compared it literally with millions of cards.

Now, existing in this fragmentary print there are only about seven to eight points that can be found, it is so fragmentary. We cannot determine the pattern. Accordingly then, when you compare it, you have to compare it with a person's 10 fingers regardless as to the pattern types. Bearing in mind that the average fingerprint has from 85 to 125 points—identifying characteristics—we have literally made millions of comparisons with only a portion of a finger, and we have failed to identify these 8 points in all types of patterns.

Isn't it sufficient to say then that people simply will not have the same fingerprints? Yet you have authorities, so-called authorities, who say that it is possible to find all 10 prints duplicated in 1 chance out of 1 followed by 60 zeros, if you can figure out what that figure is.

Representative BOGGS. Who are these authorities?

Mr. LATONA. They are really in my opinion mathematicians who on the basis of the so-called characteristic points have said 5 points times 125 times 125 times 125 to about the 10th power and wind up something like 1 followed by 60 zeros. They are mathematicians but they are not fingerprint people.

Mr. DULLES. What is your card system like? If this is too confidential I don't want to get anything in the record here that is too secret.

We can take it off the record.

Mr. LATONA. Nothing is secret about our files.

Mr. DULLES. How many characteristics do you file on a card so that when you find these characteristics you can go to the right cabinet and the right filing drawer and then pull out the right card in time?

Mr. LATONA. Literally they can break down into hundreds of thousands of groups.

Representative BOGGS. How many do you have on file?

Mr. LATONA. We have the fingerprints of 77½ million people?

Representative BOGGS. That includes all of those who were in the Army, Navy—

Mr. LATONA. 15 million criminals and about 62.5 million what we call civil. I explained earlier that our files consist of two main files, it is criminal files and the civil files. In the civil files are the fingerprints of individuals, those prints that we have retained, who have been fingerprinted in connection with some civil affair like the services, for example, security, sensitive jobs, all types of applicants, alien registrations. Then we also will accept the fingerprints of just a private citizen who would like to have his prints on record for simply identification purposes.

They are in the category of 62.5 million. Criminal prints, 15 million.

(Discussion off the record.)

Representative FORD. I have to leave, Mr. Dulles, will you take over as Chairman for the rest of the time that you can be here?

Mr. DULLES. I will do so.

Representative BOGGS. May I ask a question which is not particularly pertinent to this particular witness, but how many prints on various things like these boxes and other paraphernalia that the Commission may now have in its possession have been identified as those of Oswald?

Mr. LATONA. Six all told.

Representative BOGGS. Six altogether?

Mr. LATONA. Six.

Representative BOGGS. That includes these?

Mr. LATONA. That is right.

Representative BOGGS. How many, three?

Mr. LATONA. Three so far.

Mr. DULLES (addressing Mr. Eisenberg). You have dealt with three so far?

Mr. EISENBERG. Three so far. We should modify this. We are only introducing this morning evidence associated with the crime, directly with the crime. Now, there were many papers submitted to the identification division. I believe you did identify—

Mr. LATONA. Personal effects, wallet, pictures, papers, and things of that kind which in themselves bear Oswald's prints, which they should because they belong to him.

Representative BOGGS. May I ask another question in this connection. A weapon of this type, in your examination do you find a lot of other prints on it as well? You do not?

Mr. LATONA. No. First of all the weapon itself is a cheap one as you can see. It is one that—

Representative BOGGS. Is what?

Mr. LATONA. A cheap old weapon. The wood is to the point where it won't take a good print to begin with hardly. The metal isn't of the best, and not readily susceptible to a latent print.

Representative BOGGS. Was this weapon picked up first by the police?

Mr. EISENBERG. Yes, sir.

Representative BOGGS (addressing Mr. Eisenberg). Did anyone touch it as far as you know?

Mr. EISENBERG. No, no. It was picked up by a police officer attached to the Dallas police force first.

Mr. DULLES. It came to you directly then from the Dallas police and not through the Secret Service?

Mr. LATONA. No; the FBI turned it over to me, the Dallas office of the FBI flew it up here.

Representative BOGGS. What I am trying to determine is, the average police officer when he would pick up a weapon of that kind would take steps to secure whatever prints might be on that and also prevent the addition of prints, is that right?

Mr. LATONA. I would assume so.

Representative BOGGS. I mean this is part of his training, isn't it?

Mr. LATONA. Yes, sir; especially if he is—yes; I would say so. That is almost elementary today. There are so many schools today going that an officer that doesn't give some thought to latent fingerprints, he hasn't been to school.

Representative BOGGS. Of course not. But do you have that problem in your normal examination?

Mr. LATONA. Well, a lot of times that all depends. Sometimes they don't realize the significance of a latent examination, and it is unavoidable that an object has been contaminated. And then a lot of times it is simply because of the circumstances. Sometimes possibly in an instance of this kind because of the crime itself which was involved, I dare say there must have been a lot of panic there at that time. That is just pure conjecture on my part. I don't know whether they were thinking in details as to the examination. I don't think they sat down and just figured very calmly what they were going to do.

Representative BOGGS. Of course not.

Mr. LATONA. I imagine everybody just poured into that room where they found the thing, somebody would say, "Was this the gun?" and he handed it to someone else and then he would look at it. Lord knows what went on down there.

By the time the gun got there—on the other hand, if the right officer was there he would have protected it from the beginning and that is unquestionably what happened here.

Mr. DULLES. I have to make a telephone call. I will be right back.

Mr. EISENBERG. I believe that the print showing in the lift was taken from an area which had been covered by the wooden stock so that it was protected even against—

Mr. LATONA. Promiscuous handling, yes. If that were on the underside, if that was covered by the wood then very obviously those people there never did touch that.

Mr. EISENBERG. At any rate, we are going to find out exactly what they did.

Representative BOGGS. Yes. Go ahead.

Mr. EISENBERG. Now, just to elaborate on some questions which Mr. Boggs was asking earlier, Mr. Latona, referring specifically to this weapon, do you believe that a determination could have been made as to the age of the print found on the weapon which you have identified as being Oswald's print, and a lift of which is Exhibit No. 637?

Mr. LATONA. No; I don't.

Mr. EISENBERG. You don't?

Mr. LATONA. No; I don't.

Mr. EISENBERG. Are experts unanimous in this opinion?

Mr. LATONA. No; they are not. There are some experts who contend that they can determine from the way the print develops, and they will use the term "fresh."

Now, on the other hand, so far as the definition of "fresh," then it resolves itself into an hour, a day, a week, a month. What is "fresh" as aside from an "old" one? And my opinion simply is this. That on the basis of the print itself, on the basis of the print itself I cannot determine how old it is.

Mr. EISENBERG. At least specifically on this type, or in particular focusing on this type of weapon?

Mr. LATONA. Particularly on that weapon.

Mr. EISENBERG. That is 139?

Mr. LATONA. That is right.

Mr. EISENBERG. If there are no further questions on Exhibit 139, Commissioner Boggs, I will move on to another exhibit.

Mr. Latona, I hand you now a small cardboard carton which has written

on it "Box A" in red pencil and has various other marks which I won't go into, and I ask you whether you are familiar with this box, this carton?

Mr. LATONA. Yes; I am.

Mr. EISENBERG. And did you examine this carton, Mr. Latona, to determine whether there were any identifiable latent fingerprints present?

Mr. LATONA. I did not personally process this box, but I was present at the time that the box was, and I had occasion to examine that during the course of its being processed while it was being done.

Mr. EISENBERG. It was processed in your presence?

Mr. LATONA. In my presence and under my direction.

Mr. EISENBERG. Mr. Chairman, I would like this admitted as a Commission exhibit with your permission.

Representative Boggs. It will be admitted.

Mr. EISENBERG. That will be 641.

(The box referred to was marked Commission Exhibit No. 641, and received in evidence.)

Mr. EISENBERG. Mr. Latona, when you received this box which is now 641, did it bear any evidence that it had been dusted or otherwise tested for fingerprints?

Mr. LATONA. No; it had not, just a plain cardboard box.

Mr. EISENBERG. So far as you could tell then it had not been?

Mr. LATONA. That is right; it had not been processed.

Mr. EISENBERG. How was it processed in the FBI laboratory?

Mr. LATONA. First by the iodine fume and subsequently by chemical means.

Mr. EISENBERG. Did the iodine fume develop any identifiable prints?

Mr. LATONA. It did not.

Mr. EISENBERG. Did the chemical means?

Mr. LATONA. The silver nitrate did develop a latent fingerprint.

Mr. EISENBERG. Just one?

Mr. LATONA. A latent fingerprint; yes.

Mr. EISENBERG. Just one identifiable print?

Mr. LATONA. One identifiable print; yes.

Mr. EISENBERG. Do you want to check your notes on that, Mr. Latona?

Mr. LATONA. There was another print identified on that. There were two prints, one palmprint. There was developed on Box A, Exhibit No. 641, one palmprint and one fingerprint.

Mr. EISENBERG. Were those the only identifiable prints, Mr. Latona?

Mr. LATONA. No; there were other fingerprints developed on this box.

Mr. EISENBERG. Do you recall how many there were?

Mr. LATONA. On Box A, in addition to these two prints there were developed eight fingerprints and three palmprints.

Mr. EISENBERG. That is, a total of 13?

Mr. LATONA. Nine fingerprints and four palmprints.

Mr. EISENBERG. Thirteen identifiable prints?

Mr. LATONA. That is right.

Mr. DULLES. Could I just get caught up. What is this box we have here?

Mr. EISENBERG. This is a box which was found near the window in the TSBD from which the assassin apparently fired, that is, the easternmost window or the south face of the TSBD. Yesterday, cartridge cases—and the day before—cartridge cases were discussed which were also found near that window. This box is labeled on there, I believe—

Mr. LATONA. "A."

Mr. EISENBERG. Yes; and I think it also says "top box": yes; it says "top box."

Mr. DULLES. This is the "Rolling Reader?"

Mr. EISENBERG. That is right.

Mr. DULLES. The Rolling Reader has played quite a role in our testimony.

Mr. EISENBERG. Yes; now, this particular box is labeled "top box," and I believe this particular box was on the top of the three boxes, two of which were Rolling Reader boxes, which were found near the window and which may have been used as a rest by the assassin for his rifle.

Mr. DULLES. As I recall, previous testimony indicates that the Rolling Reader box had been moved from its normal place——

Mr. EISENBERG. Apparently so.

Mr. DULLES. With the other Rolling Reader boxes, and put in a position near the window from which it was alleged the shot was fired.

Mr. EISENBERG. Apparently so, and, apart from the two boxes—the two Rolling Reader boxes which were found near the sixth floor window—the regular storage area for the Rolling Reader boxes was a distance away from the sixth floor window.

Mr. DULLES. Yes; I recall that testimony.

Mr. EISENBERG. So you found 13 identifiable prints, Mr. Latona. Were you able to identify any of these prints as belonging to a specific individual?

Mr. LATONA. We were able to identify one fingerprint and one palmprint.

Mr. EISENBERG. And whose prints were they?

Mr. LATONA. The fingerprint was identified as Harvey Lee Oswald.

Mr. EISENBERG. That is Lee Harvey Oswald?

Mr. LATONA. That is right.

Mr. EISENBERG. And the palm?

Mr. LATONA. The palmprint was identified also as Harvey Lee Oswald.

Mr. EISENBERG. Again Lee Harvey Oswald?

Mr. LATONA. That is right.

Mr. EISENBERG. Now, again you used, did you, the known print which was marked into evidence earlier?

Mr. LATONA. Yes.

Mr. EISENBERG. And you used those in all your identifications, I believe?

Mr. LATONA. That is right.

Mr. EISENBERG. Mr. Latona, can you tell us what portion of the palm of Lee Harvey Oswald is reproduced on this box, this carton 641, as a latent print?

Mr. LATONA. I have here a photograph of the palmprint which has an area indicated by a rough red circle showing the approximate area, which is the ulnar area of the left palm.

Mr. EISENBERG. That is the area closest to the little finger?

Mr. LATONA. On that side; yes, sir.

Mr. EISENBERG. This is a true photograph which was prepared by you or under your supervision?

Mr. LATONA. A true reproduction of the original, which you already have.

Mr. EISENBERG. May I have this admitted as 642, Mr. Chairman?

Mr. DULLES. May I ask a question. Apparently the red mark on this exhibit on the palm is in a different place, isn't it, a slightly different place?

Mr. LATONA. It is a different palm. This is the left palm.

Mr. EISENBERG (addressing Mr. Dulles). This is the left palm. The other two are right palms.

Mr. DULLES. Good, that straightens me out.

Mr. EISENBERG. Actually they were both on the ulnar side of the palm?

Mr. LATONA. That is correct.

Mr. EISENBERG. And they were both taken on what is commonly called the heel of the palm?

Mr. DULLES. This is a different hand. This is the left hand, and what we have had so far is the right hand on the palmprints.

Mr. EISENBERG. Yes, sir.

Mr. LATONA. Previously we had two palmprints on the right hand. This third one is from the left.

Mr. EISENBERG. May this photograph be admitted as 642, Mr. Chairman?

Mr. DULLES. This will be admitted.

(The photograph referred to was marked Commission Exhibit No. 642, and received in evidence.)

Mr. EISENBERG. Mr. Latona, do you have another photograph in your hand there?

Mr. LATONA. Here I have another photograph, a slight enlargement time and a half, which is a latent palmprint found on the cardboard box marked "A," which is the Commission's Exhibit 641. This is indicated by a red arrow.

Mr. EISENBERG. Let's hold that just a second and get the photograph admitted.

Representative BOGGS (addressing Mr. Eisenberg). Where did these boxes come from?

Mr. EISENBERG. These boxes were located in front of the window from which the assassin apparently fired. There were three boxes stacked immediately in front of the window, of which this Exhibit No. 641 was the topmost box, and these were apparently used as a rest by the assassin for positioning his rifle.

As you can see, there are several other boxes in the room which will be introduced shortly.

Mr. DULLES. I may say that there was testimony, I don't recall whether you were here at the time, about some boxes called Rolling Reader, Hale. Do you recall the testimony on the Rolling Reader?

Representative BOGGS. No.

Mr. DULLES. These boxes were moved from a place on the sixth floor room where a great many Rolling Reader boxes were placed, and they were put near the window, and a Rolling Reader—apparently these are cubes, and they are for small children and they roll them out on the floor and they learn how to read the letters of the alphabet and other things from these Rolling Readers.

These boxes, because of their nature—do you know what the blocks are made of?

Mr. EISENBERG. No; I don't.

Mr. DULLES. They weren't solid wood but they were light cubes and therefore presumably these boxes were moved because they were a good deal lighter and easier to handle than other boxes. Is that consistent with the testimony as you recall it?

Mr. EISENBERG. Yes.

Representative BOGGS. Were they full when you got them?

Mr. EISENBERG. You will have to ask Mr. Latona.

Mr. LATONA. They were empty. They had been opened and the books removed or the contents, whatever it was.

Mr. DULLES. The contents were apparently these cubes, as we were told, and small children use them and roll them on the floor and then they got the A's and the B's and the C's.

Representative BOGGS. In the opening process, this would not have any effect on the fingerprints or the palmprints?

Mr. LATONA. It could. I mean in the sense that somebody else's prints, the people opening them if they didn't take the time and effort to protect themselves, they could have left their prints there. I don't know how that was done.

Mr. DULLES. Do you recall whether the testimony shows whether the boxes were presumably filled when they were originally moved from their normal place in the Book Depository to the window?

Mr. EISENBERG. I think they were, although I haven't read the testimony.

Mr. DULLES. I am not sure there is testimony on that point but I think that is the general assumption.

Mr. EISENBERG. Based on reproduction photographs we have seen—

Mr. LATONA. That is the understanding that we have, that this was the depository for new material. I think there was new material in these boxes. They were simply stored there.

Representative BOGGS. They wouldn't have acted as a very good rest had they been empty.

(Discussion off the record.)

Mr. EISENBERG. Back on the record.

Mr. Chairman, may I have this photograph of the latent palmprint admitted as 643?

Mr. DULLES. It shall be admitted.

(The photograph referred to was marked Commission Exhibit No. 643, and received in evidence.)

Mr. EISENBERG. Can you show us where on the box, the box 641, this latent palmprint appears?

Mr. LATONA. The latent palmprint appears on box A, Commission's Exhibit 641. It has been indicated by a red arrow.

Mr. EISENBERG. Can you mark that arrow with an "A"?

Mr. LATONA. The red arrow is being marked "A."

Mr. EISENBERG. That points to the palmprint of Lee Harvey Oswald—identified by you as being Lee Harvey Oswald's, is that right?

Mr. LATONA. That is right.

Mr. EISENBERG. Let the record show that Mr. Dulles and Mr. Boggs and Mr. Murray are looking at the actual print marked "A," or marked with an arrow next to which is written the letter "A."

Mr. MURRAY. I see what appears to be a print; yes.

Mr. EISENBERG. Mr. Dulles and Mr. Boggs?

Mr. DULLES. I also see what appears to be a print.

Representative BOGGS. I see the same thing.

Mr. DULLES. And it is too big in my opinion to be a fingerprint.

Mr. EISENBERG (addressing Mr. Latona). Did you prepare a photograph also of the fingerprint which appears on this box—

Mr. LATONA. Yes; I did.

Mr. EISENBERG. 641, Mr. Latona?

Mr. LATONA. Yes; I did.

Mr. EISENBERG. And is this a true photograph of that fingerprint?

Mr. LATONA. It is.

Mr. EISENBERG. May I have this admitted, Mr. Chairman, as 644?

Mr. DULLES. This is a fingerprint now?

Mr. EISENBERG. Yes; which also appears on the box that Mr. Latona just testified as to, 641.

Mr. DULLES. Has he identified what fingerprint?

Mr. EISENBERG. Did you testify that this was the fingerprint—

Mr. LATONA. No.

Mr. EISENBERG. Did you identify this fingerprint as belonging to a given individual?

Mr. LATONA. Yes; I did.

Mr. EISENBERG. And that individual was?

Mr. LATONA. Lee Harvey Oswald, and it is the right index fingerprint.

Mr. EISENBERG. Mr. Chairman—

Mr. DULLES. The right index finger.

Mr. EISENBERG. That will be 644.

Mr. DULLES. Admitted.

(The fingerprint referred to was marked Commission Exhibit No. 644, and received in evidence.)

Mr. EISENBERG. You also have a photograph of a 10-finger card showing that print encircled?

Mr. LATONA. I do.

Mr. EISENBERG. It is a red circle, and you are handing that to me now?

Mr. LATONA. Yes.

Mr. EISENBERG. May I have that admitted, Mr. Chairman, as 645?

Mr. DULLES. It may be admitted.

(The photograph referred to was marked Commission Exhibit No. 645, and received in evidence.)

Mr. EISENBERG. What portion of the finger of Lee Harvey Oswald does that print represent?

Mr. LATONA. It represents what is referred to as the distal phalanx of the right index finger.

Mr. EISENBERG. That is the phalanx or the tip furthest away from the wrist?

Mr. LATONA. The palm.

Mr. EISENBERG. Or from the palm?

Mr. LATONA. That is right.

Mr. EISENBERG. Is that a full or partial print of the distal phalanx?

Mr. LATONA. That is a partial print.

Mr. EISENBERG. And does it take on the center, or the ulnar or the radial portion of the phalanx?

Mr. LATONA. No, that takes actually the central portion of the print.

Mr. EISENBERG. The central portion?

Mr. LATONA. The so-called pattern area is disclosed by the latent print.

Mr. DULLES. Off the record.

(Discussion off the record.)

Mr. EISENBERG. Could you show us, Mr. Latona, on 641, where the fingerprint impression that you have just identified is?

Mr. LATONA. That appears on one of the ends of the box indicated by a red arrow.

Mr. EISENBERG. Could you mark that arrow, "B"?

Mr. LATONA. Marked "B."

Mr. EISENBERG. Mr. Dulles, would you care to take a look at that?

Mr. LATONA. Here you are going to see several clear prints but it is only one that we have identified, and that is the one directly under the arrow.

Mr. DULLES. I see four there, or five.

Mr. LATONA. It is the little one here in the middle, right here.

Mr. DULLES. Is it this one here, right there?

Mr. LATONA. No; the one next to it.

Mr. DULLES. That one there?

Mr. LATONA. That is right.

Mr. DULLES. What are all these other fingerprints?

Mr. LATONA. They are all other fingerprints.

Mr. EISENBERG. There were a total of 13 identifiable prints on the box, did you say?

Mr. LATONA. That is right. Those are not Oswald's prints.

Representative BOGGS. Those may have been other people opening the box?

Mr. DULLES. The box was carried around probably.

Mr. LATONA. Yes.

Mr. DULLES. When it was first put there and moved.

Mr. EISENBERG. Could you put your finger on that box, Mr. Latona, in the way that the finger was placed?

Mr. DULLES. How do you think he was carrying that box?

Mr. LATONA. I don't know.

Mr. EISENBERG. Is your finger now placed in the way the finger was placed to create the impression? It is pointing with the fingernail towards the arrow and in the same line as the arrow, with just the tip of the finger on the box.

Mr. DULLES. Everybody seems to have held that box.

Mr. LATONA. It is a little one right there.

Mr. EISENBERG. Mr. Murray, do you want to take a look?

Representative BOGGS. You have not identified any of these others?

Mr. LATONA. No.

Mr. EISENBERG. Let the record show that Commissioners Dulles and Boggs and Mr. Murray are looking at that fingerprint, and have apparently satisfied themselves—

Mr. MURRAY. The portion shown to me appears to be part of a fingerprint.

Mr. EISENBERG. They have satisfied themselves that the print is on the box. Now, therefore, to recapitulate: You found on this carton 641 the left palmprint and the right index fingerprint of Lee Harvey Oswald?

Mr. LATONA. That is correct.

Mr. EISENBERG. One other thing. Getting back to the palmprint, marked "A," could you show us how a hand would lie to produce that print?

Mr. LATONA. In the position of the palm pointing towards the arrow.

Mr. EISENBERG. Pointing towards the arrow, that is, in the opposite direction that the arrow points?

Mr. LATONA. That is right.

Mr. EISENBERG. But in the same line as the arrow. Your hand is parallel with the line but covering that completely?

Mr. LATONA. Yes.

Mr. EISENBERG. And although it covers it, I would say that the arrow would fall in the midline of the palm, is that right?

Mr. LATONA. That is right.

Mr. EISENBERG. Now, Mr. Latona, did you prepare a chart showing some of the points which led you to the conclusion that the latent palmprint found on 641 was identical with the inked palmprint submitted to you by the Dallas police?

Mr. LATONA. I had charts prepared; yes.

Mr. EISENBERG. These were prepared under your supervision?

Mr. LATONA. They were.

Mr. EISENBERG. Mr. Chairman, may I have that chart admitted as 646?

Mr. DULLES. It will be admitted.

(The chart referred to was marked Commission Exhibit No. 646, and received in evidence.)

Mr. EISENBERG. What is the magnification?

Mr. LATONA. Approximately eight times.

Mr. EISENBERG. Is the magnification equal on both sides?

Mr. LATONA. Both sides; the inked palmprint and latent palmprint both the same.

Mr. EISENBERG. Is that true of all of the charts that you have submitted and will be submitting this morning?

Mr. LATONA. That is true.

Mr. EISENBERG. Mr. Latona, could you point out some of these points? I think in the interest of time it would be better if you took several of the points instead of all 13 points you have marked.

Mr. LATONA. I believe you will find this will be a little bit more difficult to see in view of the fact that the ridge formations are cut up a little bit more.

However—

Mr. DULLES. Would you put that over there. You have identified 13 points of similarity?

Mr. LATONA. Yes; 13 have been drawn but there are quite a few others.

Mr. EISENBERG. You have marked 13 in other words, is that it, Mr. Latona?

Mr. LATONA. Sir?

Mr. EISENBERG. You have marked 13?

Mr. LATONA. Yes.

Mr. DULLES. On this exhibit?

Mr. LATONA. That is right. Here, for example, is an easy one to show up, this point No. 1 as compared to point No. 1 here, and its relationship to point No. 2, the relationship of point No. 2 to point No. 3.

Looking over here we find that there is a relationship between points Nos. 1 and 2, one, two, three, four, five, one, two, three, four, five.

Then there's a relationship of one ridge between point 1—or rather between point 2 and point 3, both points going in the same general direction.

Point No. 3 is below point No. 2. Also the point No. 2 is what is referred to as a short ending ridge. We look over here and we see that point No. 2 is a short ending ridge.

Point No. 3 is below that. Then we notice that there is another point which is one point removed—one ridge removed—from point No. 3 which we have not charted, which shows up very definitely in that position there. Then there is point No. 4, which is another piece of a ridge, point No. 4 here.

Mr. EISENBERG. Mr. Latona, when you testify in court do you generally discuss every marked point?

Mr. LATONA. No.

Mr. EISENBERG. Just the more salient points?

Mr. LATONA. Just to give a general idea as to how these comparisons are made, more or less for demonstration purposes, because the actual comparison is the same, the relationship is a determination of the relationship with the others, and just by an examination, that would be borne out if each and every point was gone into in detail.

Mr. EISENBERG. With you permission, Mr. Chairman, I would like to move on to the next chart since we do have witnesses waiting who have to return to New York.

Mr. DULLES. Right.

Mr. EISENBERG. Did you prepare a chart, Mr. Latona, of the fingerprint—

Mr. LATONA. Yes.

Mr. EISENBERG. Which was found on the carton 641?

Mr. LATONA. Here is the chart, which is of the right index fingerprint of Lee Harvey Oswald.

Mr. EISENBERG. Was this prepared by you or under your supervision?

Mr. LATONA. They were. The enlargement here is approximately 10 times both in the inked print and in the latent print.

Mr. EISENBERG. Mr. Chairman, may I have this admitted as 647?

Mr. DULLES. It shall be admitted.

(The chart referred to was marked Commission Exhibit No. 647, and received in evidence.)

Mr. EISENBERG. Would you discuss again just a few of the more salient points, Mr. Latona?

Mr. LATONA. Here, starting first of all with the apparent pattern type itself, it is readily discernable. You can see that these are what we term whorl-type prints. This point No. 1, for example, is a small ridge which terminates at this point which has been indicated by the figure No. 1.

It is related by being joined onto point No. 2, which is the end of the black line going upward. Then one ridge to the left, one ridge removed and to the left and a little bit above is point No. 3. Here the same thing occurs in the inked print.

Point No. 4 is related to point No. 3 by one ridge removed and is upward and one ridge to the left.

Mr. DULLES. And similarly you have identified up to 10 points of similarity?

Mr. LATONA. These you can see rather easily that they appear.

Mr. EISENBERG. If there are no further questions on the carton 641 I will move on to another exhibit.

I now hand you a carton, somewhat larger in area than the 641 which we were just discussing, with various markings on it which I won't discuss, but which is marked Box "D" in red pencil at the upper left-hand corner of the bottom of the box.

Are you familiar with this carton, Mr. Latona?

Mr. DULLES. Has that been admitted?

Mr. EISENBERG. It has not so far been admitted.

Mr. LATONA. This Box D, I received this along with Box A for purposes of examining for latent prints.

Mr. EISENBERG. Was that examined by you or under your supervision for that purpose?

Mr. LATONA. Yes, it was.

Mr. EISENBERG. When was that received?

Mr. LATONA. That was received on the 27th of November 1963.

Mr. EISENBERG. Mr. Chairman, may I have this admitted as 648?

Mr. DULLES. What date?

Mr. LATONA. 27th.

Mr. EISENBERG. That is 5 days after the assassination?

Mr. LATONA. Yes.

Mr. EISENBERG. May I have this admitted as 648?

Mr. DULLES. It shall be admitted.

(The box referred to was marked Commission Exhibit No. 648, and received in evidence.)

Mr. DULLES. Can you identify it in some further way? I think there are some markings on here.

Mr. EISENBERG. There is "Box D." It is a little hard to read. It says "1 40 N TH&DO"—

Mr. DULLES. "New People and Progress."

Mr. EISENBERG. Apparently referring to the name of the textbook. This is not a Rolling Reader carton.

Mr. DULLES. No.

Mr. EISENBERG. Mr. Latona, when you received this box, could you tell whether it had been previously examined for latent fingerprints?

Mr. LATONA. A portion of it had.

Mr. EISENBERG. And can you tell us what portion had been?

Mr. LATONA. The bottom evidently, because a piece had been cut out.

Mr. EISENBERG. You are pointing to a place on the bottom of the box which is to the left of the point at which I have affixed the sticker "Commission Exhibit No. 648," immediately to the left of that point?

Mr. LATONA. That is correct.

Mr. EISENBERG. Was that portion of the box given to you?

Mr. LATONA. Yes, it was.

Mr. EISENBERG. With the box?

Mr. LATONA. At the time we got the box.

Mr. EISENBERG. I think I have that.

I now hand you what appears to be a portion of a cardboard carton and a piece of tape with various writings, included among which is "From top of box Oswald apparently sat on to fire gun."

Do you recognize this piece of paper, Mr. Latona?

Mr. LATONA. Yes, I do. This is a piece of paper that evidently had been cut from the box.

Mr. EISENBERG. Does that fit into the box?

Mr. LATONA. It does.

Mr. EISENBERG. Mr. Chairman, may I have this admitted as 649?

Mr. DULLES. It shall be admitted as 649.

(The piece of carton referred to was marked Commission Exhibit No. 649, and received in evidence.)

Mr. EISENBERG. Mr. Latona, did you find any identifiable prints on the cardboard carton 648?

Mr. LATONA. Yes; in addition to this one which has been cut out and which had been covered by a piece of lifting tape, there were two fingerprints developed in addition to that one.

Mr. EISENBERG. Two identifiable fingerprints?

Mr. LATONA. That is right.

Mr. EISENBERG. Palmprints?

Mr. LATONA. No; they were fingerprints.

Mr. EISENBERG. I mean were there any palmprints?

Mr. LATONA. There were no palmprints.

Mr. EISENBERG. How did you process this box?

Mr. LATONA. By the use of iodine fumes and silver nitrate solution.

Mr. EISENBERG. Did you find evidence of processing prior to your receipt apart from the exhibit which is now 649?

Mr. LATONA. Yes; this particular area which has been cut out had been processed with powder.

Mr. EISENBERG. Was there powder on other areas of the box?

Mr. LATONA. I don't believe there was.

Mr. EISENBERG. Did you identify any of the prints on the carton 648 as belonging to a specific individual?

Mr. LATONA. The two fingerprints which were developed on Commission Exhibit 648 by silver nitrate are not identified as anyone's, but the print which appears on the piece which was cut out has been identified.

Mr. EISENBERG. That is 649?

Mr. LATONA. Of Exhibit 648—which is Exhibit 649—

Mr. EISENBERG. Yes?

Mr. LATONA. Which came from Exhibit 648 has been identified as a palmprint of Harvey Lee Oswald, the right palmprint.

Mr. EISENBERG. That is Lee Harvey Oswald, Mr. Latona?

Mr. LATONA. That is right, Lee Harvey Oswald.

Mr. EISENBERG. Now, Mr. Latona, can you tell how this was developed, this print on 649?

Mr. LATONA. The appearance is it was developed with black powder.

Mr. EISENBERG. You testified before concerning the aging of fingerprints. Considering the material on which this print was developed, 649, do you think you could form an opinion, any opinion at all, concerning the freshness or staleness of this print?

Mr. LATONA. Bearing in mind the fact that this is an absorbent material, and realizing, of course, that a print when it is left on a material of this type it starts to soak in. Now, the reason that we in the FBI do not use powder is because of the fact that in a short period of time the print will soak in so completely that there won't be any moisture left.

Accordingly when you brush powder across there won't be anything developed.

Under circumstances, bearing in mind that here the box was powdered, and a print was developed with powder, the conclusion is that this is comparatively a fresh print. Otherwise, it would not have developed.

We know, too, that we developed two other fingerprints on this by chemicals. How long a time had elapsed since the time this print was placed on there until the time that it would have soaked in so that the resulting examination would have been negative I don't know, but that could not have been too long.

Mr. EISENBERG. When you say "not too long," would you say not 3 weeks, or not 3 days, or not 3 hours?

Mr. LATONA. Very definitely I'd say not 3 days. I'd say not 3 weeks.

Mr. EISENBERG. And not 3 days, either?

Mr. LATONA. No; I don't believe so, because I don't think that the print on here that is touched on a piece of cardboard will stay on a piece of cardboard for 3 days.

Mr. EISENBERG. Would you bring that any closer?

Mr. LATONA. I am afraid I couldn't come any closer.

Mr. EISENBERG. 3 days?

Mr. LATONA. That is right.

Mr. EISENBERG. That would be the outermost limit that you can testify concerning?

Mr. LATONA. We have run some tests, and usually a minimum of 24 hours on a material of this kind, depending upon how heavy the sweat was, to try to say within a 24-hour period would be a guess on my part.

Mr. EISENBERG. I am not sure I understand your reference to a minimum of 24 hours.

Mr. LATONA. We have conducted tests with various types of materials as to how long it could be before we would not develop a latent print.

Mr. EISENBERG. Yes?

Mr. LATONA. Assuming that the same print was left on an object or a series of similar prints were left on an object, and powdering them, say, at intervals of every 4 hours or so, we would fail to develop a latent print of that particular type on that particular surface, say, within a 24-hour period.

Mr. EISENBERG. So that is a maximum of 24 hours?

Mr. LATONA. That is right.

Mr. EISENBERG. You would not care, you say, though—

Mr. LATONA. No.

Mr. EISENBERG. To employ that here, but your experiments produced a maximum time of 24 hours.

Mr. LATONA. Bear that out; yes. Like I say, undoubtedly this print was left on there—between the time that the print was left and the time that it was powdered could not have been too long a time. Otherwise, the print would not have developed with the clarity that it did.

Mr. EISENBERG. You identified that, I believe, as the right palmprint of Lee Harvey Oswald?

Mr. LATONA. That is right.

Mr. EISENBERG. What portion of the right palm was that, Mr. Latona?

Mr. LATONA. It happens to be the center part of the palm close to the wrist.

Mr. EISENBERG. Can you show how the palm must have lain on the 649, the part of the 648 carton, to produce that print?

Mr. LATONA. It would have been placed on there in this fashion.

Mr. EISENBERG. Now, you are pointing so that your hand is parallel with the long axis of the box, and at right angles to the short axis?

Mr. LATONA. Yes.

Mr. EISENBERG. And just the bottom of the palm rests on the box, isn't that correct?

Mr. LATONA. That is right.

Mr. EISENBERG. Now, before going to this fingerprint or this palmprint rather, Mr. Latona, we have palmprints, a palmprint here on this 649, and a finger and a palm on 641, and those are the only identified prints on these two objects.

Is it possible that Lee Harvey Oswald could have touched these two cartons at other places without leaving identifiable prints?

Mr. LATONA. He could have.

Mr. EISENBERG. And how would that come about?

Mr. LATONA. Simply by the fact that he did not have any material on his finger at the time he touched the box.

Mr. EISENBERG. So that you can touch a carton at one point and leave a print, and at another point not, is that right?

Mr. LATONA. Very definitely, that is true.

Mr. EISENBERG. And when you say he doesn't have any material, how would that come about? Will he have used his material up, or not produced material with the particular finger?

Mr. LATONA. He could have used it up and failed to produce it fast enough to have left anything at the time he touched that.

Mr. EISENBERG. Is it uncommon or common for you to find an object which a person has touched more than once but only left one identifiable print?

Mr. LATONA. It is very common.

Mr. EISENBERG. It is common?

Mr. LATONA. Especially in, for example, the reading of a letter, a long letter where the person would run his finger and index finger down the edges. You might find prints at the top and then you don't find any at the bottom.

Mr. EISENBERG. Of course, I am not asking you to draw an inference whether or not Oswald touched the box in more than one place, but I just want to explore whether he could have touched the box in more than one place—

Mr. LATONA. Yes; he could.

Mr. EISENBERG. And not left a second imprint?

Mr. LATONA. He very definitely could have and not left one.

Mr. DULLES. May I add for the record, Commission Exhibit 648 apparently contained books of Scott Foresman and Co., from Scott, Foresman & Co., "Building for Today, Pioneering for Tomorrow."

Mr. EISENBERG. Mr. Latona, did you take a photograph of the lift, or the print rather, which we see in 649?

Mr. LATONA. Yes.

Mr. EISENBERG. And this is an accurate photograph?

Mr. LATONA. It is, it is a true reproduction of the print which appears on Commission Exhibit 649 and it is enlarged about a time and a half.

Mr. EISENBERG. Mr. Chairman, may I have this admitted as 650?

Mr. DULLES. It will be admitted.

(The photograph referred to was marked Commission Exhibit No. 650, for identification and received in evidence.)

Mr. EISENBERG. Did you take a photograph of the known palmprint and make a red circle around it, as you had in previous cases?

Mr. LATONA. Yes.

Mr. EISENBERG. To show what portion of the palm of Oswald that was?

Mr. LATONA. Showing a portion of the right palm.

Mr. EISENBERG. Mr. Chairman, may I have that admitted?

Mr. DULLES. It will be admitted as 651.

(The photograph referred to was marked Commission Exhibit No. 651, and received in evidence.)

Mr. EISENBERG. By the way, Mr. Latona, on 649 there seems to be a scotch tape or cellophane tape over the fingerprint, is that right?

Mr. LATONA. That is right.

Mr. EISENBERG. Now, apparently there was no attempt at a lift being made here?

Mr. LATONA. No. This evidently was a print which was developed directly on the paper itself. The employing of that adhesive material like scotch tape was to protect the print itself.

Had they tried to lift that up I am afraid they would have spoiled that because they would have lifted the fibers of the cardboard along with it.

Mr. EISENBERG. Is that why, you think, they didn't lift it?

Mr. LATONA. Yes; very definitely.

Mr. EISENBERG. By the way, did the Dallas police take photographs of the lift which we had earlier, the lift which was apparently taken from Exhibit 139, or to put the question—actually I am not interested in whether they took photographs of the lift; do you know whether they took photographs of the print?

Mr. LATONA. I don't know.

Mr. EISENBERG. Is it normal to take a photograph of a print before it is lifted?

Mr. LATONA. If it is fairly visible; yes.

Mr. EISENBERG. What is the purpose of the lift, as opposed to a photograph reproducing the print?

Mr. LATONA. The purpose of the lift is simply to insure the probability of getting a good record of the print, because a lot of times when you photograph a print, you have to go through the process of having it developed and then printed and at the same time by lifting it you may, that would be an additional security that you are getting the best results.

Then you take your choice as to which result turns out the best.

Mr. EISENBERG. So these are alternative routes?

Mr. LATONA. That is right.

Mr. EISENBERG. Lifting and photographing?

Mr. LATONA. That is right. Well, primarily our recommendation in the FBI is simply every procedure to photograph and then lift. Then you choose the one which you feel gives you the best results in your final photograph.

Mr. EISENBERG. Returning to the palmprint on 649, taken from the carton 648, did you make up a chart showing some of the points—

Mr. LATONA. Yes.

Mr. EISENBERG. Which led you to your conclusion that that print was the print of Lee Harvey Oswald?

Mr. LATONA. Yes, I did.

Mr. EISENBERG. And was that prepared by you or under your supervision?

Mr. LATONA. Prepared by me—under my supervision.

Mr. EISENBERG. May I have this chart admitted as 652?

Mr. DULLES. It will be admitted as Exhibit 652.

(The chart referred to was marked Commission Exhibit No. 652, for identification and received in evidence.)

Mr. EISENBERG. Again, without going into detail, Mr. Latona, could you show us some of the more salient points which led you to your conclusion that the print on 649 was the palmprint of Lee Harvey Oswald?

Mr. LATONA. The easiest points visible here, right offhand, point No. 11 which is a black line that goes upward and its relationship to point No. 10. This is known as the short ending ridge as is seen here. Its relation to point No. 8. Point No. 11 is a black line going upward. Point No. 8 is a black line going downward and there are one, two, three, ridges which are between the two. Over here in the latent print you find No. 11 which is a black line going upward. It is a short line to the other end of the point No. 10, and three ridges intervene between that and point No. 8, which is going downward.

One ridge to the right and going in an upward direction is point No. 7—7, 8, 9, 10, 11.

Mr. DULLES. And you identified 11 points of similarity?

Mr. LATONA. That is right.

Mr. DULLES. Between the inked palmprint of Lee Harvey Oswald and this palmprint taken from this cardboard carton?

Mr. LATONA. That is right.

Mr. DULLES. What is this white line that goes up through each?

Mr. LATONA. This is a crease in the center of the palm, a flexure crease of that area.

Mr. DULLES. The palm did not touch the carton at that point?

Mr. LATONA. That is right.

Mr. DULLES. And those two creases are in approximately the same location in the photograph and in the latent palmprint?

Mr. LATONA. Very definitely.

Mr. EISENBERG. Mr. Latona, I now hand you two further cartons, which are labeled Box B and Box C, the B box being a 10 Rolling Reader, and the C box being also a Scott, Foresman box with printing on the back, "The Three Preprimers," apparently the name of the book contained in this box.

Mr. DULLES. Primers.

(Discussion off the record.)

Mr. EISENBERG. Mr. Latona, did you examine Box B, which I have handed to you, to determine whether it had on it any identifiable latent fingerprints?

Mr. LATONA. Yes sir; I did.

Mr. EISENBERG. Mr. Chairman, I would like that box admitted as 653.

Mr. DULLES. It shall be admitted.  
(Commission Exhibit No. 653 was marked and received in evidence.)

Mr. EISENBERG. How many identifiable prints did you find on this carton?

Mr. LATONA. There were seven fingerprints and two palmprints developed on Commission Exhibit 653.

Mr. EISENBERG. That is, identifiable prints?

Mr. LATONA. Identifiable prints.

Mr. EISENBERG. Did you identify any of those prints as belonging to a specific person?

Mr. LATONA. I did not.

Mr. EISENBERG. May I have 654 marked, Box C, Mr. Chairman? Did you also examine Box C?

Mr. LATONA. Box C, yes, sir.

Mr. EISENBERG. May I have that admitted as 654?

Mr. DULLES. It shall be admitted as Commission Exhibit 654.  
(Commission Exhibit No. 654 was marked and received in evidence.)

Mr. EISENBERG. Did you find any latent identifiable prints on 654?

Mr. LATONA. I found two fingerprints and one palmprint.

Mr. EISENBERG. Did you identify them as belonging to a specific individual?

Mr. LATONA. I did not identify them.

Mr. EISENBERG. Now, did you attempt to identify them with Lee Harvey Oswald's known prints?

Mr. LATONA. Yes; and they are not Lee Harvey Oswald's prints.

Mr. EISENBERG. When did you receive cartons 653 and 654?

Mr. LATONA. I received cartons 653 and 654 November 27.

Mr. EISENBERG. That is, with the earlier cartons, Boxes A and D, which have received Commission exhibit numbers?

Mr. LATONA. Yes.

Mr. EISENBERG. Had they been processed? Could you tell whether they had been processed for latent fingerprints?

Mr. LATONA. I couldn't tell whether they had been or not.

Mr. EISENBERG. You could not tell?

Mr. LATONA. Could not tell. They had the appearance of not having been processed.

Mr. EISENBERG. How did you process them in your laboratory, Mr. Latona?

Mr. LATONA. Iodine fumes and chemicals.

Mr. EISENBERG. Did the prints react to the iodine fumes at all?

Mr. LATONA. No.

Mr. EISENBERG. Just to the chemicals?

Mr. LATONA. The silver nitrate prints which were developed.

Mr. DULLES. Do you mean that the prints were of such a caliber and character that you couldn't make anything out of them, or that you couldn't identify them with any known—

Mr. LATONA. They are not identical with those that they have been compared with.

Mr. DULLES. But the prints themselves were perfectly good prints?

Mr. LATONA. Oh, yes; the prints are good but they are not Lee Harvey Oswald's.

Mr. EISENBERG. At any subsequent time have you attempted to identify any of these prints on the boxes as belonging to any person other than Lee Harvey Oswald?

Mr. LATONA. Yes.

Mr. EISENBERG. And how did you proceed with this attempt?

Mr. LATONA. An effort was made to locate the fingerprints of all people employed in that building in which these cartons were found, on the basis of the names and birth dates which were furnished, and we located the fingerprints of 16 of those people who work in that building.

Mr. EISENBERG. Yes?

Mr. LATONA. And the fingerprints of those 16 employees were compared with all of the latent prints which were developed on these boxes. They do not belong to any of those 16 people.

Mr. DULLES. May I ask for my information here, Mr. Eisenberg, were all of these cartons, including the last two admitted in evidence, were they found in the general area of the sixth floor of the building from which it is believed the shot was fired?

Mr. EISENBERG. Yes; Mr. Chairman. I believe that the two boxes which were just admitted into evidence as 653 and 654 were two of the three boxes which were apparently used as a rest by the assassin. They were apparently either the two bottom boxes, or there might have been an arrangement such as that one was stacked on top of the other, and the box earlier admitted into evidence was some evidence of that.

Mr. DULLES. And in any event, does our evidence indicate that these boxes were moved from their normal position on the sixth floor to a new position near the window?

Mr. EISENBERG. Again I believe it does indicate that at least the 10 Rolling Reader carton was moved. There was some other movement of boxes that morning, and I think they are still in the process of tracing down all of the movements.

Mr. DULLES. Thank you.

Mr. EISENBERG. I have a letter, Mr. Latona, from Mr. Hoover to Mr. Rankin, the general counsel of our Commission, setting forth the names of the employees of the TSBD whose prints were compared in this recent attempt you mentioned. Would you recognize the names?

Mr. LATONA. Yes; I would because I believe that report is based on my report.

Mr. EISENBERG. If I read the name could you verify whether these individuals were the ones whose prints you checked out against the latents?

Mr. LATONA. Yes.

Mr. EISENBERG. Haddon Spurgeon Aiken?

Mr. LATONA. Yes.

Mr. EISENBERG. Jack Charles Cason?

Mr. LATONA. Yes.

Mr. EISENBERG. Warren Cason?

Mr. LATONA. Yes.

Mr. EISENBERG. Jack Edwin Dougherty?

Mr. LATONA. Yes.

Mr. EISENBERG. Charles Douglas Givens?

Mr. LATONA. Yes.

Mr. EISENBERG. Mary Madeline Hollis?

Mr. LATONA. Yes.

Mr. EISENBERG. James Earl Jarman?

Mr. LATONA. Yes.

Mr. EISENBERG. Spaulden Earnest Jones?

Mr. LATONA. Yes.

Mr. EISENBERG. Herbert L. Junker?

Mr. LATONA. Yes.

Mr. EISENBERG. Billy Nolan Lovelady?

Mr. LATONA. Yes.

Mr. EISENBERG. Joe R. Molina?

Mr. LATONA. Yes.

Mr. EISENBERG. Edward Shields?

Mr. LATONA. Yes.

Mr. EISENBERG. Joyce Maurine Stansberg?

Mr. LATONA. Yes.

Mr. EISENBERG. Roy Sansom Truly?

Mr. LATONA. Yes.

Mr. EISENBERG. Lloyd R. Viles?

Mr. LATONA. Yes.

Mr. EISENBERG. Troy Eugene West?

Mr. LATONA. Correct.

Mr. EISENBERG. Now as I understand it, these employees were not selected because any particular suspicion fell on them, but merely because of all the employees, those were the ones whose cards you knew you had in your files?

Mr. LATONA. That is right.

Mr. EISENBERG. And it was just accidental——

Mr. LATONA. That is right.

Mr. EISENBERG. That those employees were picked?

Mr. LATONA. That is right.

Mr. EISENBERG. There is no inference that there was any suspicion whatsoever attaching to any of these employees?

Mr. LATONA. That is right.

Mr. DULLES. We believe all these employees had access to the sixth floor of the building?

Mr. EISENBERG. We are still looking into that question. This is a recent effort on your part?

Mr. LATONA. Yes.

Mr. DULLES. Is that letter to be admitted as evidence or not?

Mr. EISENBERG. I think not——

Mr. DULLES. Right.

Mr. EISENBERG. Since I don't think the witness could identify the actual letter.

Mr. DULLES. It will be in the files, though?

Mr. EISENBERG. Yes; it is a Commission document in the files.

Mr. Latona, I believe that out of the total number of six prints you have identified today as being Lee Harvey Oswald's, four were palmprints, is that correct?

Mr. LATONA. Three.

Mr. EISENBERG. Three?

Mr. LATONA. Three, two rights and one left, three palms and three fingers.

Mr. EISENBERG. There was a palm on——

Mr. LATONA. The bag.

Mr. EISENBERG. A palm on the weapon?

Mr. LATONA. One on the gun and on this box.

Mr. EISENBERG. Four and two then?

Mr. LATONA. Three.

Mr. EISENBERG. There was a palm on each box?

Mr. LATONA. That is right.

Mr. EISENBERG. That is two palms?

Mr. LATONA. One off the gun.

Mr. EISENBERG. That is three palms, and the palm on the wrapping paper bag. Here is the wrapping paper bag.

Mr. LATONA. One palm and one finger.

Mr. EISENBERG. That is four palms all together?

Mr. LATONA. Four palms, okay.

Mr. EISENBERG. Is that correct?

Mr. LATONA. Yes.

Mr. EISENBERG. Now, is the proportion of recovered fingerprints here an unusual one in your estimation? That is, we usually hear about fingerprints rather than palmprints, whereas here we have four palm and two finger prints. Is there anything unusual in this?

Mr. LATONA. Well, in that manner there is because——well no, I guess not. It is just as logical to assume that a person will leave a palmprint as a fingerprint. It depends upon primarily the way he handles it. Objects of this type being so large you can probably expect to get a palmprint.

Mr. DULLES. And what he is handling?

Mr. LATONA. That is right. On the other hand, if the object is small there is probably no reason for the palm to touch it. For example, in a rearview mirror; ordinarily on a rearview mirror of these stolen cars we process you get mostly fingerprints.

On the other hand if you get back into the trunk, the chances of something of a large nature, a stolen wheel, or something of that type, you will get finger and palm prints. Cartons like this, where you have to use both hands to pick it up because of its weight, the probability is that you will get a palmprint as well as a fingerprint.

Mr. EISENBERG. Would the same thing be true of a heavy rifle?

Mr. LATONA. Sure, very definitely.

Mr. EISENBERG. And if the bag contained a heavy object inside?

Mr. LATONA. That is right, it would take more than just the finger area of the hand to hold on to it.

Mr. EISENBERG. Mr. Latona, did you prepare at my request a series of photographs for transmission by me to the New York City Police Department—photographs of finger and palm prints found on some of the evidence we have been looking at?

Mr. LATONA. I furnished you photographs of all of the remaining unidentified latent prints from these cartons.

Mr. EISENBERG. And also did you furnish me a photograph—just of the remaining unidentified prints?

Mr. LATONA. No; including the ones which I identified.

Mr. EISENBERG. Did you also furnish me with a photograph of the two prints you identified—which parenthetically were the only two identifiable prints—on the brown wrapping paper bag?

Mr. LATONA. Yes.

Mr. EISENBERG. Which is Exhibit 142. And of the lift from the weapon 139?

Mr. LATONA. Yes; I did.

Mr. EISENBERG. And you also furnished me with photographs of the finger and palmprints of Lee Harvey Oswald—

Mr. LATONA. Yes.

Mr. EISENBERG. As transmitted to you by the Dallas office of the FBI?

Mr. LATONA. Yes.

Mr. EISENBERG. Can you identify these as the photographs you furnished to me? (Discussion off the record.)

Mr. EISENBERG. Have you identified the envelope marked "two photos Box D"?

Mr. LATONA. Yes; I have.

Mr. EISENBERG. Mr. Chairman, may I have that admitted as 655?

Mr. DULLES. Yes.

(Commission Exhibit No. 655 was marked and received in evidence.)

Mr. DULLES. I think there ought to be some cross-identification inside the envelope. Because obviously if you take that envelope and put anything in it, we ought to have the others identified properly.

Mr. EISENBERG. There are two photographs within this. Let the record show there are two photographs within this envelope, marked "7" and "13," and I believe these are the only photographs so marked. Each photograph is marked with an individual number, so these are the only two photographs in the entire set marked "7" and "13."

Mr. DULLES. Excellent.

Mr. EISENBERG. Now I have an envelope marked "10 photos Box A." Have you identified these photographs Mr. Latona?

Mr. LATONA. Yes; I have.

Mr. EISENBERG. May I have these photographs admitted as group 656?

Mr. DULLES. It shall be.

(Commission Exhibit No. 656 was marked and received in evidence.)

Mr. DULLES. How many enclosures in that?

Mr. EISENBERG. There are 10 enclosures and numbered as follows: 25, 26, 27, 28, 29, 30, 31, 32, 34, 35.

Mr. DULLES. There is no 33?

Mr. EISENBERG. No, sir.

Mr. DULLES. It shall be admitted as Commission Exhibit—

Mr. EISENBERG. 656.

Mr. DULLES. That is 656 with the enclosures as noted and identified.

Mr. EISENBERG. I have here photographs—an envelope—labeled "Photographs, Fingerprints, and Palmprints, Lee Harvey Oswald." These are accurate reproductions?

Mr. LATONA. They are.

Mr. EISENBERG. Mr. Chairman, with your permission I will later put sub-numbers on these.

Mr. DULLES. Seven numbers with seven enclosures?

Mr. EISENBERG. No, sir; three enclosures.

Mr. DULLES. With three enclosures?

Mr. EISENBERG. And I will number the 10-print card—first may I have the envelope with the photographs admitted as 657?

Mr. DULLES. The envelope shall be admitted with——

Mr. EISENBERG. I will subnumber the cards with your permission at a later time.

Mr. DULLES. How many enclosures in it, three?

Mr. EISENBERG. Three. I will subnumber the 10-print card 657-A, the right palm 657-B, and left palm 657-C.

Mr. DULLES. It shall be admitted.

(Commission Exhibits Nos. 657-A, 657-B, and 657-C were marked, and received in evidence.)

Mr. EISENBERG. I have an envelope with photos marked "one photo of lift 'underside of gun barrel.'" Is this a photograph which you provided me?

Mr. LATONA. It is.

Mr. EISENBERG. May I have this admitted as 658, Mr. Chairman?

Mr. DULLES. 658 with how many enclosures?

Mr. EISENBERG. Just one.

Mr. DULLES. Just one enclosure.

(Commission Exhibit No. 658 was marked, and received in evidence.)

Mr. EISENBERG. Now, an envelope marked "two photos brown bag (wrapping paper)."

This is the two photos, Mr. Latona, which you gave to me?

Mr. LATONA. It is.

Mr. EISENBERG. May I have that admitted as 659, Mr. Chairman?

Mr. DULLES. It shall be admitted as 659 with one enclosure in the envelope. Is it one or two?

Mr. EISENBERG. There are two enclosures.

Mr. DULLES. With two in the envelope.

Mr. EISENBERG. One has printing on it and with your permission I will mark that "659-A," and the other has no printing and I will mark it "659-B."

Mr. DULLES. It will be so admitted.

(Commission Exhibits Nos. 659-A and 659-B were marked, and received in evidence.)

Mr. EISENBERG. Now an envelope marked "eight photos Box B." This is, Mr. Latona, the photographs you provided me?

Mr. LATONA. It is.

Mr. EISENBERG. May I have this admitted as Exhibit 660, Mr. Chairman, collectively?

Mr. DULLES. It shall be admitted as Commission Exhibit No. 660 with——

Mr. EISENBERG. With eight enclosures——

Mr. DULLES. Eight enclosures.

Mr. EISENBERG. Marked "15"—the next one has 17 scratched out and also 18 appearing on it—19 for the third enclosure, 20, 21, 22, 23, and 24.

Mr. DULLES. With the numbers as indicated in the record.

(Commission Exhibit No. 660 was marked, and received in evidence.)

Mr. EISENBERG. And finally an envelope of the same size, marked "three photos, Box C." Mr. Latona, these are the photos you gave me?

Mr. LATONA. Yes; they are.

Mr. EISENBERG. May I have these admitted as 661, Mr. Chairman?

Mr. DULLES. It will be admitted as Exhibit 661, with how many enclosures?

Mr. EISENBERG. There are three enclosures.

Mr. DULLES. And the three enclosures; are they identified in any way?

Mr. EISENBERG. Yes, sir; they are subnumbered 10, 11 and 12.

Mr. DULLES. With the subnumbers 10, 11 and 12.

(Commission Exhibit No. 661 was marked, and received in evidence.)

Mr. EISENBERG. Are all these photographs accurate reproductions of the prints appearing on the objects whose name is on the front of the envelope in which the photographs are stored?

Mr. LATONA. They are.

Mr. EISENBERG. They were taken by you or under your supervision?

Mr. LATONA. They were.

Mr. EISENBERG. Can you identify by number, Mr. Latona, the photographs of box A which contain prints of Lee Harvey Oswald?

Mr. LATONA. I will have to do it in a negative fashion and tell you that it is not 26, 27, 28, 29, 30, 31, 32, or 35.

Mr. EISENBERG. Then it would be No. 25 which is in that sequence?

Mr. LATONA. Yes.

Mr. EISENBERG. And did you mention 34?

Mr. LATONA. I did not.

Mr. EISENBERG. So 34 would also be an identified print in that sequence?

Mr. LATONA. That is right.

Mr. EISENBERG. Did you print anything on the back of these photographs, Mr. Latona?

Mr. LATONA. At the time I gave you the photographs I marked nothing on them.

Mr. EISENBERG. So that any printing here would have been put on subsequent to the time you prepared them?

Mr. LATONA. That is correct.

Mr. EISENBERG. Referring specifically to a photograph I take at random, which is No. 35, is this your handwriting?

Mr. LATONA. It is not.

Mr. EISENBERG. None of the printing appearing on the back of that photograph?

Mr. LATONA. It is not.

Mr. EISENBERG. Let the record state that, as will be dealt with later, this printing was put on by Mr. Mandella of the New York Police Department. Now in the case of box D, of which there are two photographs, 7 and 13, could you state which was the photograph of Oswald's print?

Mr. LATONA. Thirteen.

Mr. EISENBERG. Just to reiterate, in no case did you put writing on the back of these photographs?

Mr. LATONA. I did not.

Mr. EISENBERG. Mr. Latona, did anyone else in the FBI examine the objects which you have been discussing today—

Mr. LATONA. Yes.

Mr. EISENBERG. To determine whether the fingerprints of Lee Harvey Oswald appeared on them?

Mr. LATONA. Yes.

Mr. EISENBERG. What was that person's name?

Mr. LATONA. His name is Ronald G. Wittmus.

Mr. EISENBERG. Was his examination conducted independently of yours?

Mr. LATONA. It was.

Mr. EISENBERG. Who conducted the examination first?

Mr. LATONA. In the case of the wrapping paper, I did. In the case of the boxes I believe he did.

Mr. EISENBERG. And the rifle?

Mr. LATONA. I conducted the examination of the rifle.

Mr. EISENBERG. The lift from the rifle?

Mr. LATONA. Yes; directly.

Mr. EISENBERG. And the—

Mr. LATONA. Brown wrapping paper.

Mr. EISENBERG. In any case when you conducted your examination first did you tell Wittmus of your conclusions?

Mr. LATONA. I did not.

Mr. EISENBERG. When Mr. Wittmus conducted his examination first did he tell you of his conclusions?

Mr. LATONA. No.

Mr. EISENBERG. Were his conclusions the same as yours?

Mr. LATONA. Ultimately, yes.

Mr. EISENBERG. When you say, "ultimately"?

Mr. LATONA. When the whole thing was completed.

Mr. DULLES. There was no difference of views between you at any stage?

Mr. LATONA. No, sir.

Mr. EISENBERG. Did anyone who examined these various objects—as to which

you have testified—in the FBI laboratory come to a conclusion different from the one you did?

Mr. LATONA. They did not.

Mr. EISENBERG. Were there any identifications of fingerprints as being Lee Harvey Oswald's in addition to the ones which you have given us?

Mr. LATONA. There were a number of identifications effected with latent prints developed on personal effects.

Mr. EISENBERG. No, sir; on the material you have testified as to today.

Mr. LATONA. No; there were no others.

Mr. EISENBERG. Were any prints found—were the three fragmentary prints found on the rifle, which were not sufficient for purposes of identification, in any way inconsistent with the prints of Oswald which you found?

Mr. LATONA. Very definitely, no. I might point out that actually what was visible was consistent, in the sense that even though there were no ridge formations available for purposes of making a positive conclusion, the indications were that the pattern types were there, were consistent with the pattern types which were on the hands of Lee Harvey Oswald.

Mr. DULLES. As far as you know the conclusions of the Texas police authorities who examined these objects, were your conclusions the same as theirs, or was there any differences between you on this subject?

Mr. LATONA. Frankly, I don't know what their conclusion was.

Mr. EISENBERG. Mr. Chairman, I have no further questions.

Mr. DULLES. Have you any questions, Mr. Murray?

Mr. MURRAY. I have not.

Mr. DULLES. I have no further questions. Thank you very much indeed, Mr. Latona. You have been very helpful. I have learned a great deal myself.

Mr. LATONA. Thank you very much.

## TESTIMONY OF ARTHUR MANDELLA, ACCOMPANIED BY LT. JOSEPH A. MOONEY, NEW YORK POLICE DEPARTMENT, BUREAU OF CRIMINAL IDENTIFICATION

Mr. DULLES. Mr. Mandella, will you raise your right hand.

Do you swear that the testimony you give before this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MANDELLA. I do.

Mr. DULLES. Thank you.

Mr. EISENBERG. Mr. Mandella, could you give us your full name and position?

Mr. MANDELLA. Arthur Mandella. I am a detective on the New York Police Department and I work at the bureau of criminal identification in that department.

Mr. EISENBERG. Could you briefly outline your qualifications as a fingerprint identification expert, Mr. Mandella?

Mr. MANDELLA. In 1945 to 1948 I was a fingerprint technician in the U.S. Navy. My principal duties were the classification and filing of fingerprints, the developing and photographing of latent fingerprints found at crime scenes, the comparison of latent fingerprints with suspects, and the searching of fingerprint files in general.

From 1948 to 1953 I was employed by the U.S. Government as a criminal investigator. However, my principal duties were the lifting and developing and identification of latent fingerprints, also the preparation of fingerprint exhibits for court presentation. From 1955 to the present I have been employed by the New York Police Department and assigned to the bureau of criminal identification as a fingerprint technician and performing the same duties that I just outlined. During these past 17 years I have been examining not only fingerprints but palmprints and infant footprints as well.

I graduated from the following fingerprint schools: in 1945, the U.S. Naval Air Station; in 1948 I graduated from the Institute of Applied Sciences, which is a fingerprint school, fingerprint and identification school; in 1955 I graduated from the New York Police Fingerprint School at the police academy; and in

1958 I attended an advanced latent fingerprint course conducted by the FBI at the New York Police Academy.

I am a fingerprint instructor for the New York Police Department Bureau of Criminal Identification and lecture at various hospitals relative to the proper techniques involved in footprinting the newborn.

I am a qualified fingerprint expert and have testified in New York State and Federal courts, including court-martials, relative to all phases of fingerprints, palmprints, and footprints.

Mr. EISENBERG. Could you venture a guess as to how many identifications you have been called upon to make in the course of your work?

Mr. MANDELLA. General identifications, I suppose, it runs into many thousands. It is hard to pick a number. But it is certainly well into the thousands of examinations.

Mr. EISENBERG. Mr. Chairman, may this witness be permitted to testify as an expert witness on the subject of fingerprints?

Mr. DULLES. Yes; he may.

Mr. EISENBERG. Mr. Mandella, did you at my request examine certain photographs of latent prints and compare them with photographs of inked or known prints to determine whether there were identities between the known and latent prints?

Mr. MANDELLA. Yes; I did.

Mr. EISENBERG. I hand you Commission Exhibits 656, 658, 659, 655, 657, 661, and 660. Could you briefly look through these and determine whether these are the photographs which you examined? As you finish an item, could you take a look at the Commission number and verify that you looked at the photographs in that Commission envelope?

Mr. MANDELLA. Yes; I have examined the photographs contained in Commission Exhibit No. 656.

Mr. DULLES. I wonder if you would just state the number, in each case, in each envelope?

Mr. MANDELLA. In Commission Exhibit 656 there are 10 photos, 10 photographs. And I have also examined Commission Exhibit No. 658, which is one photograph. I also examined Commission Exhibit No. 659, which is two photographs. I have also examined Commission Exhibit No. 655, which is two photographs. I have examined Commission Exhibit No. 661, which contains three photographs. I have examined Commission Exhibit No. 660, which contains eight photographs. I have also examined Commission Exhibit No. 657, which contains three photographs.

Mr. EISENBERG. 657 contains photographs of inked prints, is that correct?

Mr. MANDELLA. That is correct.

Mr. EISENBERG. The standard 10-finger chart and a right and left palmprint?

Mr. MANDELLA. Yes.

Mr. EISENBERG. Which you have been informed by me and you see on the writing on these charts are the prints of Lee Harvey Oswald?

Mr. MANDELLA. That is correct.

Mr. EISENBERG. Do you have any other knowledge that these are the prints of Lee Harvey Oswald?

Mr. MANDELLA. No; none whatsoever.

Mr. EISENBERG. And the remaining prints are photographs of what you would call latent prints?

Mr. MANDELLA. Yes; they are.

Mr. EISENBERG. Did you make markings on the backs of these prints, Mr. Mandella?

Mr. MANDELLA. Yes; on quite a few of them I did. However, not all of them.

Mr. EISENBERG. And you made those markings on the basis of—in your own hand printing?

Mr. MANDELLA. My own hand printing, for certain observations I wanted recorded.

Mr. DULLES. What is the nature of the marking?

Mr. EISENBERG. Let's take a sample. I will pull one out at random from Commission Exhibit 660. The topmost card says "Box B," which corresponds to the label on the envelope 360—and that is No. 17.

Mr. DULLES. Will you show those to the witness and see if he identifies his own writing?

Mr. MANDELLA. Yes; I have made these notations. Yes; I do recognize these.

Mr. EISENBERG. The next one says "Box B" and "Negative—same as box 'D' No. 7."

Mr. MANDELLA. Yes.

Mr. EISENBERG. You have seen these as you flipped through to identify that these are the same photographs?

Mr. MANDELLA. Yes.

Mr. EISENBERG. Let the record show that these photographs are photographs of latent prints taken by or under the supervision of Mr. Sebastian Latona, and he has just testified that these photographs were taken of objects which were identified earlier in Commission proceedings. Mr. Latona transmitted these photographs to me directly, and I in turn transmitted them to Mr. Mandella and Mr. Mooney, who is also present in this hearing room.

Mr. Mandella, do you know what total number of identifiable latent prints were contained in these exhibits that you just identified—exclusive of 657, which contained the inked or known finger and palm prints?

Mr. MANDELLA. No; but I have this outline here.

Mr. EISENBERG. Just approximately would you say how many identifiable prints there were?

Mr. MANDELLA. Thirty.

Mr. EISENBERG. Some 30 odd prints?

Mr. MANDELLA. Some 30.

Mr. EISENBERG. And did you identify certain of those prints as being the finger or palm prints of Lee Harvey Oswald?

Mr. MANDELLA. Yes; I did.

Mr. EISENBERG. Could you tell us which of those prints you so identified?

Mr. MANDELLA. There was a photograph, a photograph of the underside of the gun barrel, Commission Exhibit No.—

Mr. EISENBERG. That is Commission Exhibit No. 658, and I will hand you that photograph now. You are referring to this photograph?

Mr. MANDELLA. Yes.

Mr. EISENBERG. And can you read the writing on the back of that?

Mr. MANDELLA. "Right palm Oswald underside gun barrel."

Mr. EISENBERG. Is that in your handwriting?

Mr. MANDELLA. Yes; it is in my handwriting.

Mr. EISENBERG. Did you determine what portion of the right palm that was, Mr. Mandella?

Mr. MANDELLA. Yes; it is the right side of the right palm, this area right here.

Mr. EISENBERG. That is the ulnar portion?

Mr. MANDELLA. Pardon?

Mr. EISENBERG. Is that sometimes called the ulnar portion?

Mr. MANDELLA. Yes; the ulnar side, or the small-bone side; yes.

Mr. EISENBERG. Did you make any other identifications?

Mr. MANDELLA. Yes; I did.

Mr. EISENBERG. Could you give the next one, please?

Mr. MANDELLA. The photo marked "brown bag wrapping paper" Exhibit No.—

Mr. EISENBERG. That is Exhibit 659, and that exhibit contains two photographs which I now hand you, which are marked 659-A and 659-B?

Mr. MANDELLA. Yes.

Mr. EISENBERG. And did you identify the prints in those photographs?

Mr. MANDELLA. Yes; on photograph No. 1—

Mr. EISENBERG. Could you refer to the print on the back, 659-A or B?

Mr. MANDELLA. On 659-B, as I called it, photo 1, is the No. 7 finger which is the left index finger of Lee Harvey Oswald.

Mr. EISENBERG. And do you have a note on the back of that picture?

Mr. MANDELLA. Yes; I do.

Mr. EISENBERG. Can you read us that?

Mr. MANDELLA. "Left index, Oswald brown bag wrapping paper."

Mr. EISENBERG. And that is in your handwriting?

Mr. MANDELLA. Yes; it is.

Mr. EISENBERG. Can you say what portion of the left index finger of Lee Harvey Oswald that is?

Mr. MANDELLA. It is the bulb of the finger, a little to the right.

Mr. EISENBERG. That is, by bulb you mean the central portion of the distal phalanx?

Mr. MANDELLA. The central portion to the right.

Mr. EISENBERG. Of the distal phalanx?

Mr. MANDELLA. Yes; the flesh joint; yes.

Mr. EISENBERG. And 659-A?

Mr. MANDELLA. Commission Exhibit No. 659, as I call it, photo No. 2, is a palmprint and I identified this as the right side of the right palm of Lee Harvey Oswald.

Mr. EISENBERG. The right side would again be the ulnar?

Mr. MANDELLA. It would be the ulnar side, yes.

Mr. EISENBERG. The little finger side?

Mr. MANDELLA. Yes.

Mr. EISENBERG. That also has writing on the back of it, does it?

Mr. MANDELLA. Yes; it does.

Mr. EISENBERG. Can you read that to us?

Mr. MANDELLA. "Right palm, Oswald brown bag wrapping paper."

Mr. EISENBERG. And that is in your own handwriting?

Mr. MANDELLA. Yes; it is.

Mr. EISENBERG. Was there any handwriting when you got any of these prints, by the way?

Mr. MANDELLA. No; there wasn't.

Mr. EISENBERG. All the prints were blank on the reverse side?

Mr. MANDELLA. They were blank on the reverse side. There was handwriting within the photographs but not—

Mr. EISENBERG. That is on the face of the photographs?

Mr. MANDELLA. Yes.

Mr. EISENBERG. Would you proceed, Mr. Mandella?

Mr. MANDELLA. Box A, photo No. 25.

Mr. EISENBERG. That is Commission Exhibit 656, and I will hand you photo No. 25.

Mr. MANDELLA. What was that number, 656? Numbers 25 and 34.

Mr. EISENBERG. I now hand you Nos. 25 and 34. Could you identify No. 25 first Mr. Mandella?

Mr. MANDELLA. No. 25, Commission Exhibit No. 656, contains three identifiable fingerprints, one of which, located in the center in a whorl-type pattern, is the No. 2 finger or the right index finger of Lee Harvey Oswald. The fingerprints on the right and the left do not belong to Lee Harvey Oswald but the one in the center, the whorl-type pattern, is his No. 2 finger.

Mr. EISENBERG. Which is that now again, the right-hand index finger?

Mr. MANDELLA. The No. 2 finger, which is the right index finger, and again the first joint, the bulb of the finger.

Mr. EISENBERG. The bulb of the distal phalanx?

Mr. MANDELLA. Yes.

Mr. EISENBERG. Of the right index finger?

Mr. MANDELLA. Yes.

Mr. DULLES. For clarity, where were these taken? What were these taken from?

Mr. EISENBERG. This was taken from box A—

Mr. DULLES. Box A?

Mr. EISENBERG. Which I believe is a 10 rolling reader carton. Is there printing or handwriting on the back of that photograph 25?

Mr. MANDELLA. Yes; there is.

Mr. EISENBERG. Could you read it to us?

Mr. MANDELLA. "Center impression No. 2 finger Oswald from Box A photo—latent on left unidentified—Photo Nos. 25 and 27 identical—Negative with Oswald unidentified."

Mr. EISENBERG. "Negative with Oswald," are you referring now to two of the three photographs—two of the three prints appearing on the photograph?

Mr. MANDELLA. That is right, two prints, exactly, the one in the center, of course I am not in reference to the one in the center, which is his. The two on the right and left are unidentified.

Mr. EISENBERG. And No. 34, Mr. Mandella?

Mr. MANDELLA. No. 34, Commission Exhibit 656, is a palmprint from the left palm of Lee Harvey Oswald, the left palm section of course, the ulnar side again of the left side of the left palm.

Mr. EISENBERG. And do you have a note on the back of that?

Mr. MANDELLA. Yes; I do. "Oswald's left palm—left side."

Mr. EISENBERG. And that again is in your own handwriting, is it Mr. Mandella?

Mr. MANDELLA. Yes.

Mr. EISENBERG. Any other identifications?

Mr. MANDELLA. Yes; there is one more on box D, photo No. 13.

Mr. EISENBERG. That is Exhibit 655, which contains two photographs, and I will extract the photograph labeled "13."

Mr. MANDELLA. Commission Exhibit 655, photo No. 13, the right palmprint of Lee Harvey Oswald. The section here is at the heel of the palm in the center.

Mr. EISENBERG. In the center of the palm?

Mr. MANDELLA. Yes, sir.

Mr. EISENBERG. You were just pointing to the lower portion of the palm, which you refer to as the heel?

Mr. MANDELLA. Yes; this is the portion of Oswald's palm.

Mr. EISENBERG. Is there handwriting or printing on the back of that photograph?

Mr. MANDELLA. Yes; there is. "Right palm—Oswald—heel of hand."

Mr. EISENBERG. And that is your handwriting, is it, Mr. Mandella?

Mr. MANDELLA. Yes; it is.

Mr. EISENBERG. So you made a total of six identifications?

Mr. MANDELLA. Yes; I did.

Mr. EISENBERG. Now when you made these identifications—or, I should say, when you received the photographs and when you made the identifications, did you have any knowledge of any kind as to how many, if any, prints of Oswald's were found among the many impressions which were given to you?

Mr. MANDELLA. I had no idea, sir.

Mr. EISENBERG. Were you aware in any way of the conclusions of any other body concerning these impressions?

Mr. MANDELLA. I knew nothing about any examination by anyone.

Mr. EISENBERG. At an unofficial level, had you seen anything in the newspapers which would indicate any information on these?

Mr. MANDELLA. In the newspaper several months ago there was reference to a—I don't even recall whether it was fingerprints or palmprints or both but there was some reference in the newspaper I had seen, and that is all.

Mr. EISENBERG. That is all you recall about it?

Mr. MANDELLA. That is all I recall.

Mr. EISENBERG. Did you pay any attention to that in making your identifications?

Mr. MANDELLA. No; it didn't affect me at all, nothing to do with the identifications.

Mr. EISENBERG. What is your general attitude toward items you see like this in the newspapers, by the way?

Mr. MANDELLA. In the newspapers? It doesn't mean a thing. Attitude relative to fingerprints?

Mr. EISENBERG. I am trying to determine how far this might influence you in your evaluation, and I wonder as a police officer what your opinion is when you read accounts in newspapers of evidence in crimes.

Mr. MANDELLA. No; it doesn't affect me other than for general information purposes.

Mr. EISENBERG. Did I transmit to you any information whatsoever concerning these prints?

Mr. MANDELLA. You did not, other than giving me the photographs.

Mr. EISENBERG. Did I tell you that any of these prints might be Lee Harvey Oswald's?

Mr. MANDELLA. You made no indication as to that it could have been his.

Mr. EISENBERG. Do you know now, apart from your own identification, have you acquired any information at this point, subsequent to your identification but prior to your appearance here, as to these prints, other than your own identifications?

Mr. MANDELLA. I have no knowledge as to what has been done with these prints at all by anyone.

Mr. EISENBERG. Are you absolutely sure as to each of these identifications, Mr. Mandella?

Mr. MANDELLA. I am positive.

Mr. EISENBERG. Mr. Mandella, are you familiar with the contention of some persons that 12 points are needed for identification of finger or palm prints?

Mr. MANDELLA. No I am not, no. Positive identifications are effected by the expert himself; 12 points are not necessary. A sufficient amount determined by the expert is the important factor.

Mr. DULLES. About how many? Have you any test as to how many points?

Mr. MANDELLA. I can't give a definite number, but I'd say in generalities five or six or seven points certainly should be enough, depending on their uniqueness and frequency.

Mr. EISENBERG. What is the lowest number to which you have testified in court, Mr. Mandella.

Mr. MANDELLA. The lowest that I can recall I testified to, five points.

Mr. EISENBERG. Was there a conviction secured in that case?

Mr. MANDELLA. Yes; there was. Of course, I don't recall if the fingerprint was the thing that caused the conviction, but it was part of the testimony.

Mr. DULLES. In most of these cases where you have made an identification, have there been more than five points of identity?

Mr. MANDELLA. Well, it seems to run between, somewhere between 6, 7, 8, 9, 10 and 11, and in some cases more. It depends on how much of the finger or palm that you have, how many characteristics are contained in that area.

Mr. DULLES. My question was directed to the specific prints that you have, photographs of prints that you have examined.

Mr. MANDELLA. Yes; it usually verges on 8, 9, 10, 11 and 12.

Mr. DULLES. In the cases of these identifications that you have made?

Mr. MANDELLA. Oh, no. Some—we have many more characteristics in some of these identifications here today.

Mr. EISENBERG. I think Commissioner Dulles is referring to cases previous to this.

Mr. DULLES. I was referring to both. First I was asking you in general how many do you consider are necessary, and secondly how many did you find in these particular cases that you have examined in the Oswald case?

Mr. MANDELLA. Oh. Would you like me to——

Mr. EISENBERG. Do you have that information?

Mr. MANDELLA. Yes.

Mr. EISENBERG. Fine.

Mr. MANDELLA. Of course these characteristics that I point out are the ones that I see and in some cases there is a few more, but these are the ones that are very definite and outstanding.

On the gun barrel, I forget the Commission exhibit number, there was 11 points of identity.

Mr. EISENBERG. That is 658?

Mr. MANDELLA. Commission Exhibit 658. There was 11 points of identity on that particular palmprint.

Mr. DULLES. That is exactly what I wanted.

Mr. MANDELLA. Yes; now the brown wrapping paper bag, Commission's Exhibit 659——

Mr. EISENBERG. There is 659-A and B here. The one you have marked "left index Oswald"?

Mr. MANDELLA. Is that A?

Mr. EISENBERG. That is what I have marked "B." That is Commission Exhibit 659-B.

Mr. MANDELLA. Then No. 2, 659-A is the palmprint.

Mr. EISENBERG. That is marked "right palm"?

Mr. MANDELLA. Right palm, and there is 18 points, 18 characteristics that are very outstanding and in this case possibly more too.

Now in Commission's Exhibit 659-B—

Mr. EISENBERG. That is marked "left index Oswald"?

Mr. MANDELLA. It is the left index finger—Lee Harvey Oswald, there is 11 points of identity and possibly a few more. In Commission Exhibit 656 which is the No. 2 finger or the right index finger of Lee Harvey Oswald, there is 11 points, that is the whorl-type pattern.

Mr. EISENBERG. Excuse me a second Mr. Mandella. That is No. 25 center impression, marked by you "center impression No. 2 finger—Oswald," is that correct?

Mr. MANDELLA. Yes; that is correct. And there is 11 points of identity or characteristic.

Mr. EISENBERG. On No. 34?

Mr. MANDELLA. No. 34, the palmprint.

Mr. EISENBERG. That is marked by you "Oswald left palm—left side"?

Mr. DULLES. Palmprint on the box is it?

Mr. EISENBERG. Yes; box A.

Mr. DULLES. Box A?

Mr. MANDELLA. Yes; 18 points of identity I found on that particular exhibit.

Mr. EISENBERG. Can you check your notes on that?

Mr. MANDELLA. I can explain this. On the reverse side I have 13 to 16 points.

Mr. EISENBERG. That is the reverse side of number—

Mr. MANDELLA. It is the reverse side of Commission Exhibit 656. However, after going over this and looking at it again I found several more. Of course in this case it is still more than 18. But 18 that can be readily seen and recognized. And then Commission exhibit finally—

Mr. EISENBERG. 655?

Mr. MANDELLA. 655.

Mr. EISENBERG. Box D.

Mr. MANDELLA. Photo No. 13, the right palmprint of Oswald, and there is eight points of identity on that one.

Mr. DULLES. Thank you.

Mr. EISENBERG. Mr. Mandella, do you have any opinion concerning the ability to determine the freshness of a fingerprint?

Mr. MANDELLA. It is very difficult to tell. However, you can determine if it was left within say a few days, but certainly you can't pinpoint it. You can't say it was there so many hours or so many days. How many days I don't know, but in the developing of fingerprints we will say on an ashtray on this Commission desk here, if we just touch it now, as opposed to a fingerprint being left there several days ago, the impression that we recently left, as we applied powder to it to bring it about would naturally come out sooner because of the freshness of the oils on our fingers.

The others would come out, if we kept processing or powdering it with a brush. They would later come out too. So this is the only indication to me then, that the first ones that appear then were recently left. And in this you can't even say this definitely either. It is very difficult because at certain times it could be a little more oil on someone's fingers and this could last longer and appear to be fresher. So it is very difficult to tell positively.

Mr. EISENBERG. What you are describing is freshness, relative freshness, between one print and another, rather than absolute freshness of any given print?

Mr. MANDELLA. Yes; that is true.

Mr. EISENBERG. Now I give you Commission Exhibit No. 139, which is a rifle, and ask you whether you think if you developed a print on a steel portion of the rifle you could testify as to whether this was a fresh or a stale print?

Mr. MANDELLA. No; I couldn't tell. I couldn't tell especially on steel or on wood here whether it is fresh or not. By itself of course too, with nothing around it, you couldn't tell. It is impossible, as a matter of fact.

Mr. EISENBERG. I hand you Commission Exhibit No. 649, which consists of a piece torn off of a cardboard type of box, and appearing on that is a powder impression under a tape, of which you have seen actually a photograph, Mr. Mandella.

Mr. MANDELLA. Yes.

Mr. EISENBERG. If you had developed that impression, do you think you would testify as to relative freshness?

Mr. MANDELLA. In this case, with this cardboard, in my own experience—I assume the medium used here is powder—

Mr. EISENBERG. Yes; I believe so.

Mr. MANDELLA. To develop it. If it comes out this fresh, I would have to assume that it was left there recently. But how recently I can't pinpoint that.

Mr. EISENBERG. Within 3 days?

Mr. MANDELLA. Oh, definitely I would say within 3 days.

Mr. EISENBERG. Within 2 days?

Mr. MANDELLA. Yes; I would say within about a day, a day and a half, because the cardboard is very porous and it would normally draw the oils, the perspiration, and it would disappear.

However, we do have an impression here with powder. That means that it was quite fresh, in my own opinion anyway.

Mr. EISENBERG. Mr. Mandella, I can see that you have taken notes, numerous notes on the fingerprints, including those you didn't identify. I wonder whether we could introduce those as a Commission exhibit, rather than going through those one by one. Would you part with those? We could supply you with a copy later.

Lieutenant MOONEY. I have the rough. It will only take us a couple minutes to—

Mr. DULLES. We would be very glad to give you a photograph copy of it.

Mr. MANDELLA. That is all I need. That is fine. Yes.

Mr. EISENBERG. You are handing me two pages, and these contain your original notes concerning the fingerprints?

Mr. MANDELLA. Yes.

Mr. EISENBERG. These contain your notes not only as to the fingerprints you identified, but those which you did not identify against a known print which you were given?

Mr. MANDELLA. That is right. There were quite a few fingerprints that didn't belong to Oswald. However, they belonged to one another.

Mr. EISENBERG. That is to say, you found two prints which were identical to each other?

Mr. MANDELLA. That is right.

Mr. EISENBERG. Two latents which were identical to each other?

Mr. MANDELLA. That is right, but to whom they belong I have no idea.

Mr. EISENBERG. Mr. Chairman, may I have these notes admitted as Commission Exhibit No. 662?

Mr. DULLES. It shall be admitted as Exhibit 662.

(Commission Exhibit No. 662 was marked for identification, and received in evidence.)

Mr. EISENBERG. Mr. Mandella, is there anything you would like to add to your testimony here?

Mr. MANDELLA. Nothing other than what I already mentioned.

Mr. EISENBERG. I have no further questions.

Mr. DULLES. We thank you then Mr. Mandella, very much. I didn't catch your name.

Lieutenant MOONEY. Lieutenant Mooney. Glad to have been of service.

Mr. DULLES. Would you please express to the Commissioner on behalf of the Chief Justice and the Commission our grateful thanks to you for the work that you have done, and it is greatly appreciated, and also express on my own personal behalf—I know the Commissioner—my appreciation for the cooperation he has given to the Commission.

Lieutenant MOONEY. Thank you, sir. We are glad to have been of service.

Mr. EISENBERG. Mr. Chairman, may I say that these two gentlemen both interrupted their vacation to come here, and they have been working practically night and day in order to meet with our time demands for testimony.

Mr. DULLES. We deeply appreciate that.

Mr. MANDELLA. Glad to have helped in any way.

Mr. DULLES. The Commission will stand adjourned until tomorrow morning at 9 o'clock.

(Whereupon, at 1:10 p.m., the President's Commission adjourned.)

*Friday, April 3, 1964*

## TESTIMONY OF PAUL MORGAN STOMBAUGH AND JAMES C. CADIGAN

The President's Commission met at 9:10 a.m. on April 3, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman and Mr. Allen W. Dulles, member.

Also present were J. Lee Rankin, General Counsel; Melvin Aron Eisenberg, Assistant Counsel; and Charles Murray, Observer.

### TESTIMONY OF PAUL MORGAN STOMBAUGH

The CHAIRMAN. The Commission will come to order. The purpose of today's hearing is to take the testimony of Paul Stombaugh and James C. Cadigan. Mr. Stombaugh is a hair and fiber expert with the FBI, and Mr. Cadigan is a questioned documents expert with the FBI. They have been asked to provide technical information to assist the Commission in its work.

This is just to advise you of the nature of the interrogation today.

Will you rise: Do you solemnly swear the testimony you are about to give before this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. STOMBAUGH. I do.

The CHAIRMAN. You may be seated. Mr. Eisenberg, you may proceed with the examination.

Mr. EISENBERG. Mr. Stombaugh, could you state your full name and your position?

Mr. STOMBAUGH. Paul M., for Morgan, Stombaugh. I am a Special Agent of the Federal Bureau of Investigation, assigned to the hair and fiber unit of the FBI laboratory as a hair and fiber examiner.

Mr. EISENBERG. What is your education, Mr. Stombaugh?

Mr. STOMBAUGH. I have a Bachelor of Science degree in Biology from Furman University, Greenville, S.C., and I received a 1-year period of specialized training in the hair and fiber field in the laboratory under the supervision of the other experts.

Mr. EISENBERG. How long have you been in the hair and fiber field?

Mr. STOMBAUGH. Since 1960.

Mr. EISENBERG. Could you approximate the number of examinations you have made in this field?

Mr. STOMBAUGH. I have made several thousand hair examinations and about twice as many fiber examinations.

Mr. EISENBERG. Have you testified in court?

Mr. STOMBAUGH. Yes, sir; I have testified in approximately 28 States, both federal and local courts, as an expert.

Mr. EISENBERG. Mr. Chairman, I would like permission to examine the witness as an expert in this area.

The CHAIRMAN. The witness is qualified.

Mr. EISENBERG. Mr. Stombaugh, I now hand you Commission Exhibit No. 140, which for the record consists of a blanket which was found in the garage of Mr. and Mrs. Paine, and a piece of string marked Paine Exhibit No. 2, and I ask you whether you are familiar with these items?

Mr. STOMBAUGH. Yes, sir; I am. My mark is here on the blanket, and when this was received in the FBI laboratory this string was around a portion of it.

Mr. EISENBERG. Could you tell us what your mark is exactly, Mr. Stombaugh?

Mr. STOMBAUGH. Due to the fact this was a piece of fabric and hard to mark, I put a piece of evidence tape on the blanket, stapled it to the blanket, and put my initials "PMS" with the date 11-23-63 thereon.

Mr. EISENBERG. When did you receive this blanket, Mr. Stombaugh?

Mr. STOMBAUGH. This was approximately 7:30 a.m., on the morning of November 23, 1963.

Mr. EISENBERG. Can you describe the shape of the blanket and the position of the string, Paine Exhibit 2, when you received it?

Mr. STOMBAUGH. May I use this?

Mr. EISENBERG. What you are holding up is a piece of paper which—will you describe it, please?

Mr. STOMBAUGH. This is a piece of kraft paper approximately the same shape as this blanket. When I received the blanket, it had been folded together with both ends even; a slight triangle had been folded into one corner of the blanket, and another fold had been taken into the blanket thus.

Mr. EISENBERG. When you say "thus," you are folding the piece of kraft paper, and is the paper now folded into approximately—in a manner approximating the way the blanket was folded when you received it?

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. Mr. Chairman, may I have permission to introduce the piece of paper which the witness has so folded?

The CHAIRMAN. It may be so admitted.

Mr. EISENBERG. That will be Commission Exhibit 663.

(Commission Exhibit 663 was marked and received in evidence.)

Mr. EISENBERG. There is a safety pin inserted into Exhibit 663, Mr. Stombaugh. Was there an equivalent safety pin on the blanket?

Mr. STOMBAUGH. Yes, sir; there was a much larger safety pin attached to the blanket in approximately the same place as the small pin in the piece of paper.

Mr. EISENBERG. Now, the blanket is folded so as to approximate approximately a right angle triangle, and the safety pin is at one angle of that right angle opposite the right angle, is that correct?

Mr. STOMBAUGH. The safety pin would be at the vertex of the right angle—

Mr. EISENBERG. Now—

Mr. STOMBAUGH. Of the triangle.

Mr. EISENBERG. Were there any distinctive creases in the blanket?

Mr. STOMBAUGH. Yes; there were. There was one crease at the base, which would be the base of the right triangle, a very slight crease.

Mr. EISENBERG. Could you mark that with the letter "A" please, on the Exhibit 663?

Mr. STOMBAUGH. Yes.

Mr. EISENBERG. This is opposite—this is the side facing the angle at which the safety pin is inserted, is that correct?

Mr. STOMBAUGH. That is correct. It would be the base of the triangle.

Mr. EISENBERG. The base of the triangle—

Mr. STOMBAUGH. There was also another crease I found upon removing the safety pin and opening the blanket; I found that one end of the blanket had been folded in approximately 7 inches.

Mr. EISENBERG. What is the relationship between that and the end which you have just marked "A," is that the opposite side?

Mr. STOMBAUGH. That would be the opposite side of the blanket.

Mr. EISENBERG. Could you mark that "B"?

What was the relationship between the amount which the blanket was folded on the side "A" and the amount which it was folded on side "B," that is, were the folds approximately equal, or if different, how different, in length?

Mr. STOMBAUGH. The one, the fold marked "A" was not as great as the fold marked "B." The fold marked "B" was approximately 7 inches, the fold marked "A" was less than 7 inches.

Mr. EISENBERG. Proceed.

Mr. STOMBAUGH. There was one other crease in the blanket which was more or less a hump approximately 10 inches long, located approximately midway between the blanket, between—it is very difficult to describe the location.

Mr. EISENBERG. Could you point to it, and maybe we can describe it?

Mr. STOMBAUGH. Approximately in this area.

Mr. EISENBERG. This is, approximately midway between the side at which the fold marked "A" appears and the side at which the fold marked "B" appears?

Mr. STOMBAUGH. That is correct; approximately midway.

Mr. EISENBERG. Could you mark that fold or crease "C"? Was this a fold or a crease, Mr. Stombaugh?

Mr. STOMBAUGH. This was a very slight crease. It appeared as a hump in the blanket.

Mr. EISENBERG. Was there any item in the blanket, any object in the blanket, which might have been causing that hump?

Mr. STOMBAUGH. Not when I opened it, sir.

Mr. EISENBERG. Did you form an opinion as to what might cause that hump to exist in the blanket?

Mr. STOMBAUGH. Yes, sir; it would have had to have been a hard object, approximately 10 inches in length, which protruded upward, causing the yarns in the blanket to stretch in this area, and it would have had to have been tightly placed in the blanket to cause these yarns to stretch.

Mr. EISENBERG. Now, when you say the object was 10 inches long, do you mean that the object itself was 10 inches long or that there was an object 10 inches—an object protruding at a point 10 inches from the place you have marked "A"?

Mr. STOMBAUGH. No, sir; the object itself would have had to have been approximately 10 inches long to have caused this hump.

Mr. EISENBERG. It couldn't have been longer than 10 inches?

Mr. STOMBAUGH. Not at this point; no, sir.

Mr. EISENBERG. Could it have proceeded past that point marked "C," that is, could the object have been placed so that its base was at "C"—so that its base was at "A"? Is it possible that the object as it lay in the blanket passed "C" but with a protrusion at "C"?

Mr. STOMBAUGH. Yes, sir; this is quite possible.

Mr. EISENBERG. That is possible?

Mr. STOMBAUGH. This is quite possible.

Mr. EISENBERG. Were there any other folds or creases, Mr. Stombaugh?

Mr. STOMBAUGH. Yes, sir.

At the upper, call it the upper portion of the triangle, there were some creases in the blanket which had been caused by a piece of string which had been securely wrapped around the blanket at this point.

Mr. EISENBERG. Could you mark the area "D," where those creases occurred? Is the string you are referring to the Paine Exhibit 2 which you earlier identified?

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. Was that wrapped around the blanket when you received it?

Mr. STOMBAUGH. Yes, sir; this was loosely wrapped around the blanket at this point. From an examination of the blanket itself and these creases, it was apparent that this string had been tied around the blanket while something was inside this blanket, and the string had been tied rather tight in order for these creases to have remained in the blanket.

Mr. EISENBERG. In other words, the creases remained in the blanket although there was no object in it when you received it—

Mr. STOMBAUGH. Correct.

Mr. EISENBERG. Which would account for the creases, is that correct?

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. And you therefore deduced there had been an object in the blanket preceding your examination?

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. Did you notice anything else about the blanket which you would like to relate, Mr. Stombaugh?

Mr. STOMBAUGH. The blanket exhibited much wear.

Mr. EISENBERG. We are just talking now about the shape, of course. We will be getting into composition later.

Mr. STOMBAUGH. No, sir; I cannot think of anything else at this time.

Mr. EISENBERG. In your opinion, would the blanket have made a secure package wrapped in the way and manner that it appeared to you?

Mr. STOMBAUGH. Yes, sir; it would have. With the crease at fold "A," had it been folded down, it would have made a very snug and secure package containing some type of item in it.

Mr. EISENBERG. Now, Mr. Stombaugh, was there anything about the string. Paine Exhibit 2, which would make an identification possible?

Mr. STOMBAUGH. No, sir; the string is just common white cotton string. It is found in most stores throughout the country, and used for, well, many uses. There is nothing distinctive about the string itself which could be traced as to manufacturer or any definite use it was made for.

Mr. EISENBERG. Any distinctive accidental markings on it?

Mr. STOMBAUGH. No; I found none.

Mr. EISENBERG. What kind—was it tied in a knot?

Mr. STOMBAUGH. Yes, sir; it was tied in a granny knot, and also a bow knot.

Mr. EISENBERG. Could you illustrate that for us? You are holding up a piece of string?

Mr. STOMBAUGH. This is another piece of string, not the original.

Mr. EISENBERG. Not the original.

Mr. STOMBAUGH. A granny knot is a common knot, tied with two simple thumb knots. It is a very hard knot to open as opposed to the boy scout knot, or the square knot rather, which is tied in this manner. This knot is very easy to open because all one has to do is to pull one free end of it and the other free end slides out.

Mr. EISENBERG. You are referring to the so-called "boy scout" knot?

Mr. STOMBAUGH. It is actually not a boy scout knot but a square knot.

Mr. EISENBERG. And you tie that left over right, right over left, is that the formula?

Mr. STOMBAUGH. Yes; left over right and right over left.

Mr. EISENBERG. How do you spell that, by the way?

Mr. STOMBAUGH. G-r-a-n-n-y.

Mr. EISENBERG. The granny knot, Mr. Stombaugh, is this a common or an uncommon knot?

Mr. STOMBAUGH. It is a very common knot. I believe that knot is tied more than any other knot because it is right over right, right over right, and it is usually used by people wrapping packages who want it tied securely so the package will not come open.

Mr. EISENBERG. Did you say there was also a bow knot?

Mr. STOMBAUGH. Yes, sir.

Mr. EISENBERG. Could you illustrate that?

Mr. STOMBAUGH. This is the type of knot we use when we tie our shoe strings. It is made by forming a loop with the one free end, and wrapping the other free end around it and pulling it through.

Mr. EISENBERG. Is that a hard or an easy knot to slip out, Mr. Stombaugh?

Mr. STOMBAUGH. This is very easy, because you just take one of the loose ends and pull it and the knot falls apart.

Mr. EISENBERG. What was the relationship between the granny knot and the bow knot?

Mr. STOMBAUGH. I don't know. I have seen this numerous times, on numerous different occasions when one would either tie a granny knot or a square knot and follow it up with a bow knot. The granny knot would be to secure the package so it would not come loose. The bow knot is a temporary knot tied by one who wants the string to come off easily.

Now why they would tie a granny knot and follow this up with a bow knot I don't know, unless they had some long loose ends which they wanted to slacken up, shorten up, rather, so as they would not be hanging down.

Mr. EISENBERG. The Exhibit Paine No. 2 is tied into a knot at this point. Can you tell us what kind of a knot that is?

Mr. STOMBAUGH. This was a simple bow knot which I put into it.

Mr. EISENBERG. You put it into it?

Mr. STOMBAUGH. Yes, sir.

Mr. EISENBERG. So the knot does not reproduce the knots as you found them originally?

Mr. STOMBAUGH. No; they do not.

Mr. EISENBERG. Mr. Stombaugh. I wonder if you could tie the demonstration piece of string you have been using into the granny knot and bow knot, in the manner in which you received it.

Mr. STOMBAUGH. There is the granny knot and here is the bow knot.

Mr. EISENBERG. You are not here trying to approximate the diameter or the circumference of the string, but only the knots?

Mr. STOMBAUGH. No.

Mr. EISENBERG. Mr. Chairman, may I admit this string as an illustrative exhibit?

The CHAIRMAN. It may be done.

Mr. EISENBERG. That will be 664, Mr. reporter.

(The item referred to was marked Commission Exhibit No. 664, and received into evidence.)

Now, Mr. Stombaugh, did you examine this blanket to determine its composition?

Mr. STOMBAUGH. Yes; I did.

Mr. EISENBERG. Can you give us your conclusions?

Mr. STOMBAUGH. The blanket is composed of a very small percentage of brown and green woolen fibers; an average of about 30 percent to 40 percent of brown and green cotton fibers, and the remaining portion brown and green delustered viscose fibers.

Mr. EISENBERG. When you say "a very small portion of brown and green woolen fibers," could you be more specific; was it in the neighborhood of 1 percent or 10 percent?

Mr. STOMBAUGH. I was unable to obtain a definite percentage. This is a rather long, involved, and inaccurate method of determination because one would need a brand new blanket to get a good quantitative analysis.

However, in the samples of the fabric that I made, I found approximately 1 to 2 percent woolen fibers, 20 to, I would say, 30, 35 percent cotton fibers, and the remainder of it viscose fibers. This is just an approximation from the microscopic slide that I made.

Mr. EISENBERG. Would you have any reason to believe that the approximation was not made from a fair sample of the blanket?

Mr. STOMBAUGH. No; I wouldn't. I took the sample myself.

However, the blanket is very well worn. Most of the nap has been worn off of it. It has had a lot of use, and much of the original composition has been worn off. Now, whether or not this same percentage of composition is missing from use or not I wouldn't be able to determine, but I would say that the approximation that I had given is fairly accurate for the blanket in its present condition.

Mr. EISENBERG. Mr. Stombaugh, could you explain to us briefly how you were able to distinguish the three fibers, cotton, wool, and viscose?

Mr. STOMBAUGH. Yes, sir. This chart shows the difference in the textile fibers when one observes them under a microscope. A cotton fiber appears to be, or rather, might be compared with an ordinary soda straw which has been flattened. You can see here that the fiber is hollow. The hollow is known as the lumen in cotton. The fiber is flattened and twisted much as teen-agers do to soda straws in drug stores when they twist and crush the soda straws.

Mr. EISENBERG. Pardon me, Mr. Stombaugh: this chart is a chart labeled "Textile Fibers," and having three illustrations labeled "Cotton," "Wool," and "Viscose"?

Mr. STOMBAUGH. That is correct.

A woolen fiber actually is a hair which originates from an animal and is composed of three basic parts, the outer part being the scales which are the rough area on the outside of the hair, the inner portion known as the cortex, and a center portion known as the medulla. Microscopically this is what you would look for to identify wool.

Viscose is a synthetic fiber that is made by man. It is composed of chemicals, and is very rough around the outside area, having many striations running through it. The viscose fiber I have drawn here is what we would term a lustrous fiber. It does not have the delustering agent added to it, to cut down the luster. If this were a delustered fiber then we would have millions of small spots on the outside of this fiber which have been placed there chemically so as to cut down the luster of the fiber.

Mr. EISENBERG. Was the viscose in the blanket that we have been examining lustered or delustered?

Mr. STOMBAUGH. This was delustered.

Mr. EISENBERG. Mr. Chairman, may I introduce the chart which the witness has been discussing as 665?

This chart was prepared by you or under your supervision, Mr. Stombaugh?

Mr. STOMBAUGH. It was prepared by me.

The CHAIRMAN. What is the number?

Mr. EISENBERG. That will be 665.

(Commission Exhibit No. 665 was marked, and received in evidence.)

Mr. EISENBERG. Mr. Stombaugh, did you examine this blanket to determine whether any debris was present?

Mr. STOMBAUGH. Yes; I did. I scraped the blanket and removed all the foreign textile fibers and hairs and placed them into a pillbox.

Mr. EISENBERG. Can you describe to us how this scraping was performed?

Mr. STOMBAUGH. Yes, sir. We suspend the blanket from a rack in the laboratory, place a clean sheet of kraft paper on a table directly under it and, using a spatula, thoroughly scrape it down. This knocks all the foreign material adhering to the blanket from the blanket, and it falls down to the paper. After we have thoroughly cleaned the blanket, then we scrape up all the debris and place it in the pillboxes for a microscopic examination.

Mr. EISENBERG. Why do you use this scrape method, as opposed to a fine-filter vacuum cleaner?

Mr. STOMBAUGH. We have found that the fine-filtered vacuum cleaner pulls all of the dirt and old debris from a blanket which are embedded on the inner portion of the fabric. We are not interested in this material. We are interested only in what is adhering to the top surface, which has been put there most recently. Through experience in the laboratory we have found this method to be the best so far.

Mr. EISENBERG. So that by use of the scrape you gathered the more recent debris, as opposed to the older debris?

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. And what type of debris did you find, Mr. Stombaugh?

Mr. STOMBAUGH. I found numerous foreign textile fibers of various types and colors, as well as a number of limb and pubic hairs.

Mr. EISENBERG. Did you draw any conclusions as to those hairs upon your initial examination of them?

Mr. STOMBAUGH. Yes; I did. They all had originated from a person of the Caucasian race and I compared these hairs with hair samples obtained from Harvey Oswald—

Mr. EISENBERG. That is Lee Harvey Oswald?

Mr. STOMBAUGH. That is, Lee Harvey Oswald, and I found that of the limb and pubic hairs I removed from the blanket, several matched Oswald's in all observable microscopic characteristics and could have originated from Oswald.

Mr. EISENBERG. You said these hairs were from a person of Caucasian race. Can you explain how you can tell the difference between hairs of the various types of races?

Mr. STOMBAUGH. Yes, sir. Going back to my charts, I have a chart here which contains a diagram of a hair. This isn't any particular hair, this is a type of hair that could be animal or human. I am just using this to give one an idea of what a hair looks like.

First, we have the root, which is the portion of the hair embedded in the scalp or in the skin, whichever type hair it might be.

(At this point, Mr. Dulles entered the hearing room.)

Mr. STOMBAUGH. And from the root, extending out and growing, is the shaft of the hair, and the very distal end of that is the tip.

If we were to take this hair and place it under a microscope, this is what we would see. We find that the hair basically consists, in the shaft area, of scales composing the outside portion of the hair. Directly under the scales is the cortex. Now the scales vary in size and shape among animal and human hairs. The cortex also varies. Running through the center of the hair shaft, much as the lead in the center of a lead pencil, is what is known as the medulla.

The medulla is nothing more than air cells running through the center of the hairshaft.

In the cortex of the hair are small granules which appear under a microscope like tiny grains of sand. These are known as the hair pigment. This is the part of the hair that gives the hair its color, whether it is blond, dark brown, black, or what-have-you.

Also present in the cortex you will occasionally find air spaces located among the pigment granules which are known as cortical fusi. These will vary in size, shape, form, and location on the hair. Many hairs do not have any.

Basically that is what a hair looks like, and the basic component parts of the hair.

Mr. EISENBERG. May I have this admitted as 666, this diagram of the hair?

The CHAIRMAN. Yes; it may be admitted.

(Commission Exhibit No. 666 was marked, and received in evidence.)

Mr. STOMBAUGH. Now, keeping the diagram of the hair on the side where we can refer to it, our first differentiation in the hair, of course, would be separating the human from the animal hairs. These are photomicrographs of human hairs which I took through a microscope.

Here are the animal hairs.

The first thing we look for, of course, would be the color, length, and texture of the hair. This comes from experience from looking at thousands of hairs, and we can usually pick one up and tell by the naked eye whether it is animal or human.

Mr. EISENBERG. Pardon me. You are referring to a chart which has on the upper right, "Human Hairs" and on the upper left, "Animal Hairs" as captions?

Mr. STOMBAUGH. That is correct.

However, when we place these hairs under a microscope we find that animal hairs vary from human hairs in many different aspects.

One, the medullary structure. In animal hair the medullary structure is much wider than that in a human hair. You will find that it exceeds more than one-third of the width of the hair shaft.

Secondly, the shape of the medulla, as in this rabbit hair, varies greatly. You can see the individual medullary cells very distinctly. In this chart I have some photographs of human hairs in which a medulla is not present. But the medulla in a human hair would look just about like this, very thin.

We move down to the pigmentation of the hair, which is located in the cortex. In the human hair the pigmentation is very fine and granular, and in this animal hair it is very coarse and elongated.

The size and shape of a root on the animal hair differs from the size and shape of the root in the human hair. Here we see the root of a dog hair which is very long and very thin. The root of a human hair is more or less shaped similar to a light bulb. The scales of animal hairs are very large. The scales of the human hairs are much smaller.

Mr. EISENBERG. Mr. Chairman, may I have this chart which the witness has been using introduced as 667?

The CHAIRMAN. It may be admitted.

(The chart referred to was marked Commission Exhibit No. 667, and received in evidence.)

Mr. EISENBERG. You are looking at a new chart called "Racial Determination of Hairs" with the subcaption "General Appearance of Shaft"?

Mr. STOMBAUGH. That is correct.

Once we have separated the animal hairs from the human hairs, our next problem is determining the race of the individual from whom the particular human hairs in which we are interested originated.

Looking at the hair under low power—under a low-power microscope—we find that a Caucasian hair differs from the hair of the Negroid or Mongoloid race in diameter fluctuation. The hair shaft varies in width through its entire length. I might take, for instance, this yellow or this black pencil. Here we find that the diameter of the pencil is uniform through the entire length. Now, if we would twist this pencil we would change the diameter of the pencil slightly. This would be so in a Caucasian hair, where there might be slight fluctuations in a hair, such as a person with wavy hair would have a slight fluctuation. The person with straight hair has hair shafts which for all practical purposes, are uniform in diameter the entire length.

In Negroid hair, there is great fluctuation. Their hair is very curly and kinky. This is caused by the great fluctuation present in their hairs.

Mr. EISENBERG. You mean in the diameters?

Mr. STOMBAUGH. Yes; diameters.

In Mongoloid hair, which includes Asiatic and North American Indians, there is little or no fluctuation present in their hairs.

Going back to the Caucasian hair, the color of the Caucasian individual's hair differs from black to blond and, of course, white.

Negroid hairs are dense black usually; some are white. There are a few exceptions here where we find some redheaded persons of this race. The Mongoloids are always black, but not quite as dense black as those of the Negroid race.

The texture of the hair: Caucasian head hairs, are very soft, flexible; Negroid hairs are very stiff and wiry; and Mongoloid hairs are flexible, but not as soft and flexible as the Caucasian.

Now, as to the general width, or rather diameter, of the shaft, we find Caucasian is medium, the Negroid is medium, the Mongoloid hairs are much larger than either the Negroid or the Caucasian.

Mr. EISENBERG. May I have this chart which the witness has been discussing marked as 668, Mr. Chairman?

The CHAIRMAN. Yes.

(Commission's Exhibit No. 668 was marked, and received in evidence.)

The CHAIRMAN. May we take a recess at this time just for a few moments.

(Short recess.)

Mr. DULLES. Mr. Eisenberg, would you proceed?

Mr. EISENBERG. Yes, sir. Mr. Stombaugh, you were discussing the characteristics of Caucasian as opposed to Negroid and Mongoloid hair. Could you proceed with that discussion?

Mr. STOMBAUGH. I have another chart here.

Mr. EISENBERG. That is labeled "Racial Determination of Hairs" and unlike chart 668 it has no subcaption under that general caption, is that correct?

Mr. STOMBAUGH. That is correct. In the previous chart I used I had taken some photographs of hairs under relatively low power, 100 diameters.

In this chart I have enlarged the hairs, taking them under approximately 400 diameters, so we can look into the hair. Here we begin to see the real differences between the hairs among the various races.

In the Caucasian race, the cuticle, in other words, the layer of scales around the outside of the hair, is medium to thick.

In the Negroid hair the cuticle is very thick. In the Mongoloid hair the cuticle is very thick.

Pigmentation in the cortex, which gives the hair the color, in Caucasian hair is very fine to coarse and is very evenly distributed throughout the cortex of the hair. In Negroid hair the pigment is medium to coarse, but the big difference is that the pigment granules are clumped together, leaving large white-gapped areas throughout the cortex of the hair.

In the Mongoloid hair, the pigment is medium to coarse but it is very heavily distributed throughout the hair. As you can see, in the Caucasian hair the cortex is relatively light. In Negroid hair it is clumped, and in Mongoloid hair it is dense.

Mr. EISENBERG. Mr. Chairman, may I have this chart admitted as 669?

Mr. DULLES. It is admitted as 669.

(Commission Exhibit No. 669 was marked, and received in evidence.)

Mr. EISENBERG. You have a chart here "Racial Determination of Hairs," and no subcaption, is that right?

Mr. DULLES. You haven't asked for this other to be admitted, have you?

Mr. EISENBERG. No; I will ask after he has finished with it.

Mr. STOMBAUGH. Occasionally we will run into situations in hairs, where we cannot determine with any certainty whether or not the hairs are of the Caucasian or Negroid or Mongoloid race, by examining it longitudinally, and we have to make a cross-section of the hair. If we make a cross-section of the hair it is the same as taking a banana and cutting off a very thin slice of the banana and placing it under a microscope and examining it. We find in the Caucasian race the hairs are oval in shape. In the Negroid race the hairs are flat, and have a flattened appearance, and in the Mongoloid race they are perfectly round. This is another characteristic which we use in determining the racial origin of hair.

Mr. EISENBERG. May I have this chart admitted as 670?

Mr. DULLES. Yes.

(Commission Exhibit No. 670 was marked, and received in evidence.)

Mr. EISENBERG. Was it definitely established in your mind as a result of the various characteristics you have explained that the hairs found in the blanket were Caucasian hairs?

Mr. STOMBAUGH. Yes, sir; they were all Caucasian hairs.

Mr. EISENBERG. Did you examine those hairs and compare them with any known samples to determine whether they might have come from any specific individual?

Mr. STOMBAUGH. Yes; I did.

Mr. EISENBERG. What was your conclusion on that score?

Mr. STOMBAUGH. I examined the hairs found on the blanket and determined that most of them were limb and pubic hairs. In other words, they originated either from the leg or the arm or from the pubic area. I found several head hairs on the blanket also.

These hairs I compared with known hair samples from Lee Harvey Oswald. I found several of the limb hairs from the blanket and several of the pubic hairs from the blanket matched in all observable microscopic characteristics, and concluded these hairs could have come from Oswald.

Mr. EISENBERG. Where did you get the known sample, Mr. Stombaugh, of Lee Oswald's hair?

Mr. STOMBAUGH. These were obtained and were sent to the laboratory by the FBI office in Dallas.

I do not know whether the agent in Dallas personally took the samples or had a member of the Dallas Police Department take the samples.

Mr. EISENBERG. Were these hairs taken from one area or were they a representative sample?

Mr. STOMBAUGH. It was a fairly good representative sample.

Mr. EISENBERG. Could you review the microscopic characteristics which led you to your conclusion, Mr. Stombaugh?

Mr. STOMBAUGH. This chart contains a photomicrograph of Oswald's pubic hairs. This is just a very small area taken of a glass microscope slide containing the hairs. There were numerous other hairs. The photograph on the right shows one of the hairs I removed from the blanket, and one of the hairs from Oswald, showing, generally, the match.

Mr. EISENBERG. Now, did you take these photographs on the left and right side yourself?

Mr. STOMBAUGH. Yes; I did.

Mr. EISENBERG. This chart is captioned on the left "Photomicrograph of Oswald's Pubic Hairs" and on the right "Hair from the Blanket" and "Hair from Oswald"?

Mr. STOMBAUGH. Yes, sir.

Mr. EISENBERG. May I have it admitted?

(The item referred to was marked as Commission Exhibit No. 672, and received into evidence.)

Mr. DULLES. May I ask a question? The one on the right seems darker than the one on the left, the hair itself.

Mr. STOMBAUGH. This one and this one?

Mr. DULLES. What is it?

Mr. STOMBAUGH. Are you referring—

Mr. EISENBERG. The hair shown on the right appears darker.

Mr. DULLES. There are two specimens there or two—

Mr. STOMBAUGH. Two.

Mr. DULLES. That is what I thought.

Mr. STOMBAUGH. You are thinking this hair looks darker than this one?

Mr. DULLES. No; I was thinking that both the hairs on the right, which I understand were taken from Oswald—

Mr. EISENBERG. One hair was actually from the blanket, one from Oswald.

Mr. DULLES. Seems darker than the ones taken from the blanket. Is the left the blanket?

Mr. STOMBAUGH. This portion here is one separate hair. This was taken from the blanket.

Mr. DULLES. That was taken from the blanket. The right-hand is taken from the blanket and the left-hand hairs were taken from Oswald himself?

Mr. STOMBAUGH. Yes, sir; these are from Oswald.

Mr. DULLES. Yes.

Mr. STOMBAUGH. This is a comparison shot. This photograph was taken through two microscopes simultaneously showing how this portion of a pubic hair from the blanket matched a pubic hair from Oswald, which is this portion of the photograph.

Mr. EISENBERG. You are pointing to the right side of the chart 672?

Mr. STOMBAUGH. Yes; this photograph was taken at 100 diameters and this photograph was taken at 400 diameters. There is a difference there also.

Mr. EISENBERG. Could you state that again please?

Mr. STOMBAUGH. The photograph on the left was taken approximately at 100 diameters.

Mr. EISENBERG. That is Oswald's pubic hairs, a known sample?

Mr. STOMBAUGH. Yes; this is a general shot of his known sample.

Mr. EISENBERG. And the one on the right?

Mr. STOMBAUGH. The one on the right was taken at approximately 400 diameters.

Mr. DULLES. This is the blanket sample?

Mr. STOMBAUGH. This is a hair from the blanket compared with Oswald's.

Mr. EISENBERG. You have three photographs on this chart, of which two are known Oswald hairs, the photograph on the left and one of the two photographs on the right?

Mr. STOMBAUGH. Actually, this is one photograph taken through a comparison microscope. We are looking at two different hairs at the same time.

Mr. EISENBERG. Yes. Well, when you say this is one photograph you are pointing to the one on the right but, as I understand it, the photograph on the right shows two different hairs?

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. One of which is Oswald's hair, a known sample?

Mr. STOMBAUGH. Yes.

Mr. EISENBERG. And the other of which was obtained from the blanket?

Mr. STOMBAUGH. Yes.

Mr. EISENBERG. And the photograph on the left shows known samples of Oswald's pubic hairs?

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. So we have in effect two views of Oswald's pubic hairs, one on the left and one half of the composite photograph on the right?

Mr. STOMBAUGH. Yes.

Mr. EISENBERG. Following up on Mr. Dulles' question, the photograph on the right seems to have a much coarser and somewhat darker structure in both the known and the questioned sample than the photograph on the left, which is simply a known sample.

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. And you said that was because of the enlargement?

Mr. STOMBAUGH. The difference in the enlargement. The photograph on the left was taken with the microscope set to magnify the specimen 100 times. The

photograph on the right was taken with the microscope set to magnify the specimen 400 times.

Mr. EISENBERG. The photograph on the right does not seem to show a hair four times larger, so I don't understand it.

Mr. STOMBAUGH. It was on the enlarging of the photograph itself.

Had these two prints been enlarged at the same enlarging factor, the hairs on the left, would be much, much smaller than the ones on the right. This was just blown up to this size so the hairs could be seen.

For instance, had we not blown these up, here we see them magnified 400 times, and this other photograph is a natural shot.

Mr. EISENBERG. Now, here you are pointing to photograph 669, and the second shot which you call "natural" is 668?

Mr. STOMBAUGH. Yes, sir. You can see the difference in the diameter and the difference in the detail of the photograph.

Mr. EISENBERG. Were those photographs of different magnifications?

Mr. STOMBAUGH. Yes; they were.

Mr. EISENBERG. What was 669, do you recall?

Mr. STOMBAUGH. I believe it was approximately 400.

Mr. EISENBERG. And 668?

Mr. STOMBAUGH. Approximately 100.

Mr. EISENBERG. So it corresponds to the difference in the right- and left-hand portions of 672?

Mr. STOMBAUGH. Yes; it would.

Now, the characteristics we look for in making a hair match. First would be the color.

The matches I found in Oswald's hairs. His hairs vary from light brown to a medium brown shade.

Mr. EISENBERG. Are you talking about the known samples now?

Mr. STOMBAUGH. This is his known sample. In this particular match the color was medium brown, and looking at the hair throughout its entire length, it ranged from a medium brown, and this color remained constant to the tip, where the color changed to a light brown and the very tip of it was transparent, it was clear, had no color at all. There were no color pigments in the tip of the hair.

Mr. EISENBERG. Are you referring now to the pubic hair which you illustrate on the right-hand side of 672?

Mr. STOMBAUGH. Yes; I am referring to the pubic hair.

This is the gross appearance. I looked at it under low power where I could see the entire length of the hair.

Next, the thickness of the hair, or the diameter of the hair shaft. I found this diameter to be rather narrow for pubic hairs. Pubic hairs ordinarily are rather thick. Oswald's hairs were relatively narrow. Pubic hairs also have what we term nobbiness. You can see a nob right here, it is twisted—

Mr. EISENBERG. Could you circle that with a pen, and mark it "A" on chart 672?

Mr. STOMBAUGH. Here we see that it twists and it is very uneven. The shaft of the hair is generally very uneven in pubic hairs.

However, in Oswald's pubic hairs we had very little of this. The hairs were very smooth. They lacked this nobbiness. The upper two-thirds were extremely smooth for pubic hairs. This was an unusual characteristic.

The tips of Oswald's pubic hairs were not worn. They had a very sharp tip and very clear. Ordinarily pubic hairs are rounded at the tips, and not pointed—this is from wearing against clothing—at all. This would indicate to me that his pubic hairs were rather strong, much tougher than the average persons.

The cuticle, in other words the very thin layer of scales covering his hairs, is very thin for pubic hairs. The scales exhibited a very small protrusion on the outside. The distance they protruded from the shaft of the hair is very slight.

Mr. EISENBERG. When you talk about the protrusion, do you mean the distance between the point of the scale and the balance of the cuticle, the center of the cuticle?

Mr. STOMBAUGH. That is correct. Some hairs will have a sawtooth effect, will look just like saw teeth do when you look at the blade of a saw.

Mr. EISENBERG. From the protrusion of the scales?

Mr. STOMBAUGH. From the protrusion of the scales. Others will be very small, have a slight protrusion.

Mr. EISENBERG. How was Oswald's?

Mr. STOMBAUGH. It was a very small protrusion. The gapping of Oswald's hair was very slight. In other words, between the cuticle and the cortex, the cortex of course containing the color pigment in the hair, occasionally you will find hairs where there will be no color pigment in areas up near the cuticle. There will be a gap there.

Oswald's hairs, as you can see here, have some gapped areas in there but not too many. They are very irregular, and the gapping does not go down too deeply into the cortex.

Pigmentation of his hairs was very fine, equally dispersed, and there was some chaining together of the larger pigment granules noted. In other words, three or four of the pigment granules were chained together. Instead of being dispersed such as they are in Exhibit No. 666, you would have five or six of them chained together, forming a slight irregular-appearing streak.

Cortical fusi, the air spaces present in the hairs such as I have drawn here on Exhibit 666, were for the most part absent in his hairs. I found very, very few of them, and would term them absent in his hairs.

The medulla in the hairs, those that contained a medulla, was constant. It was a continuous streak for the most part. There were some slight broken areas in it. The hairs of Oswald, that did not have a medulla, there was not a trace of one present. It was completely absent. This is unusual. Usually, you will find that the hairs will contain a medulla and if not in the ones that appear not to, you can find traces of a medulla present. In his I didn't find any medulla at all in several of the hairs.

The root area of his hairs was rather clear of pigment and there was only a fair amount of cortical fusi present. As in drawing No. 666, in the root area, you ordinarily would find a large amount of cortical fusi which rapidly diminish as you proceed out the hair shaft, and in his there was just a relatively few cortical fusi in the root area. I found this characteristic also in some of the hairs removed from the blanket.

Basically, that is the—those are the characteristics I used in matching Oswald's pubic hairs with pubic hairs from the blanket.

Mr. EISENBERG. You have been discussing the characteristics of Oswald's pubic hairs. In each case were the characteristics of the pubic hairs you found in the blanket the same as those you have noted as being present in Oswald's pubic hairs?

Mr. STOMBAUGH. Yes, sir; they were all identical.

Mr. EISENBERG. That is as to protrusion of scale, absence of cortical fusi, chaining together to some extent of pigments, and so forth?

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. Without going through every item, every item you have named was identical?

Mr. STOMBAUGH. Every item I have found in hair from the blanket?

Mr. EISENBERG. Yes, sir.

Mr. STOMBAUGH. Yes.

Mr. EISENBERG. Could you go on, please?

Mr. DULLES. Just one second, off the record.

(Discussion off the record.)

Mr. DULLES. Back on the record.

Mr. EISENBERG. You have presented at this point a chart labeled "Microphotograph of Oswald's Limb Hairs" on the left, and on the right two subcaptions, "Hair from Blanket" and "Hair from Oswald," and do these—were these photographs taken by you or under your supervision?

Mr. STOMBAUGH. They were taken by me.

Mr. EISENBERG. Are they accurate reproductions of the material which according to the captions they are photographs of?

Mr. STOMBAUGH. Yes; they are.

Mr. EISENBERG. I would like this admitted as 671, Mr. Chairman.

Mr. DULLES. It will be admitted as 671.

(Commission Exhibit No. 671 was marked, and received in evidence.)

Mr. EISENBERG. Could you briefly discuss this exhibit?

Mr. STOMBAUGH. Exhibit 671 is similar to Exhibit 672 in that both contain two photographs. The photograph on the left is an overall shot of Oswald's limb hairs.

Mr. EISENBERG. That is the known?

Mr. STOMBAUGH. That is the known from Oswald.

The photograph on the right contains photographs of two hairs, in this same photograph, the hair on the right being a limb hair from Oswald, and the hair on the left being a hair removed from the blanket.

Mr. EISENBERG. What is the magnification there, Mr. Stombaugh?

Mr. STOMBAUGH. The magnification of these is approximately the same as in the previous submission, the one on the right being approximately 400 diameters and the one on the left 100 diameters.

Now, the one on the right is a limb hair. A limb hair is much smaller in diameter than a pubic hair. That is why there will appear to be some slight change in the size of these hairs.

I compared the limb hair from the blanket with the limb hair from Oswald which matched in all observable microscopic characteristics. The characteristics I found in this match were the color of the hair was light brown through its entire length, and the width of the hair shaft or the diameter was very fine. There was no fluctuation that one could readily see. The diameter of the hair shaft remained constant to the tip, where it diminished down to a point.

The tips of the hairs were very sharp and no abrasion was noted. In other words, the tips of these limb hairs were not rounded as one ordinarily finds. This would indicate the hairs were very tough, the same as the pubic hairs were.

Mr. EISENBERG. Are you describing now the known hairs?

Mr. STOMBAUGH. These are known hairs and the match I made; both.

Mr. EISENBERG. All right.

Mr. STOMBAUGH. The scales were of medium size, had very slight protrusion, and there was very slight gapping in the pigmentation located in the cortex right against the cuticle of the hair. There was a fair amount of cortical fusi equally distributed throughout the hair shaft.

This is not unusual in itself, but the amount of cortical fusi that I did find present is unusual.

The medulla was discontinuous, granular, very bulbous, and very uneven. It was not a constant, smooth straight line such as one might find over here in this pubic hair on 672.

There was nothing unusual noted about the root area of these hairs.

Mr. EISENBERG. And again you are describing the characteristics of both hairs, and they were identical in all these characteristics?

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. Were there any characteristics in which they were not identical?

Mr. STOMBAUGH. No; not on the limb hair, as I found it matched. I did find limb hairs and pubic hairs and head hairs in this blanket which were dissimilar to Oswald's and definitely did not come from him but the hairs I have talked about here matched in all microscopical characteristics.

Mr. EISENBERG. The other hairs, Mr. Stombaugh, could you make a determination as to race?

Mr. STOMBAUGH. Yes; they were all Caucasian.

Mr. EISENBERG. Could you make a determination as to sex or age?

Mr. STOMBAUGH. No; it is not possible to determine sex or age from an examination of a hair.

Mr. EISENBERG. Could you make a determination as to the number of individuals who had contributed these hairs?

Mr. STOMBAUGH. No; I couldn't. You would have to have a hair sample from any suspected person, and hairs vary tremendously. Even on the same individual head hairs from the same individual can vary from one head area to another.

I have found as many as 12 to 15 different types of hair on the same person's head.

So, therefore, it would not be possible to estimate the number of different people whose hairs have appeared on this blanket.

Mr. EISENBERG. Now, Mr. Stombaugh, are you able to say that the limb hairs and pubic hairs which you found in the blanket and which you have matched with Oswald's in observable microscopic characteristics came from Oswald to the exclusion of any other individual?

Mr. STOMBAUGH. No; I couldn't say that. I could say that these hairs could have come from Oswald. I could not say they definitely came from him to the exclusion of all other Caucasian persons in the world.

In order to say this, one would have to take hair samples from all of these people and compare them and this, of course, is impossible.

Mr. EISENBERG. What degree of probability do you think there is that these hairs came from Oswald? And without putting a precise number on it, let's suppose you took head hairs from 100 Caucasian individuals, how many matches would you expect to find among those hundred different hairs on the basis of your experience?

Mr. STOMBAUGH. On the basis of my experience I would expect to find only one match.

Mr. EISENBERG. That is to say that the 100 hairs would be different from each other?

Mr. STOMBAUGH. Yes, sir.

Mr. EISENBERG. Is your experience, therefore, that the hairs of different individuals do not match in observable microscopic characteristics—within the basis of your experience?

Mr. STOMBAUGH. Within the basis of my experience, I have examined thousands of hairs and I have never found Caucasian hairs from two different individuals that match.

Mr. EISENBERG. Now, when you say that, Mr. Stombaugh, have you been presented with hairs in your laboratory from Caucasian individuals which you knew before the examination came from two or more individuals?

Mr. STOMBAUGH. Yes.

We have obtained samples of hairs from a hundred different people, and would select one hair, give it to an examiner and ask who it originated from, and invariably he would be able to find in the hundred different samples the individual the hair originated from.

Mr. EISENBERG. Now, when a specimen comes into your laboratory, does it frequently come in—and I am talking now about specimens that come in from a crime—does it frequently come in such, so that you have two specimens, two or more specimens, which you know before you begin are from two different people?

Mr. STOMBAUGH. Yes.

Mr. EISENBERG. You are told before you begin that they come from two different people?

Mr. STOMBAUGH. Yes, sir; ordinarily a case such as a murder or a rape, you will obtain the clothing of the victim, the clothing of the suspect in the case, as well as hair samples from the victim and hair samples from the suspect.

Mr. EISENBERG. How many types of cases like this do you think you have processed?

Mr. STOMBAUGH. Processed approximately 500 a year.

Mr. EISENBERG. For how many years?

Mr. STOMBAUGH. Four years—no, three years.

Mr. EISENBERG. In any of these approximately 1,500 cases, have you found a case involving Caucasian hairs in which the hairs from the known two different individuals matched in observable physical characteristics microscopically?

Mr. STOMBAUGH. No, sir; I have never found hair from two different Caucasian persons that matched.

Mr. EISENBERG. Have you found any in non-Caucasian hairs, by the way?

Mr. STOMBAUGH. I have found several cases in which hairs from two different persons of the Negroid race, although the hairs did not match completely, the characteristics were such that I felt that I could not go further with the examination because I could not exclude the hairs. The hairs were too similar. When

I make a hair match, I know that any case might go to court, and of course I want to be absolutely certain in my mind.

In these cases I am referring to right now, the hair sample from the victim and the hair sample from the suspect were pubic hairs. They were so similar to each other that I could not find any pubic hairs that I could match with the suspect's pubic hairs, and be certain in my mind that these hairs came from him rather than her. I couldn't do this.

So, therefore, I sent the evidence back without further conclusion. This has happened in approximately three cases. However, I would like to point out that I could not take his, the suspect's pubic hairs, and the victim's pubic hairs and completely match them up under a microscope slide such as the match shown in the chart. They did not absolutely match, but they were too similar for a good determination to be made.

Mr. EISENBERG. What proportion of the 1,500 cases that you have described—approximately 1,500 cases—have involved Negroid as opposed to Caucasian hairs, just roughly?

Mr. STOMBAUGH. I would say about approximately a third. Of course, a lot of these cases we don't know the race. They don't list the race, but in examining the hairs I can tell the race—

Mr. EISENBERG. So in 1,000-odd cases of the Caucasian hair examinations you haven't 2 matches between hairs from different individuals?

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. And in the 500-odd cases of Negroid, 500-odd cases involving hairs from two different Negroid individuals, you have found three cases where although the hairs were not identical they were so close that you felt you didn't want to go further in your examination, is that correct?

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. Is that a fair recapitulation?

Mr. STOMBAUGH. Yes.

Mr. DULLES. Could I just ask a question here?

There is a distinction then, as I gather from your testimony, an understandable one, between the comparison of hairs and, say, the comparison of fingerprints, because obviously the hair that you find on the victim has left the assailant and, therefore, you are not looking at the same hair but you are looking at a different hair?

Mr. STOMBAUGH. That is correct.

Mr. DULLES. And that, therefore, distinguishes testimony in regard to hair, we will say, with regard to fingerprint examination?

Mr. STOMBAUGH. Yes, sir; that, and also a fingerprint will remain the same throughout one's life. It will never change. A hair will.

Mr. DULLES. I see.

Mr. STOMBAUGH. You can see my hair, I am starting to get white at the temples. Mine is changing characteristics.

Mr. DULLES. We all do.

But is there—let's say you examine 100 hairs, let's say, that are found on the victim, and 100 hairs that are different hairs that are found on the assailant; let us say that there are certain characteristics common to all of these hairs.

Do you get my question? Let's say 10, not 100, whatever number you want to take.

Mr. STOMBAUGH. Ordinarily, you would find one or two.

Mr. DULLES. That have certain characteristics. You have pointed out on exhibit—on the left-hand side of Exhibit 672, the circle you have made on 672, circle A.

Is there a common characteristic that you have marked on one of the other hairs? I believe the hair marked with the "A," was taken from Oswald himself, the hair on which you have marked that particular characteristic.

Is there any corresponding characteristic that should be marked or indicated on a hair that was found on the blanket?

Mr. STOMBAUGH. Well, I testified as to all the characteristics I found.

Mr. DULLES. Yes.

Mr. STOMBAUGH. Now, the difficulty in using a photomicrograph, you are

trying to photograph a round object and as a result of this all of these characteristics just won't appear in focus.

Mr. EISENBERG. To be more specific, Mr. Stombaugh, that circle marked "A" was to show a nobbiness in Oswald's hair. As I recall, you testified there was very little nobbiness present in that pubic hair, as opposed to the normal amount of nobbiness of pubic hair?

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. On the right-hand side of 672, I suppose we don't see much or any nobbiness in either the known or——

Mr. STOMBAUGH. No; there is none present here.

Mr. EISENBERG. So that would correspond with the point you made as to "A," that there was very little nobbiness?

Mr. STOMBAUGH. Very little.

Mr. EISENBERG. And that is why there is no corresponding mark for nobbiness characteristic on the right-hand side, is that correct?

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. The right-hand side of 672?

Mr. STOMBAUGH. That is correct. Oswald's hairs, where the nobbiness did appear was in the lower third, in other words, the area from the root out on the shaft approximately one-third. The remaining two-thirds of the hair shaft all the way out to the tip was relatively straight, no nobbiness at all present. This was characteristic. Ordinarily a pubic hair will have this nobbiness two-thirds to three-fourths of the way up. So this was a characteristic which exists in Oswald's pubic hairs which is different from the ordinary or average.

Mr. DULLES. And you found that both on the hairs taken from Oswald himself and on the hairs found in the blanket?

Mr. STOMBAUGH. Yes; I did.

Mr. EISENBERG. Mr. Stombaugh, on this general point, when you make your comparison examination, do you come to your conclusions on the basis of what you see under the microscope, or on the basis of the photographs you take?

Mr. STOMBAUGH. On the basis of what I see under the microscope.

Mr. EISENBERG. Do you usually take photographs?

Mr. STOMBAUGH. No, sir.

Mr. EISENBERG. And you took them—can you explain why you took them here?

Mr. STOMBAUGH. I took these at your request as an exhibit just to show what the hairs looked like. In a photograph it is very hard to try to point out the characteristics of hairs because they aren't clear. Under a microscope you can see each of these points by focusing up and down. If I am looking at the pigment on the hair, I can focus the comparison microscope up and down and see exactly the same characteristics, the pigment is exactly the same size, dispersed about the same, and there is approximately the same amount of pigment in a given area.

Also, the cuticle is of the same thickness. I can line the hairs up longitudinally and see that the tips of the scales match equally as far as protrusion and distance goes.

This you couldn't show in the photographs. In order to show each and every characteristic in photographs, I would have to take 500 or 600 different photographs.

Mr. EISENBERG. So these photographs are just as a general illustration of the kind of thing you see, rather than being given to the Commission as photographs from which the Commission is to make an identification?

Mr. STOMBAUGH. That is correct. If I were to look at these photographs myself, I couldn't make an identification on them because I wouldn't be able to see enough and I would say this looks like this and this looks like this, but so what?

What about the size of the pigments, what about the size of the scales, what about the thickness of the cuticle? I see a medulla here, I don't see a medulla over here. So you just couldn't see all the characteristics in a photograph.

Mr. EISENBERG. But these characteristics you do see as you change the focus on the microscope?

Mr. STOMBAUGH. Yes; these appear by looking through different areas of the hair shaft itself.

Mr. EISENBERG. Now, getting to the microscope itself, suppose a person without experience looked through the microscope directly at the hairs. Would he be able to directly interpret the hairs—a known and a questioned hair—to see if they are probably identical, or does it take experience even to interpret what you see through a microscope?

Mr. STOMBAUGH. This takes experience to interpret what you see.

We get quite a few people through the lab on tours and every now and then I will set up some hairs. I had one man making a match with a dog hair and a human hair, and he said they came from the same person, because he couldn't interpret what he saw. He just thought he saw something which he didn't.

Mr. EISENBERG. Mr. Stombaugh, could you tell from these hairs that you found in the blanket, and let me add parenthetically we sometimes have been calling this blanket a rug but we have been talking about the object—

Mr. DULLES. You call it a blanket, technically.

Mr. EISENBERG. Technically a blanket, and it is Exhibit 140. This Exhibit 140, Mr. Stombaugh, could you tell whether these hairs had been pulled out or had fallen out?

Mr. STOMBAUGH. These hairs had fallen out naturally. They have died and fallen from the body. This is a very normal occurrence. When one combs one's hair, ordinarily you will find one or two strands of hair on the comb, because hair is constantly being replaced in most people.

Mr. EISENBERG. How can you tell it had fallen out?

Mr. STOMBAUGH. From the shape of the root.

Mr. EISENBERG. What is the difference of the shape of the root where a hair falls out and the shape of the hair of a root where it has been taken out artificially or unnaturally?

Mr. STOMBAUGH. In Exhibit 667, I have a photomicrograph of a root of a human hair. Now, this hair has died and has fallen out naturally, you can tell by the shape of it here. The follicle has just come right along with it. It is starting to shrivel. If this hair was a healthy hair and had been forcibly removed, this root would have been collapsed and twisted. It is very characteristic, it is easy to tell whether a hair has been forcibly removed or whether it fell out naturally.

Mr. EISENBERG. Suppose it is cut, suppose the hair was cut, can you tell that?

Mr. STOMBAUGH. Yes, we can tell from looking at the tip of a hair whether it has been cut, burned, crushed, and whether it has been cut with a sharp instrument, such as a razor, or whether it has been cut with a dull instrument.

Mr. EISENBERG. Were these hairs cut, the hairs in 140, that you found in Exhibit 140?

Mr. STOMBAUGH. Some of the tips of the head hairs had been cut, but the limb hairs and the pubic hairs had not.

Mr. EISENBERG. But they all had roots on them?

Mr. STOMBAUGH. They all had roots on them.

Mr. EISENBERG. Getting back to the blanket for a moment, as to the composition, you testified that there were woolen, viscose, and cotton fibers. I don't recall whether you said that there were green and brown fibers of each type of textile?

Mr. STOMBAUGH. Yes, each type had green and brown fibers.

Mr. EISENBERG. Now, also getting back to the shape of the blanket when you received it, the shape of 140 and its folds, we had discussed a crease which you marked "C," which you said was caused by an object 10 inches long, and we discussed whether the object was 10 inches long or could have been longer.

How long was the crease "C"?

Mr. STOMBAUGH. The crease "C," the hump in the blanket itself, was approximately 10 inches long.

Mr. EISENBERG. And did that run—as the blanket is folded, and looking from "A" to the general area of "D"—and putting "A" at the left-hand side—can you tell us how that crease ran, did it run from left to right or from top to bottom?

Mr. STOMBAUGH. It ran from left to right.

Mr. EISENBERG. It ran from left to right, and about 10 inches long?

Mr. STOMBAUGH. Approximately 10 inches long.

Mr. EISENBERG. As I recall, you testified it was caused by a distortion in the fibers, that is to say, the fact the crease was still present even though there was no object in the blanket was caused by a distortion of the fibers?

Mr. STOMBAUGH. Yes, sir; the fibers had been stretched in this area—not the fibers, the yarns.

Mr. DULLES. Can one see that on the blanket itself?

Mr. EISENBERG. Let's take a look at 140, Mr. Stombaugh, and see if it is still present?

Mr. STOMBAUGH. If I can find where it was here. I doubt if it will still be present because the creases on the edges of the blanket are gone. I can't tell. It has been folded so much. No. I can't see it.

When I received the blanket in the laboratory, I noticed, when I put the blanket down flat, it had an area that was humped just like this.

Mr. EISENBERG. You have put a pencil underneath?

Mr. STOMBAUGH. Yes.

Mr. EISENBERG. And you have picked it up an inch or two, you have made a hump of about an inch or an inch and a half up from the rest of the blanket, is that correct?

Mr. STOMBAUGH. Yes. But it was very slight and you could hardly notice it, but I happened to look at the blanket from a distance and saw the hump and went over to measure it. But we tried to photograph it and we just couldn't get it. We tried various ways of lighting.

So I made a notation in my notes regarding that slight hump.

Mr. EISENBERG. Now, just to make the record clear, the hump was 10 inches long, and therefore you felt that the object immediately causing the hump must have been approximately 10 inches long, is that correct?

Mr. STOMBAUGH. Yes. The object causing the hump itself.

Mr. EISENBERG. But could it have been attached to an object which was longer than 10 inches, or could it have been attached to an object, running underneath the object causing the protrusion, which was longer than 10 inches?

Mr. STOMBAUGH. Yes, sir.

Mr. EISENBERG. Okay. That is what I think was the source of the confusion earlier.

Now, you placed this mark "C" on this paper illustration, Exhibit 663. Does that—does the placement of the mark approximate the general area where you found the hump?

Mr. STOMBAUGH. Yes, approximately, according to my notes. It could be to the left a little or to the right a little. This isn't to scale.

Mr. EISENBERG. One last question on the blanket, Mr. Stombaugh. Could you form any opinion as to the quality of the blanket?

Mr. STOMBAUGH. Well, the composition of the blanket being mostly viscose, a very cheap synthetic, indicated to me that it was an inferior blanket, relatively inexpensive.

Mr. EISENBERG. Could you determine whether it was a domestic or a foreign product?

Mr. STOMBAUGH. No, I couldn't.

Mr. EISENBERG. It might have been either?

Mr. STOMBAUGH. Could have been either, yes.

Mr. EISENBERG. Now, Mr. Stombaugh, I hand you a photograph which is labeled on the bottom "C 11, Commission Exhibit 150." It is a color photograph of a brownish textured shirt, long-sleeved, with a hole in the right elbow, and I ask you whether you recognize the shirt that is pictured in that photograph?

Mr. STOMBAUGH. Yes, I do.

Mr. EISENBERG. Can you see your mark anywhere on that?

Mr. STOMBAUGH. Yes, my mark is in red, initials "PMS" are in the collar of the shirt.

Mr. EISENBERG. "PMS" being your initials, Paul M. Stombaugh?

Mr. STOMBAUGH. Yes, sir.

Mr. EISENBERG. May I have this photograph admitted?

Mr. DULLES. It will be admitted, 673.

(The photograph referred to was marked Commission Exhibit No. 673, and was received in evidence.)

Mr. EISENBERG. Let me state for the record we are introducing the photograph at this point rather than the shirt itself because depositions are being taken in Dallas simultaneously with the testimony being elicited today, and the shirt is being used by those members of the staff who are in Dallas.

Mr. DULLES. I understand.

Mr. EISENBERG. When did you receive this shirt that is pictured in Exhibit 673, said shirt being Commission Exhibit 150?

Mr. STOMBAUGH. I received this shirt the same day I received the blanket, which was November 23, 1963, approximately 7:30 a.m.

Mr. EISENBERG. Now, did you conduct an examination to determine the composition of this shirt?

Mr. STOMBAUGH. Yes, I did.

Mr. EISENBERG. When did you do that?

Mr. STOMBAUGH. I did this later on that morning.

Mr. EISENBERG. What were your conclusions as to the composition, Mr. Stombaugh?

Mr. STOMBAUGH. The shirt is composed of gray-black cotton, dark blue cotton, and orange-yellow cotton fibers. The dark yarn in the shirt is composed of a mixture of dark blue and gray-black cotton fibers twisted together, and the light yellowish orange looking colors here, the yarns in this part of the shirt were composed of orange-yellow cotton fibers.

Mr. EISENBERG. Did you examine the shirt to determine—pardon me, Mr. Dulles, were you going to put a question on the composition?

Mr. DULLES. No.

Mr. EISENBERG. Did you examine the shirt to determine the presence of hairs or other debris?

Mr. STOMBAUGH. No, I didn't.

Mr. EISENBERG. You did not?

Mr. STOMBAUGH. No, sir.

Mr. EISENBERG. Neither then or at any subsequent time?

Mr. STOMBAUGH. No, sir.

Mr. EISENBERG. Could you take a look at your notes on that, Mr. Stombaugh, to make sure about that?

Mr. STOMBAUGH. No, sir; I did not remove the debris from the shirt. I noted in my notes the two buttons from the top were forcibly removed, the right elbow area was worn through, the bottom front inside of the shirt was ripped forcibly, and that I had made a known sample of this shirt.

Mr. EISENBERG. Mr. Stombaugh, I had been under the impression you found some wax on that shirt.

Mr. STOMBAUGH. Yes; down the face of the shirt I did find some wax adhering to it, and this wax I removed and delivered to the spectrographic unit for a spectrographic examination.

Mr. EISENBERG. Does that show in your notes?

Mr. STOMBAUGH. Yes; I was looking for debris and hairs. I knew I had not scraped the shirt.

Mr. EISENBERG. I am using the wrong term, I guess.

Mr. STOMBAUGH. I recall doing this. This was later in the afternoon when I removed this wax and took it to the spectrographic unit. This was after I had conducted other examinations on some other items.

Mr. EISENBERG. For the record, we had an earlier discussion, and you had mentioned this to me in an earlier discussion, as I recall—

Mr. STOMBAUGH. Yes; that is correct.

Mr. EISENBERG. Which prompted me to ask you the question. Did you find any body hairs on this shirt—or any hairs, I should say?

Mr. STOMBAUGH. I didn't look for hairs on this shirt. This type of examination had not been requested. It seemed unnecessary.

Mr. EISENBERG. Mr. Stombaugh, were you able to determine the quality of the shirt or did you form any opinion as to the quality of the shirt?

Mr. STOMBAUGH. Yes; it was an inexpensive shirt. I found no labels in it indicating the manufacturer.

Mr. DULLES. Any indication that labels had been torn out?

Mr. STOMBAUGH. Not that I recall, sir.

Mr. EISENBERG. Were you able to determine, Mr. Stombaugh, whether this was a domestic, whether this was of domestic or foreign origin?

Mr. STOMBAUGH. No; there are so many different shirt manufacturers in this country, that there is little value in trying to trace down a particular source unless we can find a manufacturer's marking in the shirt.

Mr. EISENBERG. Any laundry marks which you attempted to trace down?

Mr. STOMBAUGH. I found no laundry marks. The shirt was well worn and appeared to have been hand laundered.

Mr. EISENBERG. If there are no further questions on the shirt, I will move on to another item.

Mr. Stombaugh, I now hand you a homemade paper bag, Commission Exhibit 142, which parenthetically has also received another Exhibit No. 626, and ask you whether you are familiar with this item?

Mr. STOMBAUGH. Yes; I am.

Mr. EISENBERG. Does that have your mark on it?

Mr. STOMBAUGH. At the time I examined this, it was to be treated for latent fingerprints subsequent to my examination, and in a case like this I will not put a mark on the item itself because my mark might cover a latent fingerprint which is later brought up, and therefore obscure it.

In this particular instance, I made a drawing of this bag on my notes with the various sizes and description of it to refresh my memory at a later date.

Mr. EISENBERG. And it is—looking at those notes and as you remember now—this is the bag?

Mr. STOMBAUGH. This is the bag.

Mr. EISENBERG. Now, this bag has an area of very light-brown color, and the greater portion of the area is a quite dark-brownish color. What was the color when you originally received it?

Mr. STOMBAUGH. When I originally received this it was a light-brown color.

Mr. EISENBERG. Which is at one end of the bag?

Mr. STOMBAUGH. One end of the bag.

Mr. EISENBERG. The tape is also two colors, one a lightish brown and the other a darkish brown. What color was the tape when you received it?

Mr. STOMBAUGH. The tape also was light brown.

Mr. EISENBERG. Could you turn the bag over? Was it the color that shows as a lighter yellowish-type of brown?

Mr. STOMBAUGH. Yes; a yellow-brown shade.

Mr. EISENBERG. When did you receive it, by the way, Mr. Stombaugh?

Mr. STOMBAUGH. This was received on November 23, 7:30 a.m., 1963.

Mr. EISENBERG. Did you form any opinions as you examined it, concerning the construction of the bag?

Mr. STOMBAUGH. When I looked at the bag and examined it, it struck me as being a homemade bag such as I could make. Occasionally I will have a need for something like this at home. Therefore, I will take some brown paper and a strip of tape home with me. Then when I get home I will fold the tape—fold the paper rather—in the shape I need—and to seal it up I will tear strips of the sealing tape from the little piece I have.

Here we find that this tape has been torn at several places, such as one would do in an instance like that. Due to these torn edges, I was under the impression, from looking at the bag, that it was a homemade bag which someone had made at home and they did not have a tape dispenser which machine-cuts tape. Therefore, they had to tear it, which they did—or cut it, of course—with a knife. And this is the case where pieces of tape were torn.

Mr. EISENBERG. You were pointing to various torn edges as you testified, is that correct?

Mr. STOMBAUGH. Yes; that is correct.

Mr. EISENBERG. How many, if any, square-cut edges did you notice?

Mr. STOMBAUGH. I found—according to my drawing—two machine-cut edges.  
Mr. EISENBERG. Would that indicate—well, do you form any opinion as to, on the basis of that, as to the origin, possible origin, of the tape?

Mr. STOMBAUGH. The origin of the tape as far as the manufacturer—

Mr. EISENBERG. What I am referring to is this: on the basis of that would you draw an inference that the person had taken—whoever made this bag—had taken two lengths of tape from a dispensing machine and had subsequently torn it up into smaller strips, or do you think he had one length of tape from a dispensing machine which he subsequently tore up into smaller strips?

Mr. STOMBAUGH. From the ends that I could see, now I don't know whether there were any ends underneath which I did not have a chance to look at, I don't have anything in my notes, but from what I can see it would appear he took a strip of tape, machine-cut from a dispenser, and used that entire strip, thus using up both ends of the tape because we have two machine-cut ends.

Mr. EISENBERG. In other words, it would be a machine-cut strip at the beginning of the tape which the person pulled out, left over from the last cut?

Mr. STOMBAUGH. That is right.

Mr. EISENBERG. And a machine-cut at the end, where the person himself ripped the tape from the machine?

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. And you infer that he then divided it into smaller strips on the occasion when he made the bag?

Mr. STOMBAUGH. Yes, sir; he pulled one strip, of course, he could have pulled two or three strips, I don't know, but it would appear he took one strip of tape and tore it into smaller pieces to be used on the bag.

Mr. EISENBERG. Did you notice any bulges or creases or folds apart from the fold used in making of the bag?

Mr. STOMBAUGH. No; I didn't. I noticed that one end of the bag had been torn.

Mr. EISENBERG. Now, would you say that the absence of bulges would be inconsistent with the carrying of a heavy object or an irregularly shaped object in the bag?

Mr. STOMBAUGH. Well, I don't believe I am qualified to answer that question, because I actually am not an expert in paper.

Mr. EISENBERG. All right. We will leave that to the questioned document examiner and we will take it up with him.

Did you notice anything else about the bag relating to its gross physical characteristics and its shape, apart from any debris which you may have found inside or outside the bag?

Mr. STOMBAUGH. No, sir; just an oblong homemade bag was the impression I received from looking at it.

Mr. EISENBERG. Do you think it was, if it was in fact a homemade bag, do you think it was a well-made bag, Mr. Stombaugh? Did you form any opinion as to that?

Mr. STOMBAUGH. In my opinion, just a personal opinion, the person was aware as to how to make a bag, to seal the ends by folding both corners in and then folding them flat.

Mr. EISENBERG. You just demonstrated that both corners originally were folded by the crease lines, and you folded it over again to show how it was made?

Mr. STOMBAUGH. Yes; this makes a neat and also a secure corner or end to the bag, to prevent losing any of the contents.

Mr. EISENBERG. Mr. Stombaugh, did you examine the outside of this paper bag—

Mr. STOMBAUGH. Yes; I did.

Mr. EISENBERG. Exhibit 142 and also 626, to see if there were any foreign items on the surface?

Mr. STOMBAUGH. Yes; I did.

Mr. EISENBERG. And what did you find?

Mr. STOMBAUGH. I found that the bag had previously been dusted for latent fingerprints because I found traces of what appeared to be fingerprint powder on it.

I was using white gloves at the time I examined this and the gloves became quite soiled from the fingerprint powder.

Mr. EISENBERG. Did you find anything else?

Mr. STOMBAUGH. No; nothing on the outside of the bag.

Mr. EISENBERG. How did you conduct that examination, by the way?

Mr. STOMBAUGH. With a low-power microscope.

Mr. EISENBERG. Did you find any cotton fibers on the outside of the bag at all, Mr. Stombaugh, white or colored?

Mr. STOMBAUGH. There were white cotton fibers on the outside but I was using a pair of white cotton gloves, so these would be of no value. White cotton is the most common thing we have in the way of textiles, and therefore it just doesn't have sufficient individual characteristics to be of value for comparison and identification purposes. It is for this reason that we use gloves of this material.

Mr. EISENBERG. And those fibers may have come from your white cotton gloves?

Mr. STOMBAUGH. Yes; they could very easily have come from my gloves from handling the object with a pair of gloves on.

Mr. EISENBERG. Did you proceed to examine the inside of the paper bag to see if there were any foreign objects?

Mr. STOMBAUGH. Yes; I did.

Mr. EISENBERG. What were your conclusions?

Mr. STOMBAUGH. I removed the debris from the inside of the bag by opening the bag as best I could, and tapping it and knocking the debris on to a small piece of white paper, and I found a very small number of fibers. Upon examining these fibers, I found a single brown, delustered, viscose fiber and several light-green cotton fibers from the inside of the bag. I also found a minute particle of wood and a single particle of a waxy substance.

Mr. EISENBERG. Did you attach any significance to the particle of wood, Mr. Stombaugh?

Mr. STOMBAUGH. No; it was too minute for identification purposes. It could have come from any surface, including the bag itself. Sometimes all of the wood used in the manufacture of paper doesn't go into a pulp, and this might be a very tiny such fragment.

Mr. EISENBERG. Did you examine the wood fragment?

Mr. STOMBAUGH. I looked at it microscopically.

Mr. EISENBERG. Did you attempt to compare it with the wood of the Exhibit 139, which is a rifle?

Mr. STOMBAUGH. Yes; the wood particle from the bag was too minute for comparison purposes. There wasn't much you could do with it, it was very small.

Mr. EISENBERG. Did you attach any significance to the body wax—or to the wax, I should say?

Mr. STOMBAUGH. The wax particle I noticed, and I recalled having seen wax on the shirt, Exhibit No. 673, so therefore I put that aside for a spectrographic examination and comparison of the wax particle from the inside of the bag with the wax from the shirt.

Mr. EISENBERG. And what were the results?

Mr. STOMBAUGH. They were entirely different.

Mr. EISENBERG. Was there any analysis made of the wax in the bag as to its origin, do you know?

Mr. STOMBAUGH. It was examined by the spectrographic examiner and he found it was just common wax.

Mr. EISENBERG. When you say common wax, do you mean the kind you wax a floor with?

Mr. STOMBAUGH. No; more like that which could have come from a candle, candle wax.

Mr. EISENBERG. What about the wax on the shirt as to origin?

Mr. STOMBAUGH. It was paraffin.

Mr. EISENBERG. Now you also said there were several fibers, Mr. Stombaugh?

Mr. STOMBAUGH. Yes, sir; I did. There was a single brown delustered viscose fiber and several light-green cotton fibers.

Mr. EISENBERG. Did this single brown viscose fiber match the fibers from the blanket, Exhibit 140?

Mr. STOMBAUGH. Yes; it did.

Mr. EISENBERG. In what characteristics were they matched?

Mr. STOMBAUGH. The fibers in the blanket had a large number of brown viscose fibers, delustered and one fiber I found in the bag was also a viscose fiber of the same type and color as seen under a low-powered microscope. The delustering spots seen on the fiber were the same size, and both fibers were approximately the same diameter.

Mr. EISENBERG. How common is viscose, Mr. Stombaugh, as a fiber?

Mr. STOMBAUGH. Viscose is fairly common. It is used in many types of garments; it depends on the quality of the garment.

Mr. EISENBERG. And this was delustered viscose, did you say?

Mr. STOMBAUGH. Yes.

Mr. EISENBERG. How common is delustered viscose?

Mr. STOMBAUGH. It is most common, I would say. It is more common than lustrous.

Mr. EISENBERG. Generally speaking, how many variations of diameter would a delustered viscose come in?

Mr. STOMBAUGH. This is entirely up to the manufacturer. He can make viscose any diameter he wants, and there could be hundreds of variations in the diameter of viscose fibers.

Mr. EISENBERG. But the fiber you found in the paper bag, 142, matched the fibers you found in the Exhibit 140?

Mr. STOMBAUGH. Yes, sir; but the viscose fibers in the blanket varied in size also.

Mr. EISENBERG. To what extent?

Mr. STOMBAUGH. There were 10 to 15 different diameters of viscose in this blanket. It appeared to me as if the blanket was made of scrap viscose, scrap fibers.

Mr. EISENBERG. So that the diameters would be random?

Mr. STOMBAUGH. They were random; yes, sir.

Mr. EISENBERG. Now, what about the color, was the color a match between the fiber found in 140—in 142—and the fiber which is in the composition of 140, the blanket?

Mr. STOMBAUGH. Yes; the color matched some of the viscose fibers, the brown viscose fibers in the blanket. Of course, these colors also varied slightly but not to any great extent, not like the diameter.

Mr. EISENBERG. Were there any other common characteristics between the viscose fibers found in the blanket and the viscose fibers found in the paper bag?

Mr. STOMBAUGH. The viscose fiber I found in the bag matched in all observable microscopic characteristics some of the viscose fibers found in the composition of this blanket. This would be the diameter, the diameter of that same fiber would have the same size of delustering markings, same shape, same form, and also same color.

Mr. EISENBERG. Now, what about the green cotton fiber that you found in the paper bag, Mr. Stombaugh, how did that compare with the green cotton fiber—was it a green cotton fiber that your testimony mentioned?

Mr. STOMBAUGH. Yes; there were several light green cotton fibers.

Mr. EISENBERG. How did they compare with the green cotton fibers which are contained in the composition of the blanket?

Mr. STOMBAUGH. These matched in all observable microscopic characteristics.

Mr. EISENBERG. And those were what?

Mr. STOMBAUGH. The color and the amount of twist of the cotton fibers were the same as the color and twist found in these. Mainly the color is what we go by on cotton.

Mr. EISENBERG. Were they mercerized or unmercerized?

Mr. STOMBAUGH. They were not mercerized.

Mr. EISENBERG. How common is cotton as a fiber, Mr. Stombaugh?

Mr. STOMBAUGH. Cotton is the most common fiber used.

Mr. EISENBERG. And what about nonmercerized cotton, as to commonness?

Mr. STOMBAUGH. You would find more unmercerized cotton in use than mer-

cerized, because to mercerize cotton is an added production factor used in cotton.

Mr. EISENBERG. How great a variation do you get in degree of twist?

Mr. STOMBAUGH. You are referring to between mercerized and un—

Mr. EISENBERG. No; within unmercerized cotton.

Mr. STOMBAUGH. This would depend on the quality of the cotton and the length of the cotton also.

Mr. EISENBERG. But I mean as samples come across your desk in your office, or as you read about them in books, is there a great variation in twist or a small variation?

Mr. STOMBAUGH. It depends—there is a small variation but this would depend on the type of cotton. There are different types of cotton, and each is determined from the length of the individual cotton fiber.

Mr. EISENBERG. Could you tell what kind of cotton you were dealing with in the blanket?

Mr. STOMBAUGH. No; because here we are not dealing with a full-length cotton fiber. We are dealing with a fragment of a single fiber.

Mr. EISENBERG. Now, could you determine whether there was a variation in the twist of the cotton fibers within the blanket itself as there was, you say, in the diameter of the viscose fibers?

Mr. STOMBAUGH. The twist seemed to coincide with the twist found in the cotton from the blanket.

Mr. EISENBERG. Yes. But looking just to the blanket now for a second, you said the brown viscose or the viscose generally in the blanket itself varied as to diameter. Did the cotton in the blanket vary within itself as to twist or was the cotton of a fairly uniform twist?

Mr. STOMBAUGH. No; it was fairly uniform twist.

Mr. EISENBERG. And you said the fibers you found, the green cotton fibers you found, in the bag were the same twist as the twist of the cottons which composed the blanket?

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. And just to tie this into the questions I was asking a few seconds ago, would this degree of twist be significant, that is can you determine under the microscope 4 different kinds of degrees of twist or 20—how many different degrees of twist can you determine under a microscope, just approximately?

Mr. STOMBAUGH. Are you referring to the same type of cotton—

Mr. EISENBERG. Well, when you get a piece of cotton?

Mr. STOMBAUGH. Or cotton as a whole?

Mr. EISENBERG. When you get a piece of cotton under the microscope and you don't know what type it is? I am referring to cotton as a whole.

Mr. STOMBAUGH. I see. The degree of twist could be—now if we are dealing with fresh cotton, cotton running right from the plant, then the degree of twist, this varies, and this could be used in the identification of the type of cotton. But in the manufacturing process quite frequently when the cotton is spun into yarns then this twist is affected.

Mr. EISENBERG. Well, at this point I am not interested in determining the type of cotton. What I am interested in is determining how significant the degree of twist is as an identifying factor.

Mr. STOMBAUGH. I would say no significance at all as far as the sole identifying characteristic goes, whether or not this cotton of this cotton has the same twist. The twist we use is for identification purposes only, supplementing other identifying characteristics.

Mr. EISENBERG. That is the only purpose I am interested in.

Mr. STOMBAUGH. Yes; that is the only purpose.

Mr. EISENBERG. But in getting to that, how valuable is it for identification purposes? I am curious as to how many—how much a twist can vary. As you pick up a random fiber, and put it under your microscope, I am interested in how much the twist can vary. For example, if there are only two possibilities, then it isn't too helpful that you get a match in twist, but if there are great variations in twist in cotton fibers as they come under your microscope, it would be helpful in making your identification.

Mr. STOMBAUGH. I see what you are getting at. There are great variations.

Sometimes in a cotton fiber, the twist will be rather far apart. Other times it will be rather close together. This piece——

Mr. EISENBERG. So that the fibers, the cotton fibers, to begin with, matched in twist, that is, the cotton fibers you found in the paper bag matched the twist of the ones that are contained in the blanket, and you said they also matched in color?

Mr. STOMBAUGH. Yes, sir.

Mr. EISENBERG. I would like to ask you the same question as to color that I asked you as to twist. How many different shades do you think you can distinguish under the microscope in a green cotton? Would the range be just 2 or 3 different shades, or do you think you could distinguish between 20 or 30 different types of green cotton if you laid them next to each other under the microscope?

Mr. STOMBAUGH. No; the range in green cotton fibers, for that matter in any color, is tremendous. This could go to 50 sometimes 100 different shades which you can distinguish under a microscope. To the naked eye, it would look as if it is just green. But you could take, say five different fabrics of the same type that have been dyed exactly the same color or rather you think they are the same shade, and put the individual fibers under the microscope and there will be a big difference noted in shades.

Mr. EISENBERG. Now were the green cotton fibers in the blanket uniform as to shade between themselves?

Mr. STOMBAUGH. No; these varied.

Mr. EISENBERG. To what extent?

Mr. STOMBAUGH. They go from a green to a very pale green.

Mr. EISENBERG. So that the——

Mr. STOMBAUGH. Might be seven or eight different shades.

Mr. EISENBERG. So when you say there is a match, you mean the green cotton fibers you found in the paper bag were within the spectrum of shades that are laid out in the green cotton fibers from the blanket—is that correct?

Mr. STOMBAUGH. No. I forget how many different shades of green I found in this blanket. Under the circumstances, I considered the exact number of no particular significance. But we will say it might be possibly eight different separate shades, and the fibers I found from the blanket matched some of these shades. Not all of them; but there might be a medium-green fiber that I found in the bag, which I matched with a medium-green fiber from this blanket. It might have been one that had a yellowish-green tinge to it, which I also matched with the yellowish-green tinged cotton fibers from the blanket.

So unless the colors match absolutely, there is no match.

Mr. EISENBERG. Do you recall how many green cotton fibers you found in the paper bag?

Mr. STOMBAUGH. I have here in my notes "several"——

Mr. EISENBERG. Yes?

Mr. STOMBAUGH. I have here in my notes "several light green cotton fibers," which would be approximately two or three.

Mr. EISENBERG. Do you recall whether they represented two or three different shades?

Mr. STOMBAUGH. Yes; they were all different from each other but each matched the cotton fibers in the blanket.

Mr. EISENBERG. So you had two or three cotton fibers of two or three shades of green in the bag, and they matched against these two or three of the seven or eight shades of green cotton which were in the blanket, is that a correct recapitulation?

Mr. STOMBAUGH. Yes.

Mr. EISENBERG. And you say there are 50 to 100—approximately—green shades of cotton that can be distinguished under the microscope?

Mr. STOMBAUGH. Yes; I would say that is true. This would vary from dark green, of course, all the way up to light-pale green.

Mr. EISENBERG. Did you find anything else within the bag, Mr. Stombaugh?

Mr. STOMBAUGH. No, sir; that is all I found inside the bag.

Mr. EISENBERG. Now, what do you think the degree of probability is, if you

can form an opinion, that the fibers from the bag, fibers in the bag, ultimately came from the blanket?

Mr. STOMBAUGH. When you get into mathematical probabilities, it is something I stay away from, since in general there are too many unknown factors. All I would say here is that it is possible that these fibers could have come from this blanket, because this blanket is composed of brown and green woolen fibers, brown and green delustered viscose fibers, and brown and green cotton fibers.

Now these 3 different types of fibers have 6 different general colors, and if we would multiply that, say by a minimum of 5 different shades of each so you would have 30 different shades you are looking for, and 3 different types of fibers. Here we have only found 1 brown viscose fiber, and 2 or 3 light green cotton fibers. We found no brown cotton fibers, no green viscose fibers, and no woolen fibers.

So if I had found all of these then I would have been able to say these fibers probably had come from this blanket. But since I found so few, then I would say the possibility exists, these fibers could have come from this blanket.

Mr. EISENBERG. Now, let me ask you a hypothetical question, Mr. Stombaugh. First, I hand you Commission Exhibit 139, which consists of a rifle found on the sixth floor of the Texas School Book Depository Building, and I ask you, if the rifle had lain in the blanket, which is 140, and were then put inside the bag, 142, could it have picked up fibers from the blanket and transferred them to the bag?

Mr. STOMBAUGH. Yes.

Mr. EISENBERG. Are there any further questions as to the blanket?

Mr. DULLES. Do you have any, Mr. Murray?

Mr. MURRAY. I have none, Mr. Dulles.

Mr. EISENBERG. Do you recognize Exhibit 139? Are you familiar with that?

Mr. STOMBAUGH. Yes; I am.

Mr. EISENBERG. Did you examine that in the laboratory?

Mr. STOMBAUGH. Yes; I did.

Mr. EISENBERG. Do you know when you made that examination?

Mr. STOMBAUGH. On the morning of November 23, 1963.

Mr. EISENBERG. Is your mark on it?

Mr. STOMBAUGH. Yes, sir; here is my mark.

Mr. EISENBERG. Which consists of your initials?

Mr. STOMBAUGH. My initials, and the date 11-23-63. Do you mind if I check to see if this is unloaded?

Mr. EISENBERG. Did you examine the rifle to determine whether it contained on its surface or crevices any hair or other debris?

Mr. STOMBAUGH. Yes; I did.

Mr. EISENBERG. Can you tell us how you made that examination?

Mr. STOMBAUGH. Yes, sir. The gun was to be treated for latent fingerprints also, so I wore a pair of white cotton gloves to protect any latents that might be present on the gun. I placed the gun under a low-powered microscope and examined the gun from the end of the barrel to the end of the stock, removing what fibers I could find from crevices adhering to the gun.

I noticed immediately upon receiving the gun that this gun had been dusted for latent fingerprints prior to my receiving it. Latent fingerprint powder was all over the gun; it was pretty well dusted off, and at the time I noted to myself that I doubted very much if there would be any fibers adhering to the outside of this gun—I possibly might find some in a crevice some place—because when the latent fingerprint man dusted this gun, apparently in Dallas, they use a little brush to dust with they would have dusted any fibers off the gun at the same time; so this I noted before I ever started to really examine the gun.

Mr. EISENBERG. Were you unhappy at all about that?

Mr. STOMBAUGH. I was; however, it is not uncommon for fingerprint processing to be given priority consideration. They wanted to know whether or not the gun contained any fibers to show that it had been stored in this blanket, and with all the obstructions and the crevices on the metal parts of this gun, ordinarily a fiber would adhere pretty well, unless you take a brush and brush it off, and then you brush it on the floor and it is lost.

Mr. EISENBERG. Who was "they," you said "they" wanted to know?

Mr. STOMBAUGH. Well, this is our Dallas office. They sent the gun in wanting to know this fact.

Mr. EISENBERG. Proceed.

Mr. DULLES. It was dusted by the Dallas police, was it, first?

Mr. STOMBAUGH. I don't know who dusted it.

Mr. EISENBERG. For the record, I believe that will be shown later that it was dusted by Dallas police.

As far as you know, did it come into your office, into your laboratory before it went to the identification division, latent fingerprint section?

Mr. STOMBAUGH. Yes; I received this gun from Special Agent Vincent Drain of the Dallas FBI office. It was crated very well. I opened the crate myself and put my initials on the gun and at that time I noted it had been dusted for latent prints.

So I proceeded to pick off what fibers were left from the small crevices and small grease deposits which were left on the gun.

At this point of the butt plate, the end of the stock——

Mr. EISENBERG. Let's get that a little more specific if we can. Can you point to that again?

Mr. STOMBAUGH. In this area, the butt plate of the stock, this is a metal butt plate, you can see the jagged edge on it.

Mr. EISENBERG. That is on the left side of the butt plate?

Mr. STOMBAUGH. It is on the left side; yes.

Mr. EISENBERG. In approximately in the middle there is a jagged edge, jagged inside edge, where the butt plate comes into contact with the wood, is that what you are referring to?

Mr. STOMBAUGH. Yes; there is a jagged edge there. This area right here, according to my notes.

Mr. EISENBERG. Yes.

Mr. STOMBAUGH. I found a tiny tuft of fibers which had caught on that jagged edge, and then when the individual who dusted this dusted them, he just folded them down very neatly into the little crevice there, and they stayed. These I removed and put on a glass microscope slide, and marked this particular slide "No. 2," because this little group of fibers—little tuft of fibers, appeared to be fresh.

The fibers on the rest of the gun were either adhering to a greasy, oily deposit or jammed into a crevice and were very dirty and apparently very old.

You can look at a fiber and tell whether it has been beaten around or exposed much. These appeared to be fairly fresh.

Mr. EISENBERG. "These" being the ones that you found in the butt plate crevice?

Mr. STOMBAUGH. Yes; adhering to this small jagged edge.

Mr. EISENBERG. Before we get to those, were there any other fibers of value on the rest of the Exhibit 139?

Mr. STOMBAUGH. No; the other fibers I cleaned up, removed the grease and examined them but they were of no value. They were pretty well fragmented.

Mr. EISENBERG. You could not make a determination as to their nature?

Mr. STOMBAUGH. I could tell what type they were.

Mr. EISENBERG. Meaning textile type?

Mr. STOMBAUGH. Yes; such as wool, cotton, what-have-you, but the grease and the dirt had changed the colors which ruined the characteristics for comparison purposes.

Mr. EISENBERG. Could you tell whether they were old or new?

Mr. STOMBAUGH. They all appeared old.

Mr. EISENBERG. What about——

Mr. DULLES. What do you mean by old, 2 or 3 months old, 2 or 3 weeks old?

Mr. STOMBAUGH. Well, a length of time, I would say that in excess of a month or 2 months.

Mr. DULLES. In that area?

Mr. STOMBAUGH. In that area or longer. They weren't recently put in there. Let's say that.

Mr. EISENBERG. What about the grease, did you attempt to examine the grease?

Mr. STOMBAUGH. No.

Mr. EISENBERG. Why was that?

Mr. STOMBAUGH. I could see no need of it at that time.

Mr. EISENBERG. Let's return then to the fibers which you referred to as being fresh, which you said you found in the crevice of the butt plate, and I will ask Mr. Dulles' question in reverse: What do you mean by fresh, why do you call these fresh?

Mr. STOMBAUGH. In the first place, this was just a small tuft. They were adhering to the gun on a small jagged edge. In other words, the gun had caught on a piece of fabric and pulled these fibers loose. They were clean, they had good color to them, there was no grease on them and they were not fragmented. They looked as if they had just been picked up. They were folded very neatly down in the crevice.

Mr. EISENBERG. Were these fibers in a position where they could have easily been knocked off by rough use?

Mr. STOMBAUGH. No; they were adhering to the edge rather tightly.

Mr. EISENBERG. In the crevice?

Mr. STOMBAUGH. Well, it had the jagged edge sticking up and the fibers were folded around it and resting in the crevice.

Mr. DULLES. I think you testified, though, that might have been done in part by the dusting?

Mr. STOMBAUGH. Yes, sir; I believe when the fingerprintman dusted it he probably ran his brush along the metal portion here.

Mr. EISENBERG. Of the butt plate?

Mr. STOMBAUGH. Of the butt plate, and at the time the brush folded these down into the crevice.

Mr. EISENBERG. What led you to the particular conclusion that they had been folded into the crevice by the dusting?

Mr. STOMBAUGH. Because of the presence of fingerprint powder being down in and through the crevice here. It looked as if it had been dusted with a brush. You could make out the bristlemarks of the brush itself.

Mr. EISENBERG. Now assuming your conclusion is accurate that they were dusted into the crevice, and had not been in the crevice originally but had merely adhered to the jagged edge, how much—how rough a handling would it have taken to have gotten them loose from that jagged edge?

Mr. STOMBAUGH. Well, I would imagine if one took a brush and started brushing pretty hard these would have worked loose and come out.

Mr. EISENBERG. Would the use of the weapon itself have jarred them loose?

Mr. STOMBAUGH. I doubt it. I doubt it.

Mr. EISENBERG. I am talking now about the jagged edge position, and not the crevice position.

Mr. STOMBAUGH. You mean breaking them loose? They were adhering to the jagged edge.

Mr. EISENBERG. Yes.

Mr. STOMBAUGH. It might, of course—there are a lot of factors here you don't know, but they were adhering pretty tightly to the gun. I believe through ordinary handling of the gun eventually they would have worked loose and fallen off.

Mr. EISENBERG. What I can't understand is, when you are talking about the handling of the gun are you talking about the position in which you found them, or are you talking about the position which you deduced they were in before you found them brushed into the crevice?

Mr. STOMBAUGH. Well, both. The position I found them in. I had to take a pair of tweezers and work them out.

Mr. EISENBERG. Yes?

Mr. STOMBAUGH. And after I had the fibers lifted up which could have been the original position they were in, then I had to pull them off. They were wrapped around rather snugly to the sharp edge.

Mr. EISENBERG. Now, returning once more to this question of freshness. Would you say they had been placed there within 1 hour, or 1 day, or 1 week of the time when you received the rifle or longer?

Mr. STOMBAUGH. I couldn't say in that regard to any period of time. I refer, by

saying they appeared fresh, to the fact that the other fibers I removed from this gun were greasy, mashed, and broken, where these were fairly good long fibers. They were not dirty, with the exception of a little bit of fingerprint powder on them which I cleaned off, and the color was good. They were in good shape, not fragmented. They could conceivably have been put on 10 years ago and then the gun put aside and remain the same. Dust would have settled on them, would have changed their color a little bit, but as far as when they got on the gun, I wouldn't be able to say. This would just be speculation on my part.

Mr. EISENBERG. In other words, you concluded they were fresh—well, you said you thought they were fresh, Mr. Stombaugh, and I don't quite understand now whether you seem to be backing off a little from that?

Mr. STOMBAUGH. No; I am not trying to do that. I am trying to avoid a specific time element, since there are other factors which may enter. I couldn't—this is something that I won't even attempt to do, just say this was on here for 1 hour or 10 minutes, something like that.

But I would say these fibers were put on there in the recent past for this reason. If they had been put on there say 3, 4, 5 weeks or so ago, and the gun used every day, these fibers would have come off.

Am I making myself a little more clear?

Mr. EISENBERG. Yes; you are making yourself clear; yes.

Now, looking at Exhibit 139, the weapon, and Exhibit 140, the blanket, do you think it is possible that the bulge you described before, which you marked "C," might have been caused by some component part of 139, the rifle?

Mr. STOMBAUGH. Yes. At the time I found the hump in the blanket which I believed you have marked point C.

Mr. EISENBERG. That is point C on the replica piece of paper you have folded up, marked Exhibit 663?

Mr. STOMBAUGH. I checked the telescopic sight on Exhibit 139, and noted that the approximate length and general shape of the scope—

Mr. DULLES. Exhibit 139 being the blanket?

Mr. EISENBERG. Being the rifle.

Mr. STOMBAUGH. Were approximately the same so far as length and shape went, and at the time I thought to myself it is quite possible the hump in the blanket could have been made by that telescopic sight.

Mr. EISENBERG. Did you attempt to match up the rifle into the blanket to see if that could be true?

Mr. STOMBAUGH. No; I didn't want to handle the rifle any more than possible. I took a ruler and measured the scope and then compared the measurement with the hump in the blanket and it was approximately the same.

Mr. EISENBERG. What about the relationship, the spatial relationship of the scope to the end of the gun, as compared with the spatial relationship of the hump in the blanket to the end of the blanket? Were those matching?

Mr. STOMBAUGH. From the way the blanket was folded at the time, and from measuring this, and not using the gun itself and putting it in contact with the blanket, just from measurements, I determined it is possible that the scope could have made the hump. In other words, the gun could have fitted in there. But I couldn't be absolutely certain on any of this. This is just from measurements.

Mr. EISENBERG. And visual comparison?

Mr. STOMBAUGH. And visual comparison; yes.

Mr. EISENBERG. Is there any further information you would like to give us concerning your examinations of the paper bag, the rifle, the blanket, or the shirt which we have discussed this morning?

Mr. STOMBAUGH. Just the fibers I removed.

Mr. DULLES. Are you going to go into the relationship of the fibers that were found in the jagged edge?

Mr. EISENBERG. Yes. Mr. Stombaugh, did you attempt to determine the origin of the fibers which were caught in the butt plate of the rifle?

Mr. STOMBAUGH. Yes, sir; I did. I tried to match these fibers with the fibers in the blanket, and found that they had not originated from the blanket, because the cotton fibers were of entirely different colors. So I happened to think of the shirt and I made a known sample of the shirt fibers.

Mr. EISENBERG. What does that mean?

Mr. STOMBAUGH. I removed fibers from the shirt to determine the composition of it and also the colors. I found that the shirt was composed of dark-blue, grayish-black, and orangish-yellow cotton fibers, and that these were the same shades of fibers I had found on the butt plate of the gun.

Mr. DULLES. Did you find all three shades?

Mr. STOMBAUGH. All three shades; yes, sir.

Mr. EISENBERG. All three shades were found on the fragments that were found in the butt of the gun?

Mr. STOMBAUGH. Yes.

Mr. EISENBERG. Have you made photographs showing these, color photographs showing these?

Mr. STOMBAUGH. Yes, sir. Color photographs are very difficult to make microscopically because the color isn't always identical to what you see in the microscope. So these colors are slightly off.

Mr. EISENBERG. You have shown a chart captioned "Microphotograph Showing Match Between Orange-Yellow Cotton Fibers From Butt Plate of Assassination Rifle and Orange-Yellow Cotton Fibers From Oswald's Shirt." Did you take this photograph?

Mr. STOMBAUGH. No; it was taken under my supervision.

Mr. EISENBERG. It was taken under your supervision.

Mr. Chairman, may I submit this as 674.

Mr. DULLES. It will be admitted, 674.

(The item referred to was marked Commission Exhibit No. 674, and was received in evidence.)

Mr. EISENBERG. What is the magnification?

Mr. STOMBAUGH. I believe this was 400 also. I am not certain of this, because the shot itself has also been enlarged.

Mr. EISENBERG. Now you were discussing the reproduction of the color in the photomicrograph?

Mr. STOMBAUGH. Yes, sir. These are the orangish-yellow fibers. The color is not exactly the same as what one would see under the microscope.

However, you can see that the fibers on both sides, namely, the fiber from the rifle here, and this—

Mr. DULLES. On the right-hand side—

Mr. STOMBAUGH. On the right-hand side.

Mr. DULLES. Of Exhibit 674?

Mr. STOMBAUGH. And the fibers from the shirt, which are on the left-hand side of Exhibit 674, do match. The colors are the same and also, we find the same twist in the fiber.

Mr. EISENBERG. Now, was the orange-yellow cotton fiber—were the orange-yellow cotton fibers in the shirt of a uniform shade?

Mr. STOMBAUGH. Yes; they were all of a uniform shade. It was what we would call a uniform dye job.

Mr. EISENBERG. What about the twist?

Mr. STOMBAUGH. The twist was about normal. These, you can see here.

Mr. EISENBERG. You are pointing to the right-hand side and left-hand side of 674?

Mr. STOMBAUGH. You can see the twist to these fibers.

Mr. EISENBERG. Did they have a uniform twist?

Mr. STOMBAUGH. Uniform.

Mr. EISENBERG. So that the match was identical as to twist and shade, and the fibers in the shirt were uniform in themselves as to these two characteristics, is that correct?

Mr. STOMBAUGH. Yes; that is correct.

Mr. EISENBERG. Did you take a photograph of the gray-black cotton fibers?

Mr. STOMBAUGH. These are the gray-black cotton fibers and the color didn't come out well on these in this instance because of time and color process limitations.

Mr. EISENBERG. Just a second. You have a chart here—a photomicrograph—captioned "Microphotograph Showing Match Between Gray-Black Cotton Fibers

From Butt Plate of Assassination Rifle, etc. and Gray-Black Cotton Fibers From Oswald's Shirt."

Did you take these photographs or were they taken under your supervision?

Mr. STOMBAUGH. Under my supervision.

Mr. EISENBERG. May I have this admitted as 675?

Mr. DULLES. 675, it will be admitted.

(The item referred to was marked Commission Exhibit No. 675, and received in evidence.)

Mr. STOMBAUGH. The same would apply to Exhibit 675 as to 674, with the exception of the color. The color on these is much darker and we tried up to last night to duplicate the exact color and this is the best I could come up with under the time and color process limitations. It took us about 4 hours to make a photograph such as this.

Mr. EISENBERG. There is an apparent match of colors in the photograph——

Mr. STOMBAUGH. But there is one——

Mr. EISENBERG. I say, there is an apparent match in photographs, in color, or is that just my eyes deceiving me?

Mr. STOMBAUGH. This one appears to be slightly lighter than this shade.

Mr. EISENBERG. I see.

Mr. STOMBAUGH. But actually they are both a gray black, almost black in color.

Mr. EISENBERG. But under the microscope they were identical, and a different shade than what we see in Exhibit 675?

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. In all these cases did you make your determination of color and match under the microscope, or by use of the photographs?

Mr. STOMBAUGH. Under the microscope.

Mr. EISENBERG. And these are illustrative and prepared for the Commission's use?

Mr. STOMBAUGH. Yes, sir.

Mr. EISENBERG. Now, you have a chart of photomicrograph captioned "Match Between Dark Blue Cotton Fibers From Butt Plate of Assassination Rifle, etc." Did you prepare these photographs or were they prepared under your supervision?

Mr. STOMBAUGH. Under my supervision.

Mr. EISENBERG. May I have these received as Exhibit 676?

Mr. DULLES. 676.

(The item referred to was marked Commission Exhibit No. 676, and was received in evidence.)

Mr. EISENBERG. What is the magnification of 675 and 676, by the way?

Mr. STOMBAUGH. All of these were made at approximately 400 diameters.

Mr. EISENBERG. Did you find a color match here?

Mr. STOMBAUGH. Yes; the color match of the dark blue cotton fibers shows rather well in this photograph, Exhibit 676.

Mr. EISENBERG. Now there is also a violet-colored fiber running through the right-hand side of 676.

Mr. STOMBAUGH. Yes, sir; I asked the photographer about this when he developed this and I said, "Why did we get this, this is not in the slide at all," and he said that is one of the orange fibers. They use different techniques in bringing out the blue and the yellow-orange in a photomicrograph.

Mr. DULLES. The shades are the fiber of the blanket?

Mr. STOMBAUGH. No; this shade in the photograph is different from what that fiber actually is. It is in the development process. I am not too familiar with color photography. There is an art to it. However, I do know that there are times and technical limitations on the accuracy of color reproductions.

Mr. EISENBERG. Mr. Stombaugh, were the shades in—were the shades of the dark blue cotton fibers uniform throughout the shirt which is pictured in Commission Exhibit 673?

Mr. STOMBAUGH. No sir; the dark blue fibers had some lighter shades and some slightly darker shades.

Mr. EISENBERG. About how many different shades?

Mr. STOMBAUGH. There were only about three in this.

Mr. EISENBERG. Do you recall how many dark blue fibers you got from the butt plate?

Mr. STOMBAUGH. I believe a total of six or seven fibers from the butt plate and three of them are blue fibers and all matched.

Mr. EISENBERG. Do you recall whether they were one or more shades?

Mr. STOMBAUGH. Two shades.

Mr. EISENBERG. So that two of the fibers were two different shades of blue?

Mr. STOMBAUGH. Yes.

Mr. EISENBERG. And they matched two different shades of blue in the shirt out of a total of three different shades of blue?

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. And you testified before there were about 50 to 100 ranges of shade of green cotton. What about the ranges in shades of blue cotton?

Mr. STOMBAUGH. The same would apply to blue cotton.

Mr. EISENBERG. And the ranges in shades of orange yellow cotton?

Mr. STOMBAUGH. The orange-yellow cotton I have here—

Mr. EISENBERG. 674.

Mr. STOMBAUGH. This is a shade of a yellow cotton fiber, it appears orange yellow under a microscope. Sometimes you get greenish yellow. These will vary, the orange-yellow shade itself might be only two variations in orange yellow, but in a greenish yellow it might be 50 to 100.

Mr. EISENBERG. There was a gray-black cotton fiber in the shirt. Were they uniform between themselves as to color?

Mr. STOMBAUGH. Yes; these were uniform.

Mr. EISENBERG. How many shades of gray, in the gray-black area, can you distinguish?

Mr. STOMBAUGH. The gray-black in itself would be similar to the orange-yellow and would be possibly two or three.

Mr. EISENBERG. And in the black taken as a broader—

Mr. STOMBAUGH. Black taken in itself would go from, all the way from, very grayish-light gray all the way down to dense black.

Mr. EISENBERG. How many different shades can you distinguish?

Mr. STOMBAUGH. Black is different. There are only about 25 or 30 shades, I would say, in black.

Mr. EISENBERG. So you identified the fibers you found on the butt plate as matching the fibers you found in the shirt, not only as to color but as to shades within those colors, out of a range going from 25 in the gray-black or black area to 50 to 100 in the yellow and blue areas?

Mr. STOMBAUGH. That is correct.

Mr. EISENBERG. And degrees of twist were all the same?

Mr. STOMBAUGH. They were the same.

Mr. EISENBERG. Any other characteristics?

Mr. STOMBAUGH. Just type of fibers, they were all cotton fibers.

Mr. EISENBERG. On the basis of these examinations, did you draw a conclusion as to the probability of the cotton fibers found in the butt plate having come from the shirt pictured in Exhibit 673?

Mr. STOMBAUGH. Yes, sir; it was my opinion that these fibers could easily have come from the shirt.

Mr. EISENBERG. Could you go into that in a little more detail, Mr. Stombaugh?

Mr. STOMBAUGH. Yes. Mainly because the fibers or the shirt is composed of point one, cotton, and point two, three basic colors. I found all three colors together on the gun.

Now if the shirt had been composed of 10 or 15 different colors and types of fibers and I only had found 3 of them, then I would feel that I had not found enough, but I found fibers on the gun which I could match with the fibers composing this shirt, so I feel the fibers could easily have come from the shirt.

Mr. EISENBERG. Mr. Stombaugh, I asked you a hypothetical question before concerning whether the rifle could have been a mechanism for transferring fibers from the blanket into the paper bag, and as I recall you said it could have.

Now, is it inconsistent with that answer that no fibers were found on the gun which matched the fibers in the blanket?

Mr. STOMBAUGH. No; because the gun was dusted for fingerprints and any fibers that were loosely adhering to it could have been dusted off.

The only reason, I feel, that these fibers remained on the butt plate is because they were pulled from the fabric by the jagged edge and adhered to the gun and then the fingerprint examiner with his brush, I feel, when brushing and dusting this butt plate, stroked them down into that crevice where they couldn't be knocked off.

In time these fibers would have undoubtedly become dislodged and fallen off the gun.

Mr. EISENBERG. Mr. Stombaugh, is there anything you would like to add to your testimony?

Mr. STOMBAUGH. No, sir; I can think of nothing else.

Mr. DULLES. And you found no other pieces of fabric or other foreign material on the gun?

Mr. STOMBAUGH. Nothing that I could associate with either the blanket or the shirt. I found—

Mr. DULLES. Or the paper bag?

Mr. STOMBAUGH. Or the paper bag; no, sir.

Mr. EISENBERG. Just one further question. You said something like, "It was possible the fibers could have come from the shirt." Could you estimate the degree of probability that the fibers came from the shirt, the fibers in the butt plate?

Mr. STOMBAUGH. Well, this is difficult because we don't know how many different shirts were made out of this same type of fabric, or for that matter how many identical shirts are in existence.

Mr. EISENBERG. Mr. Stombaugh, I gather that, and correct me if I am wrong, that in your area as opposed to the fingerprint area, you prefer to present the facts rather than draw conclusions as to probabilities, is that correct?

Mr. STOMBAUGH. That is correct. I have been asked this question many times. There are some experts who will say well, the chances are 1 in 1,000, this, that, and the other, and everyone who had said that and been brought to our attention we have been able to prove them wrong, insofar as application to our fiber problems is concerned.

Mr. EISENBERG. You mean prove them wrong in terms of their mathematics?

Mr. STOMBAUGH. There is just no way at this time to be able to positively state that a particular small group of fibers came from a particular source, because there just aren't enough microscopic characteristics present in these fibers.

We cannot say, "Yes, these fibers came from this shirt to the exclusion of all other shirts."

Mr. EISENBERG. We appreciate your conservatism, but the Commission, of course, has to make an estimate, and what I am trying to find out is whether your conservatism, whether your conclusions, reflect the inability to draw mathematical determinations or conclusions, or reflect your own doubts?

Mr. STOMBAUGH. No.

Mr. EISENBERG. Can you tell us which that is?

Mr. STOMBAUGH. There is no doubt in my mind that these fibers could have come from this shirt. There is no way, however, to eliminate the possibility of the fibers having come from another identical shirt.

Mr. EISENBERG. Now, in your mind what do you feel about the origin of the fibers you found in the bag?

Mr. STOMBAUGH. I didn't find enough fibers in the bag to form an opinion on those.

Now if I would have found, say 15 or 20 fibers and all 15 or 20 matched the fibers from the blanket, then I could say, "Yes, I feel that these very easily could have come from the blanket." But I didn't. I only found two of the many types.

Mr. EISENBERG. Okay. I have no further questions.

Mr. DULLES. Do you have any further questions?

Mr. MURRAY. No; I have no further questions.

Mr. DULLES. I have no further questions.

Thank you, Mr. Stombaugh, we appreciate your coming.

## TESTIMONY OF JAMES C. CADIGAN

Mr. DULLES. Would you mind standing and raising your right hand?

Do you swear the testimony you give before the Commission is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CADIGAN. Yes, sir.

Mr. DULLES. Thank you.

Mr. EISENBERG. Mr. Cadigan, can you state your full name and position?

Mr. CADIGAN. James C. Cadigan, special agent of the FBI, assigned as an examiner of questioned documents in the laboratory here in Washington.

Mr. EISENBERG. What is your education, Mr. Cadigan?

Mr. CADIGAN. I have a Master of Science degree from Boston College in Newton, Mass. Upon being appointed in the FBI, I was given on-the-job training, which consisted of working with various examiners, conducting experiments, reading books, attending lectures, and so forth.

Mr. EISENBERG. Mr. Cadigan, how long have you been in the questioned document field?

Mr. CADIGAN. Twenty-three and a half years.

Mr. EISENBERG. And during that time have you examined papers to determine their possible origin?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Can you estimate the number of such examinations you have conducted?

Mr. CADIGAN. No; not with any degree of accuracy, except many, many specimens, many, many comparisons.

Mr. EISENBERG. Have you testified on that subject in court?

Mr. CADIGAN. Yes, sir.

Mr. EISENBERG. Many times?

Mr. CADIGAN. I won't say many, no; because most of the testimony I have given in court relates to other phases of the work. Strictly on paper. I would say not more than two or three times.

Mr. EISENBERG. But you have made more than two or three examinations of paper?

Mr. CADIGAN. Oh, yes; far more.

Mr. DULLES. Running into the hundreds and thousands?

Mr. CADIGAN. Yes, sir.

Mr. EISENBERG. Mr. Chairman, may I have this witness admitted as an expert witness?

Mr. DULLES. He shall be admitted as an expert on this subject.

Mr. EISENBERG. Mr. Cadigan, I hand you an object made of paper, Commission Exhibit 142, also known as Commission Exhibit 626, and ask you if you are familiar with this object?

Mr. CADIGAN. Yes; I am.

Mr. EISENBERG. And did you examine this object, this paper bag, to determine its origin, possible origin?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Can you tell us how you conducted that examination?

Mr. CADIGAN. Yes.

I first saw this paper bag on November 23, 1963, in the FBI laboratory, along with the sample of paper and tape from the Texas School Book Depository obtained November 22, 1963, which is FBI Exhibit D-1.

Mr. EISENBERG. Is that the sample that you are referring to, that you are holding in your hand?

Mr. CADIGAN. Yes.

Mr. EISENBERG. And that is marked, as you said, "Paper sample from first floor Texas School Book Depository" and has certain other markings including the words "shipping department"?

Mr. CADIGAN. Yes.

Mr. EISENBERG. May I have this admitted, Mr. Chairman?

Mr. DULLES. That may be admitted.

Mr. EISENBERG. That will be No. 677.

Mr. DULLES. 677 may be admitted.

(Commission Exhibit No. 677 was marked, and received in evidence.)

Mr. EISENBERG. Did you find out from precisely what portion of the Texas School Book Depository Building this was obtained, Mr. Cadigan?

Mr. CADIGAN. Yes; this comes from the first floor, main floor of the Texas School Book Depository, referred to as the shipping room, the whole floor.

Mr. EISENBERG. Now, did you—who supplied you with this sample, this Exhibit 677?

Mr. CADIGAN. This exhibit was brought to the laboratory by Special Agent Drain of our Dallas office, who brought all of this evidence in for examination.

Mr. EISENBERG. Did you attempt to determine whether Exhibit 142 had the same origin as the paper in Exhibit 677, or might have had the same origin?

Mr. CADIGAN. Yes; I examined the two papers—do you wish me to state my opinion?

Mr. EISENBERG. Yes; please.

Mr. CADIGAN. Well, initially, I was requested to compare the two papers to see if they could have originated from the same source. I first measured the paper and the tape samples. Then I looked at them visually by natural light, then incident light and transmitted light.

Mr. EISENBERG. What do you mean by transmitted light?

Mr. CADIGAN. Well, light coming right on through the paper.

Mr. EISENBERG. Then—

Mr. DULLES. Natural light?

Mr. CADIGAN. Yes; natural light.

Mr. DULLES. As distinct from electric light?

Mr. CADIGAN. Both. In the room I am in you can go over to the window for natural light and use ceiling light for artificial light which has a little different property than the outside light.

Mr. DULLES. Yes.

Mr. CADIGAN. I looked at the papers under various lighting conditions—

Mr. EISENBERG. Excuse me a minute, Mr. Cadigan, by "transmitted light" you mean the light transmitted when you hold the object between the light source and your own eyes?

Mr. CADIGAN. Yes; then I put it under the microscope, and again looked at it from the standpoint of the surface, paper structure, the color, any imperfections. I further noted that on both of the tapes—

Mr. EISENBERG. 142 is the paper bag.

Mr. CADIGAN. On 142 and on the tape on 677 there were a series of marks right down about the center of the tape.

Mr. EISENBERG. Can you see those visually with the unaided eye, or only under a microscope?

Mr. CADIGAN. I can see them visually. The microscope makes it look clearer.

Mr. DULLES. What are you pointing to now?

Mr. EISENBERG. This line here.

Mr. DULLES. Where is this?

Mr. CADIGAN. These are a series of lines running right here about a half-inch high, they are very closely spaced.

Mr. DULLES. Oh, yes; these are perpendicular lines.

Mr. CADIGAN. Yes, sir.

Mr. DULLES. Would you like to see these, Mr. Murray?

Mr. MURRAY. Yes; thank you.

Mr. DULLES. They are quite clear, about a tenth of an inch apart or less than that.

Mr. CADIGAN. Well, actually they are  $24\frac{1}{2}$  spaces per inch, which would be about 25 lines per inch.

Mr. MURRAY. Pockmarks?

Mr. CADIGAN. A series of little short marks right close together.

Mr. MURRAY. Oh, yes.

Mr. DULLES. And they run along about how far on this particular exhibit?

Mr. CADIGAN. They run the whole length of the tape.

Mr. MURRAY. A comb design.

Mr. EISENBERG. Comb in the sense that it is a series of—

Mr. MURRAY. Comb or rake.

Mr. EISENBERG. Could you circle that on 677, and mark the portion "A"? Can you still make out the lines on Exhibit 640?

Mr. CADIGAN. Oh, yes.

Mr. EISENBERG. Could you circle a portion of the lines on 640 and mark it—I am sorry, that is 142.

Mr. CADIGAN. I have marked it.

Mr. EISENBERG. Mr. Dulles, would you care to look at it?

Mr. DULLES. And—oh, yes—and they go over a good deal further than your circle?

Mr. CADIGAN. Yes, sir.

Mr. DULLES. They run right across.

Mr. CADIGAN. I might explain that these are made by a wheel in the paper-tape dispenser. [Referring to an object in the room.] It is not quite this size, but it is similar to this and it has horizontal markings running all around the wheel.

As you pull the operating handle that pulls the paper tape from the roll through the machine and over the wetting brush, the wheel, in the process leaves these markings on the tape.

Mr. EISENBERG. Excuse me, Mr. Cadigan, would this be in the type of tape dispenser which is operated not merely by a handle—by a handpull—to the tape from the dispenser, but is operated—that is operated by a lever?

Mr. CADIGAN. Yes; a lever, a handle.

Mr. EISENBERG. And a given quantity of tape is dispensed, which you can cut off or not as you choose—if you want to, you can pull some more tape and cut it off, is that correct?

Mr. CADIGAN. That is correct.

Mr. EISENBERG. And this wheel, as I understand it, when you pull the lever this wheel forces the paper out?

Mr. CADIGAN. It turns, and it is really pulling the paper from the roll and pushing it out from the slot.

Mr. EISENBERG. That has a slight knurl which grasps the paper?

Mr. CADIGAN. It has a slight ridge all around it which is the cause of these marks on the paper tape.

Mr. EISENBERG. Okay.

Mr. DULLES. Is that a defect in the mark or a peculiar—

Mr. CADIGAN. Oh, no; it is designed that way. Those little, you might say, in effect, teeth, go into the paper and pull it through smoothly.

Mr. EISENBERG. If I went into Woolworths and bought a roll of gummed tape, would it have those marks on it?

Mr. CADIGAN. No.

Mr. EISENBERG. Because it only gets the marks when you put it in the dispensing machine that you have in commercial establishments?

Mr. CADIGAN. That is correct.

Mr. EISENBERG. Would it be common to have this type of dispensing machine in a home, by the way?

Mr. CADIGAN. I doubt very much that you would find it in a home.

Mr. EISENBERG. Now, within a commercial establishment, are there more than one type of dispensing machines?

Mr. CADIGAN. Oh, yes.

Mr. EISENBERG. Are there types that won't produce these lines at all?

Mr. CADIGAN. Yes. I might point out, too, that the number of lines per inch will vary depending on the diameter of that wheel. In this particular instance I found that there were  $24\frac{1}{2}$  spaces, which would be 25 lines per inch, on both.

Mr. EISENBERG. I believe that is 142, the bag you are handling, and 677, the sample?

Mr. CADIGAN. Yes; the markings on the manila tape in both 142 and 677 were the same. Now, at that time I also had—

Mr. DULLES. Could we get just before you continue there, would you identify what 142 is and 677 is?

Mr. EISENBERG. 142 is an apparently homemade paper bag which was found in

the southeast corner of the sixth floor of the TSBF following the assassination, and which, for the record, is a bag which may have been used to carry this rifle, 139, which was used to commit the assassination. 677 is a sample of paper and tape—and parenthetically, tape was used in the construction of 142—677 is a sample of paper and tape obtained from the Texas School Book Depository on November 22, 1963, that is, the very day of the assassination.

Mr. DULLES. Obtained by whom, by the FBI?

Mr. CADIGAN. This was obtained by the Dallas police.

Mr. EISENBERG. And forwarded to you by the Dallas—

Mr. CADIGAN. By the Dallas police through our Dallas office.

Mr. DULLES. It was obtained after the assassination on that date?

Mr. CADIGAN. Yes, sir; the night of November 22

At the same time, on November 23, we had an agent come in from Chicago with samples of paper from Klein's, with the possibility, it was thought, that the paper sack—

Mr. DULLES. Identify Klein's just for the record.

Mr. CADIGAN. Klein's Sporting Goods Store in Chicago, from which the Italian rifle was bought.

Mr. EISENBERG. That is Exhibit 139?

Mr. CADIGAN. Exhibit 139. The agent brought in these paper samples from Klein's for comparison purposes, and the paper tape, this manila gummed tape, had these knurl markings measuring 30 per inch.

Mr. EISENBERG. That is the gummed tape you obtained from Klein's?

Mr. CADIGAN. Yes. It was not identical with this, but merely, you might say, illustrate that the markings will differ depending on the wheel, and if your wheel has 30 lines per inch and your other sample is 24 or 25 lines per inch, you know they didn't come from the same tape dispenser.

Mr. EISENBERG. Mr. Cadigan, do these wheels differ as to their diameter across the bearing surface, the length across the rolling knurled surface?

Mr. CADIGAN. I imagine there would be a difference.

I have made no precise measurement but I imagine they vary within tolerances of a quarter- or half-inch in width.

Mr. EISENBERG. Would the length of the lines produced on 142 be the same—the paper bag—the same as the length of the lines produced on 677?

Mr. CADIGAN. Yes.

Mr. DULLES. At what period in connection with the manufacture of the paper are those lines put on or—

Mr. CADIGAN. These are put on after the paper is complete.

Mr. DULLES. After paper is completely manufactured?

Mr. CADIGAN. Yes, sir; that is right.

Mr. DULLES. And put on by the dispensing machine?

Mr. CADIGAN. No; the individual buys gummed tape in rolls.

Mr. DULLES. Yes.

Mr. CADIGAN. Three-inch rolls or inch-and-a-half rolls. He then puts it on a tape-dispensing machine.

Mr. DULLES. In his particular organization?

Mr. CADIGAN. Yes; or his factory or shipping department or wrapping room.

Mr. DULLES. I understand.

Mr. CADIGAN. Once it is in that machine then that wheel will mark the tape going through the dispenser just before it wets it and you paste it down.

Mr. DULLES. Just before, generally just before it is used, then these markings are put on by the dispensing machine.

Mr. CADIGAN. Yes, sir.

After examining the papers, comparing them visually and under the microscope, I examined them under ultraviolet light. This is merely one additional step.

Here again I found that both of them fluoresced the same way.

Mr. EISENBERG. Could you explain the meaning of that?

Mr. CADIGAN. Yes. Paper, along with many substances, has the property of absorbing or reflecting ultraviolet light rays differently. You can take two

samples of paper and put them under an ultraviolet light, and they may appear to be the same or they may be markedly different.

Mr. EISENBERG. You mean even if they look the same under visual light?

Mr. CADIGAN. Visually they may look the same and yet under ultraviolet light there may be very dramatic differences.

Mr. EISENBERG. What causes those differences?

Mr. CADIGAN. Well, the chemicals that are in the paper itself; I think probably a very common example are the markings on shirts, so-called invisible dyes which, visually, you do not see, but you put them under ultraviolet light and the chemical is such that it glows brilliantly.

So, it is basically a chemical or chemicals in there, in this case, in the paper being examined under the ultraviolet, which gives a certain visual appearance, which you can say, it is the same or it is different.

In all of the observations and physical tests, that I made, I found that for Exhibit 142, the bag, and the paper sample, Commission Exhibit 677, the results were the same.

Mr. EISENBERG. Can you just review those? That was the ultraviolet light—

Mr. CADIGAN. Well, briefly, it would be the thickness of both the paper and the tape, the color under various lighting conditions of both the paper and the tape, the width of the tape, the knurled markings on the surface of the tape, the texture of the fiber, the felting pattern. I hadn't mentioned this before, but if you hold a piece of paper up to the light, you see light and dark areas caused by the way the fibers felt right at the beginning stages of paper manufacture.

There are light and dark areas, and these are called the felting pattern. This is something that will vary depending on how the paper is made, the thickness of the paper, the way that the fibers moved on the papermaking machine, and here again I found that they were the same for both the known sample, Commission Exhibit 677, and the paper bag, Commission Exhibit 142.

Mr. EISENBERG. In all these cases, did you make the examination both of the tape and the paper in each of the bag and the sample?

Mr. CADIGAN. Oh, yes.

Mr. EISENBERG. And they were all identical?

Mr. CADIGAN. Yes.

Mr. EISENBERG. You mentioned before the thickness. How did you measure the thickness of the tape and paper?

Mr. CADIGAN. With a micrometer.

Mr. EISENBERG. How sensitive is it?

Mr. CADIGAN. It reads to four places.

Mr. EISENBERG. How sensitive?

Mr. CADIGAN. Four decimal places.

Mr. EISENBERG. Is that one-hundredths?

Mr. CADIGAN. That would be one ten-thousandths.

Mr. EISENBERG. And they were identical in that measurement?

Mr. CADIGAN. Yes; I measured both the paper sack, Exhibit 142, and the known paper sample, Exhibit 677, at 0.0057 inch, that is fifty-seven ten-thousandths.

Mr. EISENBERG. Go ahead, Mr. Cadigan.

Mr. CADIGAN. Do you want me to discuss this replica sack yet?

Mr. EISENBERG. You mentioned a replica bag?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Could you explain what that is?

Mr. CADIGAN. Yes; this is Commission Exhibit 364. It is a paper sack similar to Commission Exhibit 142. It was made at the Texas School Book Depository on December 1, 1963, by special agents of the FBI in Dallas to show to prospective witnesses, because Commission's Exhibit 142 was dark and stained from the latent fingerprint treatment and they thought that this would—it wouldn't be fair to the witness to ask "Did you see a bag like that?" So they went to the Texas School Book Depository and constructed from paper and tape a similar bag.

Mr. EISENBERG. This was made December 1?

Mr. CADIGAN. December 1, of 1963.

Mr. EISENBERG. Or some 9 or 10 days after the assassination?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Was the paper obtained from the same source?

Mr. CADIGAN. Yes; from the same room.

Mr. EISENBERG. The same room.

Did you examine this paper to see how it compared—that is, the paper in the replica bag, which has already been admitted as Commission Exhibit 364—to see how it compared with the paper in the bag found on the sixth floor of the TSBD, which is Commission's Exhibit 142?

Mr. CADIGAN. Yes.

Mr. EISENBERG. What was your conclusion?

Mr. CADIGAN. That they were different in color, visual color, felting—that is, the pattern that you see through transmitted light, and they were different under ultraviolet light.

Mr. EISENBERG. So that these two papers, which were obtained within 9 or 10 days from the same source, could be distinguished by you?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Have you brought an ultraviolet light source with you?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Could you show the Commission the difference between the three papers?

(Discussion off the record.)

Mr. EISENBERG. Now, we have been unable to find a plug for this ultraviolet machine, so we will temporarily or perhaps permanently bypass this examination. But did you find that two of the papers look the same under the ultraviolet and a third looked different when you examined it under ultraviolet?

Mr. CADIGAN. Yes; that is correct.

Mr. EISENBERG. Which two were the identical and which was the different one?

Mr. CADIGAN. Well—Commission Exhibit 142 and Commission Exhibit 677—I observed them to have the same appearance under ultraviolet light, and that appearance was different from Commission Exhibit 364.

Mr. DULLES. Can you identify these three exhibits, because otherwise I think it will be very difficult to get into the record.

Mr. EISENBERG. Yes, sir; 142 being the bag found on the sixth floor of the TSBD, 677 being the sample obtained that day from the shipping room in the Texas School Depository, and 364 being a replica made some ten days later out of paper obtained some 10 days later.

Did that complete your examination of the gross or physical characteristics, as opposed to the microscopic characteristics?

Mr. CADIGAN. Yes; that in essence was the extent of the examination I made at that time.

Mr. EISENBERG. Did you go on to examine for microscopic characteristics?

Mr. CADIGAN. Yes; I believe I mentioned that at the time I had examined these papers under the microscope.

Mr. EISENBERG. You mentioned that at the time?

Mr. CADIGAN. Yes; earlier this morning.

Mr. EISENBERG. Yes.

Could you tell us what the results were of your examination under the microscope?

Mr. CADIGAN. Again, I found that the paper sack found on the sixth floor, Commission Exhibit 142, and the sample secured 11-22, Commission Exhibit 677, had the same observable characteristics both under the microscope and all the visual tests that I could conduct.

Mr. EISENBERG. Could you go into detail as to what you did see under the microscope?

Mr. CADIGAN. Well, I think perhaps this photograph, I have an enlarged photograph, one side being the—

Mr. DULLES. Which side is that?

Mr. EISENBERG. One side marked K-2, and the other Q-10?

Mr. CADIGAN. Yes; K-2 corresponds to the known paper sample 677.

Mr. EISENBERG. Obtained from the TSBD?

Mr. DULLES. What date?

Mr. CADIGAN. November 22.

Mr. DULLES. On the day of the assassination?

Mr. CADIGAN. Yes. And the Q-10 marking is the same as the paper bag found on the sixth floor, Commission Exhibit 142.

Mr. EISENBERG. Did you take this photograph or was it taken under your supervision?

Mr. CADIGAN. I had it made.

Mr. EISENBERG. Mr. Chairman, may I have it in evidence?

Mr. DULLES. Admitted.

Mr. CADIGAN. I would like to point out this is only one phase of the examination and this is a black-and-white photograph. In your examination under the microscope you are looking at the surface and memorizing everything about that surface your mind can retain by putting the two pieces of paper together and studying them back and forth. I don't wish to imply that that photograph represents all I can see in a microscope, because it doesn't.

Mr. EISENBERG. We understand that. May I have this, Mr. Reporter, marked as 678.

(Commission Exhibit No. 678 was marked, and received in evidence.)

Mr. DULLES. That has already been admitted.

Mr. EISENBERG. Yes. Now, what is the magnification in this Exhibit 678?

Mr. CADIGAN. It is about 50 times enlarged.

Mr. EISENBERG. And had you treated the paper chemically before you made this photograph?

Mr. CADIGAN. No.

Mr. EISENBERG. Can you tell us a little bit about that photograph and what it shows?

Mr. CADIGAN. Well, actually all this shows is an enlarged area, a very small area, I might point out. It merely shows the surface structure, shows some of the fibers, and shows an imperfection. The dark line down the center of the photograph is actually a fold in both papers, merely to bring them close together so that they can be seen together.

But it gives you some idea of the surface texture, how the fibers lie in there. In this instance you have two little imperfections in these fiber bundles here, you can't see the brown-colored fibers that are actually present.

Mr. DULLES. That imperfection, however, would not be repeated, would it?

Mr. CADIGAN. Oh, no; it is purely accidental.

Mr. DULLES. They are accidental.

Mr. CADIGAN. They are bundles of fibers in the paper itself.

Mr. EISENBERG. In your opinion were the two samples identical in the characteristics shown in this photomicrograph?

Mr. CADIGAN. Yes; they have the same appearance.

Mr. EISENBERG. Did you also break down the papers to test them, to determine the morphology of the fiber?

Mr. CADIGAN. Yes. Subsequently, I ran a fiber analysis of the paper, the known paper sample from the Texas School Book Depository, Commission Exhibit 677, and the paper bag, Commission Exhibit 142, and on the same day I had our spectrographic section run a spectrographic test on these same papers.

Mr. DULLES. Do I understand correctly, though, you have testified that a sample taken 10 days later was different—or approximately 10 days later?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Approximately 10 days.

Mr. CADIGAN. Yes; this was a sample taken December 1. I could tell that it was different from this sample, 677, taken on the day of the assassination, and different from the bag, Exhibit 142.

Mr. DULLES. Do you happen to know whether another roll was put in the machine between the 22d and the 1st of December?

Mr. CADIGAN. May we go off the record?

(Discussion off the record.)

Mr. EISENBERG. OL the record.

Do you know whether the Dallas office of the FBI has attempted to make a determination as to whether the replica paper bag, the paper in the replica

paper bag, prepared on December 1, Commission No. 364, was, or may have been, or wasn't taken from the same roll as the replica piece of paper or the sample piece of paper, Exhibit 677, which was obtained from the Depository November 22?

Mr. CADIGAN. Yes.

Mr. EISENBERG. And can you tell us what you understand the results of their investigation to have been?

Mr. CADIGAN. Yes; they were unable to determine whether the paper from the replica sack, Exhibit 364, came from the same roll or a different roll as the known sample obtained November 22, Commission Exhibit 677.

I understand that in the fall, the Depository is busy, and could very well have changed rolls, but no records are kept along that line.

Mr. DULLES. Changed rolls in that time, 10-day period?

Mr. CADIGAN. Yes, sir. Actually there were 4 working days in that period.

Mr. DULLES. Yes. But am I not correct that there probably or maybe certainly, I would like to have your view on that, was no change in the roll between the day before the assassination and the night of the assassination, that is between paper bag, Exhibit No. 142, and the specimen that was taken on the night of the day of the assassination?

Mr. CADIGAN. I can't tell you that, sir. I have no way of knowing, because these papers are similar in all observable physical characteristics, and they are different from a sample obtained on December 1. I would suspect that this were true. But I can't—

Mr. DULLES. I realize that.

Mr. CADIGAN. I cannot make a positive statement on that.

Mr. EISENBERG. Have you any information as to whether the paper during the period between November 22 and December 1 used in the TSBD—whether it was the same or different rolls—would have come from the same ultimate manufacturer?

Mr. CADIGAN. It is my understanding that they received a shipment of 58 rolls of paper that were shipped March 19, 1963, from the St. Regis Paper Mill in Jacksonville, Fla., and which lasted them until January of 1964. This would mean on an average, in a 9-month period, a little more than six rolls a month.

Mr. EISENBERG. The inference would therefore be that if the—although the papers in the replica bag obtained on December 1 and the paper in the sample obtained on November 22 are distinguishable by you, they came from the same manufacturer, and—is that correct?

Mr. CADIGAN. That is correct.

Mr. EISENBERG. And, therefore, that the state of your science is such that you can distinguish even rolls of paper made by the same manufacturer and assumedly made within a reasonably close time, is that correct also?

Mr. CADIGAN. I don't know what period of time is involved here. But I can distinguish at least in this case between paper from the same shipment from the same mill.

Mr. EISENBERG. Could you proceed now to discuss the morphology of the fiber as you examined it under a microscope?

Mr. CADIGAN. Well, I might state briefly what a fiber analysis is. We put samples of paper back into their, you might say, original state, in the form of fiber suspension.

You cook samples of paper for a couple of minutes in weak sodium hydroxide solution. Then you wash it, add water and shake it vigorously, and you get a suspension of fibers in the water. Samples of those fibers are put on glass slides and are stained by various reagents.

Then you examine them under a high-power comparison microscope or a binocular microscope under approximately 120 times magnification. In this particular case I used two different stains.

First a malachite green stain. This merely determines if there are any unbleached fibers, or if they are all bleached. I found that on both Commission Exhibit 677, the paper sample obtained on November 22, and the paper sack, Commission Exhibit 142, that they are almost 100 percent unbleached fibers.

Then I stained other samples, with a stain known as Herzberg stain. It is

an iodine-iodide stain, which will distinguish between rag fibers, chemical wood fibers, and ground wood fibers by different coloring. The chemical wood is stained blue, rag fibers are stained red, ground wood stained yellow.

I made and studied specimens or slides of fibers from Commission Exhibit 677, the known sample, and from Commission Exhibit 142, the paper sack, to see if the fiber composition is similar. What that means is, is this chemical wood, is it coniferous or deciduous, are there any rag fibers in there or are there any ground wood fibers in there, and I found here the fiber composition was similar and essentially it is a coniferous woodlike pine. There were a few stray rag fibers, which I think were probably accidental, and a few stray ground wood fragments in there.

Mr. DULLES. Let me get clearly what is similar, that is the paper bag, Exhibit—

Mr. CADIGAN. 142; the paper comprising that sack and the paper comprising the known sample obtained November 22, Exhibit 677.

Mr. DULLES. Right.

Mr. CADIGAN. The papers I also found were similar in fiber composition, therefore, in addition to the visual characteristics, microscopic and UV characteristics.

Mr. EISENBERG. "UV" being ultraviolet?

Mr. CADIGAN. Yes, sir. Then I had a spectrographic examination made of the paper from the sack, 142, and the known sample secured November 22, Commission Exhibit 677.

Spectrographic tests involve, of course, burning the substance and capturing the light on a photographic plate to determine what metallic ions are present. This was done by our spectrographic section, and again the paper of Commission Exhibit 677, the paper sample, secured November 22, was found to be similar spectrographically to the paper of the sack, Commission Exhibit 142.

Now, these were additional tests, the original examinations, under visual and ultraviolet light were made by me on November 23, 1963. Fiber analysis and the spectrographic examination were conducted on March 25, 1964.

Mr. EISENBERG. Have you now reviewed all the points in which you compared the paper sack obtained from the TSBD, Exhibit 142, and the known sample obtained on November 22, Exhibit 677?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Did you find any points of nonidentity?

Mr. CADIGAN. No; I found none.

Mr. EISENBERG. They were identical on every point on which you measured them?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Mr. Cadigan, did you notice when you looked at the bag whether there were—that is the bag found on the sixth floor, Exhibit 142—whether it had any bulges or unusual creases?

Mr. CADIGAN. I was also requested at that time to examine the bag to determine if there were any significant markings or scratches or abrasions or anything by which it could be associated with the rifle, Commission Exhibit 139, that is, could I find any markings that I could tie to that rifle.

Mr. EISENBERG. Yes?

Mr. CADIGAN. And I couldn't find any such markings.

Mr. EISENBERG. Now, was there an absence of markings which would be inconsistent with the rifle having been carried in the bag?

Mr. CADIGAN. No; I don't see—actually, I don't know the condition of the rifle. If it were in fact contained in this bag, it could have been wrapped in cloth or just the metal parts wrapped in a thick layer of cloth, or if the gun was in the bag, perhaps it wasn't moved too much. I did observe some scratch marks and abrasions but was unable to associate them with this gun. The scratch marks in the paper could come from any place. They could have come from many places. There were no marks on this bag that I could say were caused by that rifle or any other rifle or any other given instrument.

Mr. EISENBERG. Was there any absence of markings or absence of bulges or

absence of creases which would cause you to say that the rifle was not carried in the paper bag?

Mr. CADIGAN. No.

Mr. EISENBERG. That is whether it had been wrapped or not wrapped?

Mr. CADIGAN. That is something I can't say.

Mr. DULLES. Would the scratches indicate there was a hard object inside the bag, as distinct from a soft object that would make no abrasions or scratches?

Mr. CADIGAN. Well, if you were to characterize it that way, yes. I mean there were a few scratches here. What caused them, I can't say. A hard object; yes. Whether that hard object was part of a gun—

Mr. DULLES. I understand.

Mr. CADIGAN. And so forth—

Mr. EISENBERG. I am not sure you understood a question I asked one or two questions ago.

I just want to make clear here if the gun was not wrapped in a cloth—let's assume hypothetically that the gun was not wrapped in a cloth and was, also hypothetically, inserted into this paper bag. Is there any absence of marks which would lead you to believe that this hypothesis I just made couldn't be—that is, that it couldn't be inserted, without a covering, into the paper bag without leaving more markings than were present?

Mr. CADIGAN. No. The absence of markings to me wouldn't mean much. I was looking for markings I could associate. The absence of marks, the significance of them, I don't know.

Mr. EISENBERG. Now, getting back to the paper bag, 142, and the tape thereon, just for a second, and the tape found on the, obtained from the, TSBD on November 22, Exhibit 677, were the widths of the tapes the same?

Mr. CADIGAN. Similar. They were not exactly the same; no.

Mr. EISENBERG. Can you explain that?

Mr. CADIGAN. Yes; the width of the tape on the paper sack, Exhibit 142, I measured at 3 inches, and the width of the manila tape on Exhibit 677 obtained the night of November 22, I measured as 2.975. There is twenty-five one-thousandths of an inch difference.

Mr. EISENBERG. Would that lead you to believe that they couldn't have come from the same roll?

Mr. CADIGAN. No; certainly not.

Mr. EISENBERG. Not enough of a variation to lead to that conclusion?

Mr. CADIGAN. That is correct.

Mr. EISENBERG. How wide do these rolls come in your experience, in what widths do they come?

Mr. CADIGAN. Normally they are supplied in, I believe, 1-, 1½-, 2-, 2½-, and 3-inch widths.

Mr. EISENBERG. So this was basically of a 3-inch width variety out of several possible alternatives?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Is there any other information you would like to give us or any other testimony you would like to give us on the subject of the origin of the paper in the 142 bag?

Mr. CADIGAN. Well, possibly the comparisons made of paper samples from Jaggars Chiles-Stovall and from the William B. Riley Co.

Mr. EISENBERG. These are, you have mentioned two companies at which Oswald was employed at one time?

Mr. CADIGAN. Yes.

Mr. EISENBERG. You obtained paper from these companies, did you?

Mr. CADIGAN. Yes, sir.

Mr. EISENBERG. And you matched them to see if they matched—you tested them to see if they matched the paper in the bag 142, is that correct?

Mr. CADIGAN. Yes; that is correct.

Mr. EISENBERG. And your conclusion was what?

Mr. CADIGAN. That they were different.

Mr. EISENBERG. Yes. Anything else?

Mr. CADIGAN. That is about it.

Mr. EISENBERG. Mr. Chairman—

Mr. DULLES. Mr. Murray, do you have any questions?

Mr. MURRAY. I don't believe I have, Mr. Commissioner, but I would like to mention this off the record, if I may.

(Discussion off the record.)

Mr. EISENBERG. We have now the ultraviolet machine set up. Could you just show us the difference in fluorescence?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Can you explain what you have set up here, Mr. Cadigan?

Mr. CADIGAN. This is a portable ultraviolet viewer I used to examine the papers and I think probably what is most noticeable is in the manila tapes. The tape on the right is the sample secured November 22. The tape at the top is from the bag 142, and then the one in the, you might say, lower left, toward the bottom, is the tape that was secured December 1.

Mr. EISENBERG. You are referring to positions in the bottom of the ultraviolet machine?

Mr. CADIGAN. Yes; relative position.

Mr. DULLES. The one at the left is the one taken from the paper sack, isn't it?

Mr. CADIGAN. Top left; yes; that would be from 142.

Mr. DULLES. 142, and the other is—

Mr. CADIGAN. The one on the right is 677.

Mr. DULLES. What am I supposed to see?

Mr. CADIGAN. A difference in the appearance, difference in color.

Mr. DULLES. What do you mean? I see the violet and I see the white.

Mr. CADIGAN. Well, if you look at the two tape samples—

Mr. DULLES. This tape sample on upper left hand is covered up by this one. I wonder whether you shouldn't take out the later one?

Mr. CADIGAN. Yes; I think probably that would be better.

Mr. EISENBERG. Why don't you show Mr. Dulles the paper bag, 142, and the sample obtained November 22?

Mr. DULLES. Yes; those are the two we are most interested in.

Mr. CADIGAN. The observation I would make there is that the color of the tape on Exhibit 142, the sack, and the color of the paper of the sack 142, under UV, is the same as the color of the tape on 677 and the color of the paper.

Mr. DULLES. I agree on that.

Mr. EISENBERG. Let the record show that Mr. Dulles makes the statement as he is looking in the machine. Mr. Cadigan, why don't you compare it—

Mr. CADIGAN. By comparison—

Mr. DULLES. This is only as to color, that is all I saw. I saw some markings on it.

Mr. CADIGAN. That is right. This is only for color appearance under the ultraviolet light.

Mr. EISENBERG. Why don't you compare the sack found at the TSBD and the replica sack obtained 10 days later?

Mr. CADIGAN. Here again all that should be observed is the color under UV of both the paper and tape of the sample and the paper and tape of Exhibit 364.

Mr. DULLES. 364 is the paper bag, isn't it?

Mr. CADIGAN. 364 is the replica sack obtained on December 1.

Mr. EISENBERG. Ten days later.

Mr. DULLES. That is on the left?

Mr. CADIGAN. Yes.

Mr. DULLES. And the other is the sack?

Mr. CADIGAN. No; the other on your right is the sample of paper obtained on November 22.

Mr. DULLES. November 22, just after the assassination?

Mr. CADIGAN. Yes.

Mr. DULLES. There is a clear distinction here. The sample to the right, that is, as I understand it, paper obtained on the evening of November 22, has a more, a deeper violet shade, and on the other hand, the tape is much lighter than the tape on the sample obtained 10 days later. That is to say that the sample 10 days later is darker as to the tape but lighter as to the paper.

Would you like the opportunity, Mr. Murray?

Mr. MURRAY. No, thank you.

Mr. EISENBERG. We are putting in the sack and 364, the 10-day later sample.

Mr. DULLES. Sack and 10-day later sample. Which is on which side?

Mr. CADIGAN. The sack is on the left and the replica bag obtained on December 1 is on the right.

Mr. DULLES. Yes. I find there that the sample obtained 10 days later, and the sack which is on the left, that the sample obtained 10 days later shows a lighter shade of purple than the sack, and that the tape shows a darker shade of, I would call it, almost gray as against almost white for the tape which is on the sack.

Mr. EISENBERG. I have no further questions, Mr. Dulles.

Mr. DULLES. Have you anything that you feel you should add, anything in this general field that would help the Commission?

Mr. CADIGAN. No, sir; not as it relates to this paper and these paper bags.

Mr. EISENBERG. You will be called later for testimony on handwriting—I suppose you will be the person to testify?

Mr. CADIGAN. Whenever you want me I will be available.

Mr. EISENBERG. Did you examine the tape for microscopic—to determine the morphology of the fibers in the paper?

Mr. CADIGAN. No.

Mr. EISENBERG. Can you tell us why?

Mr. CADIGAN. I didn't feel it was necessary.

Mr. EISENBERG. I wonder whether you could do that, Mr. Cadigan, and send us a letter as to the results?

Mr. CADIGAN. Certainly.

(The letter referred to was later supplied and is set forth at the end of this testimony.)

Mr. EISENBERG. And also, did you notice how the glue had been applied to the tapes?

Mr. CADIGAN. Yes; you might say glue was applied all the way across the tapes.

Mr. EISENBERG. There are no discernible differences in them?

Mr. CADIGAN. The glue on the tapes would be applied with a brush at the time of manufacture.

Mr. EISENBERG. Is there more than one way of applying glue?

Mr. CADIGAN. Oh, yes. On some tapes, if you look at them either before or after they are used you will see a continuous line running right down the tape where they have used a wheel applicator, merely a difference in manufacturing methods.

Mr. EISENBERG. But you found a brush applicator?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Will the same manufacturer use two different methods?

Mr. CADIGAN. He might or might not.

Mr. EISENBERG. In your experience, is it likely that he would use two different methods?

Mr. CADIGAN. I really couldn't say.

Mr. DULLES. Mr. Cadigan, I thank you very much for your most interesting and helpful testimony.

(Whereupon, at 1:50 p.m., the President's Commission recessed.)

(Following is the text of a letter relating to the fiber composition of the gummed tapes in Exhibits 142 and 677.)

UNITED STATES DEPARTMENT OF JUSTICE,  
FEDERAL BUREAU OF INVESTIGATION,  
Washington, D.C., April 8, 1964.

[By Courier Service].

HON. J. LEE RANKIN,

General Counsel, the President's Commission, 200 Maryland Avenue NE.,  
Washington, D.C.

DEAR MR. RANKIN: During the testimony of Special Agent James C. Cadigan on April 3, 1964, before the President's Commission, Mr. Melvin Eisenberg of your staff orally requested Special Agent Cadigan to make a fiber analysis of

the gummed tape on the paper sack found on the sixth floor of the Texas School Book Depository Building, Commission Exhibit 142, and of the sample of gummed tape in Commission Exhibit 677 obtained November 22, 1963, at the Texas School Book Depository Building.

Fiber analysis of the two gummed tapes in Commission Exhibits 142 and 677 revealed that they were similar in fiber composition.

Sincerely yours,

J. EDGAR HOOVER.

*Tuesday, April 21, 1964*

**TESTIMONY OF DR. ROBERT ROEDER SHAW, DR. CHARLES FRANCIS GREGORY, GOV. JOHN BOWDEN CONNALLY, JR., AND MRS. JOHN BOWDEN CONNALLY, JR.**

The President's Commission met at 1:30 p.m., on April 21, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator Richard B. Russell, Senator John Sherman Cooper, Representative Hale Boggs, John J. McCloy, and Allen W. Dulles, members.

Also present present were J. Lee Rankin, general counsel; Francis W. H. Adams, assistant counsel; Joseph A. Ball, assistant counsel; David W. Belin, assistant counsel; Norman Redlich, assistant counsel; Arlen Specter, assistant counsel; Charles Murray and Charles Rhyne, observers; and Waggoner Carr, attorney general of Texas.

**TESTIMONY OF DR. ROBERT ROEDER SHAW**

Senator COOPER. The Commission will come to order.

Dr. Shaw, you understand that the purpose of this inquiry is taken under the order of the President appointing the Commission on the assassination of President Kennedy to investigate all the facts relating to his assassination.

Dr. SHAW. I do.

Senator COOPER. And report to the public.

Do you solemnly swear the testimony you are about to give before this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. SHAW. I do.

Senator COOPER. Do you desire an attorney to be with you?

Dr. SHAW. No.

Mr. SPECTER. Will you state your full name for the record, please?

Dr. SHAW. Robert Roeder Shaw.

Mr. SPECTER. What is your profession, please?

Dr. SHAW. Physician and surgeon.

Mr. SPECTER. Will you outline briefly your educational background?

Dr. SHAW. I received my B.A. degree from the University of Michigan in 1927, and my M.D. degree from the same institution in 1933.

Following that I served 2 years at the Roosevelt Hospital in New York City from July 1934, to July 1936, in training in general surgery. I had then 2 years of training in thoracic surgery at the University Hospital, Ann Arbor, Mich., from July 1936 to July 1938.

On August 1, 1938, I entered private practice limiting my practice to thoracic surgery in Dallas, Tex.

Mr. DULLES. What kind of surgery?

Dr. SHAW. Thoracic surgery or surgery of the chest.

I have practiced there continuously except for a period from June 1942, until December 1945, when I was a member of the Medical Corps of the Army of the United States serving principally in the European theater of operations.

I was away again from December 1961, until June of 1963, when I was head of the MEDICO team and performed surgery at Avicenna Hospital in Kabul, Pakistan.

Mr. DULLES. Will you tell us a little bit about MEDICO. Is that the ship?

Dr. SHAW. No; that is HOPE. MEDICO was formed by the late Dr. Tom Dooley.

Mr. DULLES. Yes; I know him very well. He was the man in Laos.

Dr. SHAW. Yes, sir; this was one of their projects.

Mr. DULLES. I see.

Dr. SHAW. I returned to—

Mr. DULLES. An interesting project.

Dr. SHAW. I returned to Dallas and on September 1, 1963, started working full time with the University of Texas Southwestern Medical School as professor of thoracic surgery and chairman of the division of thoracic surgery.

In this position I also am chief of thoracic surgery at Parkland Memorial Hospital in Dallas which is the chief hospital from the standpoint of the medical facilities of the school.

Mr. SPECTER. Are you licensed to practice medicine in the State of Texas?

Dr. SHAW. I am.

Mr. SPECTER. Are you certified?

Dr. SHAW. By the board of thoracic surgery you mean?

Mr. SPECTER. Yes; by the board of thoracic surgery.

Dr. SHAW. Yes; as of 1948.

Mr. SPECTER. What experience, if any, have you had, Dr. Shaw, with bullet wounds?

Dr. SHAW. I have had civilian experience, both in the work at Parkland Hospital, where we see a great amount of trauma, and much of this involves bullet wounds from homicidal attempts and accidents.

The chief experience I had, however, was during the Second World War when I was serving as chief of the thoracic surgery center in Paris, France. And during this particular experience we admitted over 900 patients with chest wounds of various sort, many of them, of course, being shell fragments rather than bullet wounds.

Mr. SPECTER. What is your best estimate as to the total number of bullet wounds you have had experience with?

Dr. SHAW. It would be approximately 1,000, considering the large number of admissions we had in Paris.

Mr. SPECTER. What were your duties in a general way on November 22, 1963.

Dr. SHAW. On that particular date I had been at a conference at Woodlawn Hospital, which is our hospital for medical chest diseases connected with the medical school system. I had just gone to the Children's Hospital to see a small patient that I had done a bronchoscopy on a few days before and was returning to Parkland Hospital, and the medical school.

Woodlawn and the Children's Hospital are approximately a mile away from Parkland Hospital.

Mr. SPECTER. Were you called upon to render any aid to President Kennedy on November 22?

Dr. SHAW. No.

Mr. SPECTER. Were you called upon to render medical aid to Gov. John B. Connally on that day?

Dr. SHAW. Yes.

Mr. SPECTER. Will you describe briefly the circumstances surrounding your being called into the case.

Dr. SHAW. As I was driving toward the medical school I came to an intersection of Harry Hines Boulevard and Industrial Boulevard.

There is also a railroad crossing at this particular point. I saw an open limousine pass this point at high speed with a police escort. We were held up in traffic because of this escort. Finally, when we were allowed to proceed,

I went on to the medical school expecting to eat lunch. I had the radio on because it was the day that I knew the President was in Dallas and would be eating lunch at the Trade Mart which was not far away, and over the radio I heard the report that the President had been shot at while riding in the motorcade. I went on to the medical school and as I entered the medical school a student came in and joined three other students, and said the President has just been brought into the emergency room at Parkland, dead on arrival.

The students said, "You are kidding, aren't you?" and he said, "No, I am not. I saw him, and Governor Connally has been shot through the chest."

Hearing that I turned and walked over to the emergency room, which is approximately 150 yards from the medical school, and entered the emergency room.

Mr. SPECTER. At approximately what time did you arrive at the emergency room where Governor Connally was situated?

Dr. SHAW. As near as I could tell it was about 12:45.

Mr. SPECTER. Who was with Governor Connally, if anyone, at that time, Dr. Shaw?

Dr. SHAW. I immediately recognized two of the men who worked with me in thoracic surgery, Dr. James Duke and Dr. James Boland, Dr. Giesecke, who is an anesthesiologist, was also there along with a Dr. David Mebane who is an instructor in general surgery.

Mr. SPECTER. What was Governor Connally's condition at that time, based on your observations?

Dr. SHAW. The Governor was complaining bitterly of difficulty in breathing, and of pain in his right chest. Prior to my arriving there, the men had very properly placed a tight occlusive dressing over what on later examination proved to be a large sucking wound in the front of his right chest, and they had inserted a rubber tube between the second and third ribs in the front of the right chest, carrying this tube to what we call a water seal bottle.

Mr. SPECTER. What was the purpose?

Dr. SHAW. Yes; this is done to reexpand the right lung which had collapsed due to the opening through the chest wall.

Mr. SPECTER. What wounds, if any, did you observe on the Governor at that time?

Dr. SHAW. I observed no wounds on the Governor at this time. It wasn't until he was taken to the operating room that I properly examined him from the standpoint of the wound.

Mr. SPECTER. How long after your initial viewing of him was he taken to the operating room?

Dr. SHAW. Within about 5 minutes. I stepped outside to talk to Mrs. Connally because I had been given information by Dr. Duke that blood had been drawn from the Governor, sent to the laboratory for cross-matching for blood that we knew would be necessary, that the operating room had already been alerted, and that they were ready and they were merely awaiting my arrival.

Mr. SPECTER. How was Governor Connally transported from the emergency room to the operating room?

Dr. SHAW. On a stretcher.

Mr. SPECTER. And was he transported up an elevator as well?

Dr. SHAW. Yes. It is two floors above the emergency rooms.

Mr. SPECTER. Will you describe what happened next in connection with Governor Connally's—

Mr. DULLES. Could I ask a question, putting in this tube is prior to making an incision?

Dr. SHAW. Yes; a stab wound.

Mr. DULLES. Just a stab wound?

Dr. SHAW. Yes.

Mr. SPECTER. What treatment next followed for Governor Connally, Doctor?

Dr. SHAW. He was taken to the operating room and there Dr. Giesecke started the anesthesia. This entails giving an intravenous injection of sodium pentothal and then after the Governor was asleep a gas was used, that will be on the anesthetic record there.

Mr. SPECTER. Do you know at approximately what time this procedure was started?

Dr. SHAW. I will have to refresh my memory again from the record. We had at the time I testified before, we had the——

Mr. SPECTER. Permit me to make available to you a copy of the Parkland Memorial Hospital operative record and let me ask you, first of all, if you can identify these two pages on an exhibit heretofore marked as Commission Exhibit 392 as to whether or not this constitutes your report?

Dr. SHAW. Yes; this is a transcription of my dictated report of the operation.

Mr. SPECTER. Are the facts set forth therein true and correct?

Dr. SHAW. Yes. On this it states that the operation itself was begun at 1300 hours or 1 o'clock, 1 p.m., and that the actual surgery started at 1335 or 1:35 p.m.

The operation was concluded by me at 3—1520 which would be 3:20 p.m.

Mr. SPECTER. You have described, in a general way, the chest wound. What other wounds, if any, was Governor Connally suffering from at the time you saw him?

Dr. SHAW. I will describe then the wound of the wrist which was obvious. He had a wound of the lower right forearm that I did not accurately examine because I had already talked to Dr. Gregory while I was scrubbing for the operation, told him that this wound would need his attention as soon as we were able to get the chest in a satisfactory condition. There was also, I was told, I didn't see the wound, on the thigh, I was told that there was a small wound on the thigh which I saw later.

Mr. SPECTER. When did you first have an opportunity then to examine Governor Connally's wound on the posterior aspect of his chest?

Dr. SHAW. After the Governor had been anesthetized. As soon as he was asleep so we could manipulate him—before that time it was necessary for an endotracheal tube to be in place so his respirations could be controlled before we felt we could roll him over and accurately examine the wound entrance.

We knew this was the wound exit.

Mr. SPECTER. This [indicating an area below the right nipple on the body]?

Dr. SHAW. Yes.

Mr. DULLES. How did you know it was a wound exit.

Dr. SHAW. By the fact of its size, the ragged edges of the wound. This wound was covered by a dressing which could not be removed until the Governor was anesthetized.

Mr. SPECTER. Indicating this wound, the wound on the Governor's chest?

Dr. SHAW. Yes; the front part.

Mr. SPECTER. Will you describe in as much detail as you can the wound on the posterior side of the Governor's chest?

Dr. SHAW. This was a small wound approximately a centimeter and a half in its greatest diameter. It was roughly elliptical. It was just medial to the axillary fold or the crease of the armpit, but we could tell that this wound, the depth of the wound, had not penetrated the shoulder blade.

Mr. SPECTER. What were the characteristics, if any, which indicated to you that it was a wound of entrance then?

Dr. SHAW. Its small size, and the rather clean cut edges of the wound as compared to the usual more ragged wound of exit.

Mr. SPECTER. Now, I hand you a diagram which is a body diagram on Commission Exhibit No. 679, and ask you if, on the back portion of the figure, that accurately depicts the point of entry into Governor Connally's back?

Dr. SHAW. Yes. The depiction of the point of entry, I feel is quite accurate.

Mr. SPECTER. Now, with respect to the front side of the body, is the point of exit accurately shown on the diagram?

Dr. SHAW. The point is——

Mr. SPECTER. We have heretofore, may the record show the deposition covered much the same ground with Dr. Shaw, but the diagrams used now are new diagrams which will have to be remarked in accordance with your recollection.

Dr. SHAW. Yes. Because I would have to place—they are showing here the angle.

Mr. DULLES. Is this all on the record?

Mr. SPECTER. It should be.

Dr. SHAW. We are showing on this angle, the cartilage angle which it makes at the end of the sternum.

Mr. SPECTER. That is an inverted V which appears in front of the body?

Dr. SHAW. Now the wound was above that. They have shown it below that point so the wound would have to be placed here as far as the point is concerned.

Mr. SPECTER. Would you draw on that diagram a more accurate depiction of where the wound of exit occurred?

Dr. SHAW. Do you want me to initial this?

Mr. SPECTER. Yes; if you please, Dr. Shaw.

I hand you another body diagram marked Commission Exhibit 680 and I will ask you if that accurately depicts the angle of decline as the bullet passed through Governor Connally?

Dr. SHAW. I think the declination of this line is a little too sharply downward. I would place it about 5° off that line.

Mr. SPECTER. Will you redraw the line then, Dr. Shaw, and initial it, indicating the more accurate angle?

Dr. SHAW. The reason I state this is that as they have shown this, it would place the wound of exit a little too far below the nipple. Also it would, since the bullet followed the line of declination of the fifth rib, it would make the ribs placed in a too slanting position.

Mr. SPECTER. What operative procedures did you employ in caring for the wound of the chest, Dr. Shaw.

Dr. SHAW. The first measure was to excise the edges of the wound of exit in an elliptical fashion, and then this incision was carried in a curved incision along the lateral portion of the right chest up toward the right axilla in order to place the skin incision lower than the actual path of the bullet through the chest wall.

After this incision had been carried down to the level of the muscles attached to the rib cage, all of the damaged muscle which was chiefly the serratus anterior muscle which digitates along the fifth rib at this position, was cleaned away, cut away with sharp dissection.

As soon as—of course, this incision had been made, the opening through the parietal pleura, which is the lining of the inside of the chest was very obvious. It was necessary to trim away several small fragments of the rib which were still hanging to tags of periosteum, the lining of the rib, and the ragged ends of the rib were smoothed off with a rongeur.

Mr. SPECTER. What damage had been inflicted upon a rib, if any, Dr. Shaw?

Dr. SHAW. About 10 centimeters of the fifth rib starting at the, about the mid-axillary line and going to the anterior axillary line, as we describe it, or that would be the midline at the armpit going to the anterior lateral portion of the chest had been stripped away by the missile.

Mr. SPECTER. What is the texture of the rib at the point where the missile struck?

Dr. SHAW. The texture of the rib here is not of great density. The cortex of the rib in the lateral portions of our ribs, is thin with the so-called cancellus portion of the rib being very spongy, offering very little resistance to pressure or to fracturing.

Mr. SPECTER. What effect, if any, would the striking of that rib have had to the trajectory of the bullet?

Dr. SHAW. It could have had a slight, caused a slight deflection of the rib, but probably not a great deflection of the rib, because of the angle at which it struck and also because of the texture of the rib at this time.

Mr. SPECTER. You say deflection of the rib or deflection of the bullet?

Dr. SHAW. Deflection of the bullet, I am sorry.

Mr. SPECTER. Was any metallic substance from the bullet left in the thoracic cage as a result of the passage of the bullet through the Governor's body?

Dr. SHAW. No. We saw no evidence of any metallic material in the X-ray that we had of the chest, and we found none during the operation.

Mr. SPECTER. Have you brought the X-rays with you, Dr. Shaw, from Parkland Hospital?

Dr. SHAW. Yes; we have them here.

Mr. SPECTER. May the record show we have available a viewer for the X-rays.

Dr. Shaw, would you, by use of the viewer, exhibit the X-rays of the Governor's chest to show more graphically that which you have heretofore described?

Dr. SHAW. This is the first X-ray that was taken, which was taken in the operating room with the Governor on the operating table, and at this time anesthetized. The safety pin that you see here is used, was used, to secure the tube which had been put between the second and third rib in expanding the Governor's lung.

We can dimly see also the latex rubber tube up in the chest coming to the apex of the chest.

The variations that we see from normal here are the fact that first, there is a great amount of swelling in the chest wall which we know was due to bleeding and bruising of the tissues of the chest wall, and we also see that there is air in the tissues of the chest wall here and here. It is rather obvious.

Mr. SPECTER. When you say here and here, you are referring to the outer portions, showing on the X-ray moving up toward the shoulder area?

Dr. SHAW. Yes; going from the lower chest up to the region near the angle of the shoulder blade.

The boney framework of the chest, it is obvious that the fifth rib, we count ribs from above downward, this is the first rib, second rib, third rib, fourth rib, fifth rib, that a portion of this rib has been shattered, and we can see a few fragments that have been left behind.

Also the rib has because of being broken and losing some of its substance, has taken a rather inward position in relation to the fourth and the sixth ribs on either side.

Mr. SPECTER. What effect was there, if any, on the upper portion of that rib?

Dr. SHAW. This was not noticed at the time of this examination, Mr. Specter. However, in subsequent examinations we can tell that there was a fracture across the rib at this point due to the rib being struck and bent.

Mr. SPECTER. When you say this point, will you describe where that point exists on the X-ray?

Dr. SHAW. This is a point approximately 4 centimeters from its connection with the transverse process of the spine.

Mr. SPECTER. And is the fracture, which is located there, caused by a striking there or by the striking at the end of the rib?

Dr. SHAW. It is caused by the striking at the end of the rib.

Mr. SPECTER. Fine. What else then is discernible from the viewing of the X-ray, Dr. Shaw?

Dr. SHAW. There is a great amount of, we would say, obscuration of the lower part of the right lung field which we know from subsequent examination was due to blood in the pleural cavity and also due to a hematoma in the lower part of the right lower lobe and also a severe laceration of the middle lobe with it having lost its ability to ventilate at that time. So, we have both an airless lung, and blood in the lung to account for these shadows.

Mr. SPECTER. Is there anything else visible from the X-ray which is helpful in our understanding of the Governor's condition?

Dr. SHAW. No; I don't think so.

Mr. SPECTER. Would it be useful—As to that X-ray, Dr. Shaw, will you tell us what identifying data, if any, it has in the records of Parkland Hospital, for the record?

Dr. SHAW. On this X-ray it has in pencil John G. Connally.

Mr. SPECTER. Is that G or C?

Dr. SHAW. They have a "G" November 22, 1963, and it has a number 218-922.

Mr. SPECTER. Were those X-rays taken under your supervision?

Dr. SHAW. Yes, by a technician.

Mr. SPECTER. And that is, in fact, the X-ray then which was taken of Governor Connally at the time these procedures were being performed?

Dr. SHAW. It is.

Mr. SPECTER. Dr. Shaw, would any of the other X-rays be helpful in our understanding of the Governor's condition?

Dr. SHAW. I believe the only—perhaps showing one additional X-ray would

show the fracture previously described which was not easily discernible on the first film. This is quite often true but not important to the—here is the fracture that can be easily seen.

Mr. SPECTER. You are now referring to a separate and second X-ray.

Dr. SHAW. Yes.

Mr. SPECTER. Will you start out by telling us on what date this X-ray was performed.

Dr. SHAW. This X-ray was made on the 29th of November 1963, 7 days following the incident.

Mr. SPECTER. What does it show of significance?

Dr. SHAW. It shows that there has been considerable clearing in the lower portion of the lung, and also that there is a fracture of the fifth rib as previously described approximately 4 centimeters from the transverse process posteriorly.

Mr. SPECTER. Is there anything else depicted by that X-ray of material assistance in evaluating the Governor's wound?

Dr. SHAW. No.

Mr. McCLOY. Were there any photographs taken as distinguished from X-rays of the body?

Dr. SHAW. There were no photographs.

Mr. SPECTER. Dr. Shaw, we shall then, subject to the approval of the Commission, for the record, have the X-rays reproduced at Parkland Memorial Hospital, and, if possible, also have a photograph of the X-ray made for the permanent records of the Commission to show the actual X-ray, which Dr. Shaw has described during his testimony here this afternoon.

Senator COOPER. It is directed that it be made a part of the record of these hearings.

Mr. SPECTER. Dr. Shaw, what additional operative procedures did you perform on Governor Connally's chest?

Dr. SHAW. I will continue with my description of the operative procedure. The opening that had been made through the rib after the removal of the fragments was adequate for further exploration of the pleural cavity. A self-retaining retractor was put into place to maintain exposure. Inside the pleural cavity there were approximately 200 cc. of clotted blood.

It was found that the middle lobe had been lacerated with the laceration dividing the lobe into roughly two equal parts. The laceration ran from the lower tip of the middle lobe up into its root or hilum.

However, the lobe was not otherwise damaged, so that it could be repaired using a running suture of triple zero chromic catgut.

The anterior basal segments of the right lower lobe had a large hematoma, and blood was oozing out of one small laceration that was a little less than a centimeter in length, where a rib fragment had undoubtedly been driven into the lobe. To control hemorrhage a single suture of triple zero chromic gut was placed in this laceration. There were several small matchstick size fragments of rib within the pleural cavity. Examination, however, of the pericardium of the diaphragm and the upper lobe revealed no injury to these parts of the chest.

A drain was placed in the eighth space in the posterior axillary line similar to the drain which had been placed in the second interspace in the front of the chest.

The drain in the front of the chest was thought to be a little too long so about 3 centimeters of it were cut away.

Attention was then turned on the laceration of the latissimus dorsi muscle where the missile had passed through it. Several sutures of chromic gut were used to repair this muscle.

The incision was then closed with interrupted No. zero chromic gut in the muscles of the chest wall—first, I am sorry, in the intercostal muscle, and muscles of the chest wall, and the same suture material was used to close the serratus anterior muscle in the subcutaneous tissue, and interrupted vertical sutures of black silk were used to close the skin.

Attention was then turned to the wound of entrance which, as previously described, was about a centimeter and a half in its greatest diameter, roughly

elliptical in shape. The skin edges of this wound were incised—excised, I beg your pardon—I have to go back just a little bit.

Prior to examination of this wound, a stab wound was made at the angle of the scapula to place a drain in the subscapular space. In the examination of the wound of entrance, the examining finger could determine that this drain was immediately under the wound of entrance, so that it was adequately draining the space.

Two sutures were placed in the fascia of the muscle, and the skin was closed with interrupted vertical matching sutures of black silk.

That concluded the operation. Both tubes were connected to a water seal bottle, and the dressing was applied.

Mr. SPECTER. Who was in charge then of the subsequent care on the Governor's wrist?

Dr. SHAW. Dr. Charles Gregory who had been previously alerted and then came in to take care of the wrist.

Mr. SPECTER. Now, with respect to the wound on the wrist, did you have any opportunity to examine it by way of determining points of entry and exit?

Dr. SHAW. My examination of the wrist was a very cursory one. I could tell that there was a compound comminuted fracture because there was motion present, and there was a ragged wound just over the radius above the wrist joint. But that was the extent of my examination of the wrist.

Mr. SPECTER. Dr. Shaw, did I take your deposition at Parkland Memorial Hospital on March 23 of 1964?

Dr. SHAW. Yes; you did.

Mr. SPECTER. Has that deposition been made available to you?

Dr. SHAW. Yes.

Mr. SPECTER. To you here this afternoon?

Dr. SHAW. Yes.

Mr. SPECTER. Have you subsequent to the giving of that deposition on March 23, 1964, had an opportunity to examine Governor Connally's clothing which we have available in the Commission room here today?

Dr. SHAW. Yes.

Mr. SPECTER. Now, based on all facts now within your knowledge, is there any modification which you would care to make in terms of the views which you expressed about entrance and exit wounds back on March 23, based on the information which was available to you at that time?

Dr. SHAW. From an examination of the clothing, it is very obvious that the wound of entrance was through the coat sleeve.

Mr. SPECTER. While you are testifying in that manner, perhaps it would be helpful if we would make available to you the actual jacket, if it pleases the Commission.

We shall reserve Exhibits Nos. 681 for the X-ray of November 22; 682 for the X-ray of November 29; and we shall now mark a photograph of the coat for our permanent records as "Commission Exhibit No. 683".

Dr. Shaw, I hand you at this time what purports to be the coat worn by Governor Connally, which we introduce subject to later proof when Governor Connally appears later this afternoon; and, for the record, I ask you first of all if this photograph, designated as Commission Exhibit No. 683, is a picture of this suit coat?

Dr. SHAW. It is.

Mr. SPECTER. I had interrupted you when you started to refer to the hole in the sleeve of the coat. Will you proceed with what you were testifying about there?

Dr. SHAW. The hole in the sleeve of the coat is within half a centimeter of the very edge of the sleeve, and lies—

Mr. DULLES. This is the right sleeve, is it not?

Dr. SHAW. I am sorry, yes. Thank you. Of the right sleeve, and places it, if the coat sleeve was in the same position, assuming it is in the same position that my coat sleeve is in, places it directly over the lateral portion of the wrist, really not directly on the volar or the dorsum of the surface of the wrist,

but on the lateral position or the upper position, as the wrist is held in a neutral position.

Mr. SPECTER. With the additional information provided by the coat, would that enable you to give an opinion as to which was the wound of entrance and which the wound of exit on the Governor's wrist?

Dr. SHAW. There is only one tear in the Governor's garment as far as the appearance of the tear is concerned, I don't think I could render an opinion as to whether this is a wound of entrance or exit.

Mr. SPECTER. Then, do you have sufficient information at your disposal in total, based on your observations and what you know now to give any meaningful opinion as to which was the wound of entrance and which the wound of exit on the Governor's wrist?

Dr. SHAW. I would prefer to have Dr. Gregory testify about that, because he has examined it more carefully than I have.

Mr. SPECTER. Fine.

Mr. DULLES. Could you tell at all how the arm was held from that mark or that hole in the sleeve?

Dr. SHAW. Mr. Dulles, I thought I knew just how the Governor was wounded until I saw the pictures today, and it becomes a little bit harder to explain.

I felt that the wound had been caused by the same bullet that came out through the chest with the Governor's arm held in approximately this position.

Mr. SPECTER. Indicating the right hand held close to the body?

Dr. SHAW. Yes, and this is still a possibility. But I don't feel that it is the only possibility.

Senator COOPER. Why do you say you don't think it is the only possibility? What causes you now to say that it is the location—

Dr. SHAW. This is again the testimony that I believe Dr. Gregory will be giving, too. It is a matter of whether the wrist wound could be caused by the same bullet, and we felt that it could but we had not seen the bullets until today, and we still do not know which bullet actually inflicted the wound on Governor Connally.

Mr. DULLES. Or whether it was one or two wounds?

Dr. SHAW. Yes.

Mr. DULLES. Or two bullets?

Dr. SHAW. Yes; or three.

Mr. DULLES. Why do you say three?

Dr. SHAW. He has three separate wounds. He has a wound in the chest, a wound of the wrist, a wound of the thigh.

Mr. DULLES. Oh, yes; we haven't come to the wound of the thigh yet, have we?

Mr. McCLOY. You have no firm opinion that all these three wounds were caused by one bullet?

Dr. SHAW. I have no firm opinion.

Mr. McCLOY. That is right.

Dr. SHAW. Asking me this now if it was true. If you had asked me a month ago I would have.

Mr. DULLES. Could they have been caused by one bullet, in your opinion?

Dr. SHAW. They could.

Mr. McCLOY. I gather that what the witness is saying is that it is possible that they might have been caused by one bullet. But that he has no firm opinion now that they were.

Mr. DULLES. As I understand it too. Is our understanding correct?

Dr. SHAW. That is correct.

Senator COOPER. When you say all three are you referring to the wounds you have just described to the chest, the wound in the wrist, and also the wound in the thigh?

Dr. SHAW. Yes.

Senator COOPER. It was possible?

Dr. SHAW. Our original assumption, Senator Cooper, was that the Governor was approximately in this attitude at the time he was—

Senator COOPER. What attitude is that now?

Dr. SHAW. This is an attitude sitting in a jump seat as we know he was,

upright, with his right forearm held across the lower portion of the chest. In this position, the trajectory of the bullet could have caused the wound of entrance, the wound of exit, struck his wrist and proceeded on into the left thigh. But although this is a possibility, I can't give a firm opinion that this is the actual way in which it occurred.

Mr. SPECTER. If it pleases the Commission, we propose to go through that in this testimony; and we have already started to mark other exhibits in sequence on the clothing. So that it will be more systematic, we plan to proceed with the identification of clothing and then go on to the composite diagram which explains the first hypothesis of Dr. Shaw and the other doctors of Parkland. And then proceed from that, as I intend to do, with an examination of the bullet, which will explore the thinking of the doctor on that subject.

Dr. Shaw, for our record, I will hand you Commission Exhibit No. 684 and ask you if that is a picture of the reverse side of the coat, which we will later prove to have been worn by Governor Connally, the coat which is before you?

Dr. SHAW. It is.

Mr. SPECTER. What, if anything, appears on the back of that coat and also on the picture in line with the wound which you have described on the Governor's posterior chest?

Dr. SHAW. The picture—the coat and the picture of the coat, show a rent in the back of the coat approximately 2-centimeters medial to the point where the sleeve has been joined to the main portion of the garment.

The lighter-colored material of the lining of the coat can be seen through this rent in the coat.

Mr. SPECTER. Dr. Shaw, I show you a shirt, subject to later proof that it was the shirt worn by Governor Connally, together with a photograph marked "Commission Exhibit No. 685," and ask you if that is a picture of that shirt, the back side of the shirt?

Dr. SHAW. Yes; it is a picture of the back side of the shirt. However, in this particular picture I am not able to make out the hole in the shirt very well.

Now I see it, I believe; yes.

Mr. SPECTER. Will you describe the hole as you see it to exist in the shirt? Aside from what you see on the picture, what hole do you observe on the back of the shirt itself?

Dr. SHAW. On the back of the shirt itself there is a hole, a punched out area of the shirt which is a little more than a centimeter in its greater diameter. The whole shirt is soiled by brown stains which could have been due to blood.

Mr. SPECTER. How does the hole in the back of the shirt correspond with the wound on the Governor's back?

Dr. SHAW. It does correspond exactly.

Mr. SPECTER. Now turning the same shirt over to the front side, I ask you if the photograph, marked "Commission Exhibit No. 386," is a picture of the front side of this shirt?

Dr. SHAW. It is.

Mr. SPECTER. What does the picture of the shirt show with respect to a hole, if any, on the right side of the front of the shirt?

Dr. SHAW. The picture and the shirt show on the right side a much larger rent in the garment with the rent being approximately 4 centimeters in its largest diameter.

Mr. SPECTER. What wound, if any, did the Governor sustain on his thigh, Dr. Shaw?

Mr. DULLES. Just one moment, are you leaving this?

Mr. SPECTER. Yes.

Mr. DULLES. I wonder whether or not it would not be desirable for the doctor to put on this photograph where these holes are, because they are not at all clear for the future if we want to study those photographs.

Dr. SHAW. This one is not so hard.

Mr. DULLES. That one appears but the other one doesn't appear and I think it would be very helpful.

Dr. SHAW. How would you like to have me outline this?

Mr. SPECTER. Draw a red circle of what you conceive to be the hole there, Doctor.

Mr. DULLES. The actual hole is not nearly as big as your circle, it's the darkened area inside that circle, is it not?

Dr. SHAW. Yes; the darkened area is enclosed by the circle.

Mr. SPECTER. Are you able to note on the photograph of the back of the shirt, 685?

Will you draw a red circle around the area of the hole on the photograph then, Dr. Shaw?

Mr. DULLES. Would you just initial those two circles, if you can.

Mr. SPECTER. Dr. Shaw, what wounds, if any, did the Governor sustain on his left thigh?

Dr. SHAW. He sustained a small puncture-type wound on the medial aspect of the left thigh.

Mr. SPECTER. Did you have an opportunity to examine that closely?

Dr. SHAW. No.

Mr. SPECTER. Did you have an opportunity to examine it sufficiently to ascertain its location on the left thigh?

Dr. SHAW. No; I didn't examine it that closely, except for its general location.

Mr. SPECTER. Where was it with respect to a general location then on the Governor's thigh?

Dr. SHAW. It is on the medial anterior aspect of the thigh.

Mr. DULLES. Nontechnically, what does it mean?

Dr. SHAW. Well, above, slightly above, between, in other words, the medial aspect would be the aspect toward the middle of the body, but as far as being how many centimeters or inches it is from the knee and the groin, I am not absolutely sure.

Mr. SPECTER. I now show you a pair of trousers which we shall later identify as being those worn by the Governor. I will, first of all, ask you if a photograph bearing Commission Exhibit No. 687 is a picture of those trousers?

Dr. SHAW. It is.

Mr. SPECTER. And what hole, if any did you observe on the trousers and on the picture of the trousers?

Dr. SHAW. There is a hole in the garment that has been made by some instrument which has carried away a part of the Governor's garment. In other words, it is not a tear but is a punched out hole, and this is approximately 4 centimeters on the inner aspect from the crease of the trousers.

Mr. DULLES. Can you tell where the knee is there and how far above the knee approximately?

Dr. SHAW. I can't tell exactly.

Mr. DULLES. I guess you can't tell.

Dr. SHAW. From the crotch I would say it would be slightly, it is a little hard to tell, slightly more toward the knee than the groin.

Mr. SPECTER. Does that hole in the left leg of the trousers match up to the wound on the left thigh of the Governor?

Dr. SHAW. To the best of my recollection it does.

Mr. DULLES. Are there any other perforations in these trousers at all, any other holes?

Dr. SHAW. No.

Mr. DULLES. So that means that whatever made the hole on the front side did not come through and make a hole anywhere else in the trousers?

Dr. SHAW. That is correct. It had to be a penetrating wound and not a perforating wound, it didn't go on through.

Mr. SPECTER. Will you turn those trousers over, Dr. Shaw?

Dr. SHAW. I believe we had already looked at it.

Mr. SPECTER. On the reverse side, and state whether or not this picture bearing Commission Exhibit No. 688 accurately depicts the reverse side of the trousers?

Dr. SHAW. Yes; it does.

Mr. SPECTER. Is there any hole shown either on the picture or on the trousers themselves?

Dr. SHAW. No.

Mr. SPECTER. Dr. Shaw, I now show you a body diagram which is marked "Commission Exhibit No. 689."

Senator COOPER. May I ask a question before you ask that question?

When you first saw Governor Connally in the emergency room was he dressed or undressed?

Dr. SHAW. His trousers were still on. He had his shorts on, I should say, Senator Cooper, but his coat, shirt, and trousers had been removed.

Mr. SPECTER. Were his clothes anywhere in the vicinity where you could have seen them?

Dr. SHAW. No; I never saw them. This is the first time that I saw them.

Mr. SPECTER. That is earlier today when you examined them in this room?

Dr. SHAW. That is correct.

Mr. SPECTER. Looking at Commission Exhibit No. 689, is that a drawing which was prepared, after consultation with you, representing the earlier theory of all of the Governor's wounds having been inflicted by a single missile?

Dr. SHAW. That is correct.

Mr. SPECTER. With reference to that diagram, would you explain the position that you had earlier thought the Governor to have been in when he was wounded here?

Dr. SHAW. We felt that the Governor was in an upright sitting position, and at the time of wounding was turning slightly to the right. This would bring the three wounds, as we know them, the wound in the chest, the wound in the wrist, and the wound in the thigh into a line assuming that the right forearm was held against the lower right chest in front.

The line of inclination of this particular diagram is a little more sharply downward than is probably correct in view of the inclination of the ribs of the chest.

Mr. SPECTER. Will you redraw that line, Dr. Shaw, to conform with what you believe to be——

Dr. SHAW. The fact that the muscle bundles on either side of the fifth rib were not damaged meant that the missile to strip away 10 centimeters of the rib had to follow this rib pretty much along its line of inclination.

Mr. DULLES. I wonder if you could use that red pencil to make it a little clearer for us?

Dr. SHAW. I think these would probably work well on this paper. Perhaps this isn't a tremendous point but it slopes just a little too much.

Mr. SPECTER. You have initialed that to show your incline?

Dr. SHAW. Yes.

Mr. SPECTER. With respect to the wound you described on the thigh, Dr. Shaw, was there any point of exit as to that wound?

Dr. SHAW. No.

Mr. SPECTER. I now show you——

Mr. DULLES. Could I ask one more question there, how deep was the wound of entry, could you tell at all?

Dr. SHAW. Mr. Dulles, I didn't examine the wound of the thigh so I can't testify as to that. Dr. Gregory, I think, was there at the time that the debris was carried out and he may have more knowledge than I have.

Mr. DULLES. We will hear Dr. Gregory later?

Mr. SPECTER. Yes; he is scheduled to testify as soon as Dr. Shaw concludes.

Dr. Shaw, I now show you Commission Exhibit 399 which has heretofore been identified as being a virtually whole bullet weighing 158 grains.

May I say for the record, that in the depositions which have been taken in Parkland Hospital, that we have ascertained, and those depositions are part of the overall record, that is the bullet which came from the stretcher of Governor Connally.

First, Dr. Shaw, have you had a chance to examine that bullet earlier today?

Dr. SHAW. Yes; I examined it this morning.

Mr. SPECTER. Is it possible that the bullet which went through the Governor's chest could have emerged being as fully intact as that bullet is?

Dr. SHAW. Yes; I believe it is possible because of the fact that the bullet

struck the fifth rib at a very acute angle and struck a portion of the rib which would not offer a great amount of resistance.

Mr. SPECTER. Does that bullet appear to you to have any of its metal flaked off?

Dr. SHAW. I have been told that the one point on the nose of this bullet that is deformed was cut off for purposes of examination. With that information, I would have to say that this bullet has lost literally none of its substance.

Mr. SPECTER. Now, as to the wound on the thigh, could that bullet have gone into the Governor's thigh without causing any more damage than appears on the face of that bullet?

Dr. SHAW. If it was a spent bullet; yes. As far as the bullet is concerned it could have caused the Governor's thigh wound as a spent missile.

Mr. SPECTER. Why do you say it is a spent missile, would you elaborate on what your thinking is on that issue?

Dr. SHAW. Only from what I have been told by Dr. Shires and Dr. Gregory, that the depth of the wound was only into the subcutaneous tissue, not actually into the muscle of the leg, so it meant that missile had penetrated for a very short period. Am I quoting you correctly, Dr. Gregory?

Mr. SPECTER. May the record show Dr. Gregory is present during this testimony and—

Dr. GREGORY. I will say yes.

Mr. SPECTER. And indicates in the affirmative. Do you have sufficient knowledge of the wound of the wrist to render an opinion as to whether that bullet could have gone through Governor Connally's wrist and emerged being as much intact as it is?

Dr. SHAW. I do not.

Mr. SPECTER. Dr. Shaw, assume if you will certain facts to be true in hypothetical form, that is, that the President was struck in the upper portion of the back or lower portion of the neck with a 6.5-mm. missile passing between the strap muscles of the President's neck, proceeding through a fascia channel striking no bones, not violating the pleural cavity, and emerging through the anterior third of the neck, with the missile having been fired from a weapon having a muzzle velocity of approximately 2,000 feet per second, with the muzzle being approximately 160 to 250 feet from the President's body; that the missile was a copper jacketed bullet. Would it be possible for that bullet to have then proceeded approximately 4 or 5 feet and then would it be possible for it to have struck Governor Connally in the back and have inflicted the wound which you have described on the posterior aspect of his chest, and also on the anterior aspect of his chest?

Dr. SHAW. Yes.

Mr. SPECTER. And what would your reason be for giving an affirmative answer to that question, Dr. Shaw?

Dr. SHAW. Because I would feel that a missile with this velocity and weight striking no more than the soft tissues of the neck would have adequate velocity and mass to inflict the wound that we found on the Governor's chest.

Mr. SPECTER. Now, without respect to whether or not the bullet identified as Commission Exhibit 399 is or is not the one which inflicted the wound on the Governor, is it possible that a missile similar to the one which I have just described in the hypothetical question could have inflicted all of the Governor's wounds in accordance with the theory which you have outlined on Commission Exhibit No. 689?

Dr. SHAW. Assuming that it also had passed through the President's neck you mean?

Mr. SPECTER. No; I had not added that factor in. I will in the next question.

Dr. SHAW. All right. As far as the wounds of the chest are concerned, I feel that this bullet could have inflicted those wounds. But the examination of the wrist both by X-ray and at the time of surgery showed some fragments of metal that make it difficult to believe that the same missile could have caused these two wounds. There seems to be more than three grains of metal missing as far as the—I mean in the wrist.

Mr. SPECTER. Your answer there, though, depends upon the assumption that the bullet which we have identified as Exhibit 399 is the bullet which did the

damage to the Governor. Aside from whether or not that is the bullet which inflicted the Governor's wounds.

Dr. SHAW. I see.

Mr. SPECTER. Could a bullet traveling in the path which I have described in the prior hypothetical question, have inflicted all of the wounds on the Governor?

Dr. SHAW. Yes.

Mr. SPECTER. And so far as the velocity and the dimension of the bullet are concerned, is it possible that the same bullet could have gone through the President in the way that I have described and proceed through the Governor causing all of his wounds without regard to whether or not it was bullet 399?

Dr. SHAW. Yes.

Mr. SPECTER. When you started to comment about it not being possible, was that in reference to the existing mass and shape of bullet 399?

Dr. SHAW. I thought you were referring directly to the bullet shown as Exhibit 399.

Mr. SPECTER. What is your opinion as to whether bullet 399 could have inflicted all of the wounds on the Governor, then, without respect at this point to the wound of the President's neck?

Dr. SHAW. I feel that there would be some difficulty in explaining all of the wounds as being inflicted by bullet Exhibit 399 without causing more in the way of loss of substance to the bullet or deformation of the bullet.

(Discussion off the record.)

Mr. SPECTER. Dr. Shaw, have you had an opportunity today here in the Commission building to view the movies which we referred to as the Zapruder movies and the slides taken from these movies?

Dr. SHAW. Yes.

Mr. SPECTER. And what, if any, light did those movies shed on your evaluation and opinions on this matter with respect to the wounds of the Governor?

Dr. SHAW. Well, my main interest was to try to place the time that the Governor was struck by the bullet which inflicted the wound on his chest in reference to the sequence of the three shots, as has been described to us.

(At this point the Chief Justice entered the hearing room.)

This meant trying to carefully examine the position of the Governor's body in the car so that it would fall in line with what we knew the trajectory must be for this bullet coming from the point where it has been indicated it did come from. And in trying to place this actual frame that these frames are numbered when the Governor was hit, my opinion was that it was frame number, let's see, I think it was No. 36.

Mr. SPECTER. 236?

Dr. SHAW. 236, give or take 1 or 2 frames. It was right in 35, 36, 37, perhaps.

Mr. SPECTER. I have heretofore asked you questions about what possibly could have happened in terms of the various combinations of possibilities on missiles striking the Governor in relationship to striking the President as well. Do you have any opinion as to what, in fact, did happen?

Dr. SHAW. Yes. From the pictures, from the conversation with Governor Connally and Mrs. Connally, it seems that the first bullet hit the President in the shoulder and perforated the neck, but this was not the bullet that Governor Connally feels hit him; and in the sequence of films I think it is hard to say that the first bullet hit both of these men almost simultaneously.

Mr. SPECTER. Is that view based on the information which Governor Connally provided to you?

Dr. SHAW. Largely.

Mr. SPECTER. As opposed to any objectively determinable facts from the bullets, the situs of the wounds or your viewing of the pictures?

Dr. SHAW. Yes. I was influenced a great deal by what Governor Connally knew about his movements in the car at this particular time.

Mr. DULLES. You have indicated a certain angle of declination on this chart here which the Chief Justice has.

Dr. SHAW. Yes.

Mr. SPECTER. Do you know enough about the angle of declination of the bullet that hit the President to judge at all whether these two angles of declination are consistent?

Dr. SHAW. We know that the angle of declination was a downward one from back to front so that I think this is consistent with the angle of declination of the wound that the Governor sustained.

Senator COOPER. Are you speaking of the angle of declination in the President's body?

Dr. SHAW. Of the first wound?

Mr. SPECTER. Yes.

Dr. SHAW. First wound.

Mr. SPECTER. What you have actually seen from pictures to show the angle of declination?

Dr. SHAW. That is right.

Mr. SPECTER. In the wounds in the President's body?

Dr. SHAW. Yes; that is right. I did not examine the President.

Mr. DULLES. And that angle taking into account say the 4 feet difference between where the President was sitting and where the Governor was sitting, would be consistent with the point of entry of the Governor's body as you have shown it?

Dr. SHAW. The jump seat in the car, as we could see, placed the Governor sitting at a lower level than the President, and I think conceivably these two wounds could have been caused by the same bullet.

Mr. SPECTER. Do you have anything else to add, Dr. Shaw, which you think would be helpful to the Commission in any way?

Dr. SHAW. I don't believe so Mr. Specter.

Mr. SPECTER. May it please the Commission then I would like to move into evidence Commission Exhibits Nos. 679 and 680, and then reserve Nos. 681 and 682 until we get the photographs of the X-rays and I now move for admission into evidence Commission Exhibits Nos. 683 through 689.

Senator COOPER. They have all been identified, have they?

Mr. SPECTER. Yes, sir; during the course of Dr. Shaw's testimony.

Senator COOPER. It is ordered then that these exhibits be received in the record.

(The documents referred to, previously identified as Commission Exhibits Nos. 679, 680, and 683-689 for identification were received in evidence.)

Mr. McCLOY. Just one or two questions. It is perfectly clear, Doctor, that the wound, the lethal wound on the President did not—the bullet that caused the lethal wound on the President, did not cause any wounds on Governor Connally, in your opinion?

Dr. SHAW. Mr. McCloy, I couldn't say that from my knowledge.

Mr. McCLOY. We are talking about the, following up what Mr. Dulles said about the angle of declination, the wound that came through the President's collar, you said was consistent between the same bullet. I just wondered whether under all the circumstances that you know about the President's head wound on the top that would also be consistent with a wound in Governor Connally's body?

Dr. SHAW. On the chest, yes; I am not so sure about the wrist. I can't quite place where his wrist was at the time his chest was struck.

Mr. McCLOY. Now perhaps this is Dr. Gregory's testimony, that is the full description of the wrist wound, that would be his rather than your testimony?

Dr. SHAW. I think he could throw just as much light on it as I could. And more in certain aspects.

Mr. McCLOY. It did hit bone?

Dr. SHAW. Obviously.

Mr. McCLOY. And there must have been a considerable diminution in the velocity of the bullet after penetrating through the wrist?

Dr. SHAW. Yes.

Mr. DULLES. The wound inflicted on it, the chest wound on Governor Connally, if you move that an inch or two, 1 inch or the other, could that have been lethal, go through an area that could easily have been lethal?

Dr. SHAW. Yes; of course, if it had been moved more medially it could have struck the heart and the great vessels.

Mr. McCLOY. Let me ask you this, Doctor, in your experience with gunshot wounds, is it possible for a man to be hit sometime before he realizes it?

Dr. SHAW. Yes. There can be a delay in the sensory reaction.

Mr. McCLOY. Yes; so that a man can think as of a given instant he was not hit, and when actually he could have been hit.

Dr. SHAW. There can be an extending sensation and then just a gradual building up of a feeling of severe injury.

Mr. McCLOY. But there could be a delay in any appreciable reaction between the time of the impact of the bullet and the occurrence?

Dr. SHAW. Yes; but in the case of a wound which strikes a bony substance such as a rib, usually the reaction is quite prompt.

Mr. McCLOY. Yes.

Dr. SHAW. Yes.

Mr. McCLOY. Now, you have indicated, I think, that this bullet traveled along, hit and traveled along the path of the rib, is that right?

Dr. SHAW. Yes.

Mr. McCLOY. Is it possible that it could have not, the actual bullet could not have hit the rib at all but it might have been the expanding flesh that would cause the wound or the proper contusion, I guess you would call it on the rib itself?

Dr. SHAW. I think we would have to postulate that the bullet hit the rib itself by the neat way in which it stripped the rib out without doing much damage to the muscles that lay on either side of it.

Mr. McCLOY. Was—up until you gave him the anesthetic—the Governor was fully conscious, was he?

Dr. SHAW. I would not say fully, but he was responsive. He would answer questions.

Mr. McCLOY. I think that is all I have.

The CHAIRMAN. I have no questions of the doctor.

Mr. DULLES. There were no questions put to him that were significant as far as our testimony is concerned?

Dr. SHAW. No; we really don't have to question him much. Our problem was pretty clearcut, and he told us it hurt and that was about his only response as far as—

Senator COOPER. Could I ask you a question, doctor?

I think you said from the time you came into the emergency room and the time you went to the operating room was about 5 minutes?

Dr. SHAW. Yes; it was just the time that it took to ask a few simple questions, what has been done so far, and has the operating room been alerted, and then I went out and talked to Mrs. Connally, just very briefly, I told her what the problem was in respect to the Governor and what we were going to have to do about it and she said to go ahead with anything that was necessary. So this couldn't have taken more than 5 minutes or so.

Mr. DULLES. Did he say anything or did anyone say anything there about the circumstances of the shooting?

Dr. SHAW. Not at that time.

Mr. DULLES. Either of Governor Connally or the President?

Dr. SHAW. Not at that time. All of our conversation was later.

Mr. DULLES. Was the President in the same room?

Dr. SHAW. No.

Mr. DULLES. Did you see him?

Dr. SHAW. I only saw his shoes and his feet. He was in the room immediately opposite. As I came into the hallway, I could recognize that the President was on it, in the room to my right. I knew that my problem was concerned with Governor Connally, and I turned and went into the room where I saw that he was.

Mr. DULLES. Did you hear at that time or have any knowledge, of a bullet which had been found on the stretcher?

Dr. SHAW. No; this was later knowledge.

Mr. DULLES. When did you first hear that?

(At this point Senator Russell entered the hearing room.)

Dr. SHAW. This information was first given to me by a man from the Secret Service who interviewed me in my office several weeks later. It is the first time I knew about any bullet being recovered.

Senator COOPER. I think, of course, it is evident from your testimony you have had wide experience in chest wounds and bullet wounds in the chest.

What experience have you had in, say, the field of ballistics? Would this experience—you have been dealing in chest wounds caused by bullets—have provided you knowledge also about the characteristics of missiles, particularly bullets of this type?

Dr. SHAW. No; Senator. I believe that my information about ballistics is just that of an average layman, no more. Perhaps a little more since I have seen deformed bullets from wounds, but I haven't gone into that aspect of wounds.

Senator COOPER. In the answers to the hypothetical questions that were addressed to you, based upon the only actual knowledge which you could base that answer, was the fact that you had performed the operation on the wound caused in the chest, on the wound in the chest?

Dr. SHAW. That is true. I have seen many bullets that have passed through bodies or have penetrated bodies and have struck bone and I know manners from which they are deformed but I know very little about the caliber of bullets, the velocity of bullets, many things that other people have much more knowledge of than I have.

Senator COOPER. That is all.

The CHAIRMAN. Thank you very much, Dr. Shaw.

### TESTIMONY OF DR. CHARLES FRANCIS GREGORY

Senator COOPER. Do you solemnly swear the testimony you are going to give to this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. GREGORY. I do.

Mr. SPECTER. Would you state your full name for the record, please?

Dr. GREGORY. Doctor Charles Francis Gregory.

Mr. SPECTER. What is your profession, sir?

Dr. GREGORY. I am a physician and surgeon.

Mr. SPECTER. Would you outline your educational background briefly, please?

Dr. GREGORY. I received a bachelor of science degree from the University of Indiana in 1941, and an M.D. degree in medicine from the Indiana University School of Medicine in 1944.

Following 1-year internship and a tour of duty in the U.S. Navy, I undertook 5 years of postgraduate training in orthopedic surgery at Indiana University Medical Center.

Upon completing that training I became a member of the faculty at Indiana University Medical School, and remained so until November of 1952, when I reentered the U.S. Navy for another 20 months.

In 1956 I was appointed professor and then chairman of the Division of Orthopedic Surgery at the University of Texas Southwestern Medical School, where I presently am.

Mr. SPECTER. Are you certificated by the American Board of Orthopedic Surgery?

Dr. GREGORY. I am, in 1953.

Mr. SPECTER. What experience, if any, have you had with bullet wounds, Doctor?

Dr. GREGORY. Beyond the rather indigenous nature of such wounds in the main teaching hospital at Southwestern Medical School, my experience has covered a tour of duty in the Navy during World War II, and a considerably more active period of time in the Korean war in support of the 1st Marine Corps Division.

Mr. SPECTER. What is your best estimate as to the total number of bullet wounds you have had an opportunity to observe and treat?

Dr. GREGORY. I would estimate that I have dealt directly with approximately 500 such wounds.

Mr. SPECTER. Are you a licensed doctor in the State of Texas at the present time?

Dr. GREGORY. I am.

Mr. SPECTER. What were your duties in a general way back on November 22, 1963, with Parkland Hospital?

Dr. GREGORY. On that date, November 22, 1963, I was seeing patients in the health service of the adjacent medical school building when about noon I was advised that the President of the United States had been admitted to Parkland Hospital due to gunshot injuries.

I went immediately to the emergency room area of the Parkland Hospital, and upon gaining admission to the emergency room, I encountered the hospital superintendent.

I inquired of him then as to whether or not the President had injuries which might require my attention and he indicated that they were not of that nature.

I, therefore, took a number of unnecessary onlookers like myself from the emergency area in order to reduce the confusion, and I went to the fifth floor of the hospital, which is the orthopedic ward.

And after attending a number of patients there, I prepared to leave the hospital, but stopped by the surgical suite on my way out, to check and see if any need for my services might have come up, and encountered there Dr. Shaw who indicated to me that Governor Connally had also been injured, and that these included injuries to his extremities for which I would be retained.

Mr. SPECTER. Did Dr. Shaw then call upon you to perform operative aid for Governor Connally?

Dr. GREGORY. He did.

Mr. SPECTER. And when did you first see Governor Connally then?

Dr. GREGORY. I first saw Governor Connally after Dr. Shaw had prepared him and draped him for the surgical procedures which he carried out on the Governor's chest.

Mr. SPECTER. Now, did you have any opportunity to observe the wound on the Governor's chest?

Dr. GREGORY. I could see the wounds on the Governor's chest, but I could see them only through the apertures available in the surgical drapes, and therefore I had difficulty orienting the exact positions of the wounds, except for the wound identified as the wound of exit which could be related to the nipple in the right chest which was exposed.

Mr. SPECTER. Now what did you observe with respect to the wound on the Governor's wrist?

Dr. GREGORY. I did not have an opportunity to examine the wound on the Governor's wrist until Dr. Shaw had completed his surgical treatment of the Governor's chest wound.

At that time he was turned to his back and it was possible to examine both the right upper extremity and the left lower extremity for wounds of the wrist and left thigh respectively.

The right wrist was the site of a perforating wound, which by assumption began on a dorsal lateral surface. In lay terms this is the back of the hand on the thumb side at a point approximately 5 centimeters above the wrist joint.

There is a second wound presumed to be the wound of exit which lay in the midline of the wrist on its palmar surface about 2 centimeters, something less than 1 inch above the wrist crease, the most distal wrist crease.

Mr. SPECTER. You say that the wound on the dorsal or back side of the wrist you assume to be the wound of entrance. What factors, if any, led you to that assumption?

Dr. GREGORY. I assumed it to be a wound of entrance because of the general ragged appearance of the wound, but for other reasons which I can delineate in a lighter description which came to light during the operative procedure and which are also hallmarked to a certain extent by the X-rays.

Mr. SPECTER. Would you proceed to tell us, even though it is out of sequence, what those factors, later determined to be, were which led you to assume that it was the wound of entrance?

Dr. GREGORY. Yes. Assuming that the wrist wound, which included a shattering fracture of the wrist bone, of the radial bone just above the wrist, was produced by a missile there were found in the vicinity of the wound two things

which led me to believe that it passed from the dorsal or back side to the volar. The first of these—

Mr. SPECTER. When you say volar what do you mean by that?

Dr. GREGORY. The palm side.

Mr. SPECTER. Proceed.

Dr. GREGORY. The first of these was evidence of clothing, bits of thread and cloth, apparently from a dark suit or something of that sort which had been carried into the wound, from the skin into the region of the bone.

The second of these were two or three small fragments of metal which presumably were shed by the missile after their encounter with the firm substance which is bone.

Mr. SPECTER. As to the bits of cloth which you describe, have you had an opportunity earlier today to examine a coat, heretofore identified and marked by a picture bearing Commission Exhibit No. 683, which we will have later testimony on as being Governor Connally's coat?

Dr. GREGORY. I have.

Mr. SPECTER. And what, if anything, did your examination disclose with respect to the wound of the right wrist?

Dr. GREGORY. Well, the right sleeve of the coat has a tear in it close to the margin at a point which is, I think, commensurate with the location of the dorsal surface, the back side of the wrist, forearm where the two may have been superimposed and both damaged by the same penetrating body.

Mr. SPECTER. Is the nature of the material of the suit coat the same as that which you found in the wound of the wrist?

Dr. GREGORY. It is. As a matter of fact, at the time that the wound was treated, and the cloth was found, the speculation was made as to the kind of—the color of the suit the Governor was wearing and moreover the thread was almost identifiable as mohair or raw silk or something of that nature and entirely consistent with this fabric.

Mr. SPECTER. Was the color, which you speculated about, the same as which you see in this jacket?

Dr. GREGORY. Yes; it was my impression it was black or either dark blue.

Mr. SPECTER. You say there was something in the X-ray work which led you to further conclude that that was the wound of entrance?

Dr. GREGORY. Yes.

Mr. SPECTER. Will you proceed now to show the Commission those X-rays, please?

Dr. GREGORY. This is an X-ray made in the lateral view of the Governor's wrist at the time he was brought to the hospital prior to any surgical intervention.

Mr. SPECTER. As to the first X-ray, Dr. Gregory, would you identify the date when it was taken?

Dr. GREGORY. Yes; this film was made on November 22, 1963, as indicated by a pencil marking on that film, and it further bears the assigned X-ray number of 219-992, which was that of the patient, Governor John Connally.

Mr. SPECTER. May it please the Commission we shall reserve number 690 and 691 for later identification of those photographs and X-rays.

Senator COOPER. So ordered.

Dr. GREGORY. If you will notice in addition to the apparent fracture of this, the radial bone here.

Mr. SPECTER. Are you now describing a second X-ray?

Dr. GREGORY. No; these are two taken at right angle of the Governor's wrist prior to attention. These are diagnostic film, one made with the hand palm down and one with the hand turned 90°.

Mr. SPECTER. Do they bear identical numbers then?

Dr. GREGORY. They do.

Mr. SPECTER. Is there any mark on them at the present time which distinguishes them by way of marking or number?

Dr. GREGORY. Other than the pencil markings on each of these two films and my own which I attached last evening for convenience.

Mr. SPECTER. Can you mark one of them as "A" and one as "B," so that when you describe them here we will know which you are referring to?

Dr. GREGORY. Very well. Let the record show that "A" stands for the antero-

posterior view, Exhibit No. 691, and "B" stands for the lateral view, Exhibit No. 690, of the right wrist and forearm. "A" then demonstrates a comminuted fracture of the wrist with three fragments.

Mr. SPECTER. What do you mean by comminuted?

Dr. GREGORY. Comminuted refers to shattering, to break into more than two pieces, specifically many pieces, and if I may, I can point out there is a fragment here, a fragment here, a fragment here, a fragment here, and there are several smaller fragments lying in the center of these three larger ones.

Mr. SPECTER. How many fragments are there in total, sir, in your opinion?

Dr. GREGORY. I would judge from this view that counting each isolated fragment there are fully seven or eight, and experience has taught that when these things are dismantled directly under direct vision that there very obviously may be more than that.

Mr. SPECTER. Will you continue to describe what that X-ray shows with respect to metallic fragments, if any?

Dr. GREGORY. Three shadows are identified as representing metallic fragments. There are other light shadows in this film which are identified or interpreted as being artifacts.

Mr. SPECTER. What is the basis of distinction between that which is an artifact and that which is a real shadow of the metallic substance?

Dr. GREGORY. A real shadow of metallic substance persist and be seen in other views, other X-ray copies, whereas artifacts which are produced by irregularities either in the film or film carrier will vary from one X-ray to another.

Mr. SPECTER. Is it your view that these other X-ray films led you to believe that those are, in fact, metallic substances?

Dr. GREGORY. As a matter of fact, it is the mate to this very film, the lateral view marked "B", which shows the same three fragments in essentially the same relationship to the various levels of the forearm that leads me to believe that these do, in fact, represent metallic fragments.

Mr. SPECTER. Will you describe as specifically as you can what those metallic fragments are by way of size and shape, sir?

Dr. GREGORY. I would identify these fragments as varying from five-tenths of a millimeter in diameter to approximately 2 millimeters in diameter, and each fragment is no more than a half millimeter in thickness. They would represent in lay terms flakes, flakes of metal.

Mr. SPECTER. What would your estimate be as to their weight in total?

Dr. GREGORY. I would estimate that they would be weighed in micrograms which is very small amount of weight. I don't know how to reduce it to ordinary equivalents for you.

It is the kind of weighing that requires a microadjustable scale, which means that it is something less than the weight of a postage stamp.

Mr. SPECTER. Have you now described all the metallic substances which you observed either visually or through the X-rays in the Governor's wrist?

Dr. GREGORY. These are the three metallic substance items which I saw.

Now if I may use these to indicate why I view the path as being from dorsal to volar, from the back of the wrist to the palm side, these have been shed on the volar side suggesting that contact with this bone resulted in there being flaked off, as the remainder of the missile emerged from the volar side leaving the small flakes behind.

Mr. SPECTER. Are the X-rays helpful in any other way in ascertaining the point of entry and the point of exit?

Dr. GREGORY. There is a suggestion to be seen in Exhibit B, the lateral view, a suggestion of the pathway as seen by distortion of soft tissues. This has become a bit irregular on the dorsal side. There is evidence of air in the tissues on this side suggesting that the pathway was something like this.

Mr. SPECTER. And when you say indications of air on which side did you mean by "this side," Doctor?

Dr. GREGORY. Air distally on the volar side. There is some evidence of air in the tissue on the volar side too but they are at different levels and this suggests that they gained access to the tissue planes in this fashion.

Mr. SPECTER. Would you elaborate on just what do you mean by "this fashion,"

indicating the distinctions on the level of the air which suggest that conclusion to you?

Dr. GREGORY. Recall that I suggested that the wound of entrance, certainly the dorsal wound lay some distance, 5 cm. above the wrist joint, approximately here, that the second wound considered to be the wound of exit was only 2 cm. above this point, making the pathway an oblique one.

Mr. DULLES. Would you show that on your own wrist?

Dr. GREGORY. Yes.

Mr. DULLES. We have to explain this a little for the record but I think it would be very useful.

Dr. GREGORY. I think you will have an opportunity to see the real thing a little later if the Governor makes his appearance here.

But the wound of entry I considered to be, although on his right hand, of course, to be approximately at this point on the wrist, and the wound of exit here, which is about the right level for my coat sleeve held at a casual position.

Mr. SPECTER. Let the record show you made two red marks on your wrist, which are in the same position as that which you have described heretofore in technical language.

Dr. GREGORY. Yes.

Mr. SPECTER. Had you finished the complete explanation on the indicator from the air levels which you had mentioned before?

Dr. GREGORY. Yes. The air is a little bit more visible to the dorsal surface, closer to the skin here, not so close down at the lower portion, not so much tissue destruction had occurred at the point of the emergence.

Mr. SPECTER. Before proceeding to the other factors indicating point of entry and point of exit, Dr. Gregory, I call your attention to Commission Exhibit No. 399, which is a bullet and ask you first if you have had an opportunity to examine that earlier today?

Dr. GREGORY. I have.

Mr. SPECTER. What opinion, if any, do you have as to whether that bullet could have produced the wound on the Governor's right wrist and remained as intact as it is at the present time?

Dr. GREGORY. In examining this bullet, I find a small flake has been either knocked off or removed from the rounded end of the missile.

(At this point Representative Boggs entered the room.)

I was told that this was removed for the purpose of analysis. The only other deformity which I find is at the base of the missile at the point where it joined the cartridge carrying the powder, I presume, and this is somewhat flattened and deflected, distorted. There is some irregularity of the darker metal within which I presume to represent lead.

The only way that this missile could have produced this wound in my view, was to have entered the wrist backward. Now, this is not inconsistent with one of the characteristics known for missiles which is to tumble. All missiles in flight have two motions normally, a linear motion from the muzzle of the gun to the target, a second motion which is a spinning motion having to do with maintaining the integrity of the initial linear direction, but if they strike an object they may be caused to turn in their path and tumble end over, and if they do, they tend to produce a greater amount of destruction within the strike time or the target, and they could possibly, if tumbling in air upon emergence, tumble into another target backward. That is the only possible explanation I could offer to correlate this missile with this particular wound.

Mr. SPECTER. Is there sufficient metallic substance missing from the back or rear end of that bullet to account for the metallic substance which you have described in the Governor's wrist?

Dr. GREGORY. It is possible but I don't know enough about the structure of bullets or this one in particular, to know what is a normal complement of lead or for this particular missile. It is irregular, but how much it may have lost, I have no idea.

Mr. DULLES. Would the nature of the entry wound give you any indication as to whether it entered backward or whether it entered forward?

Dr. GREGORY. My initial impression was that whatever produced the wound of the wrist was an irregular object, certainly not smooth nosed as the business

end of this particular bullet is because of two things. The size of the wound of entrance, and the fact that it is irregular surfaced permitted it to pick up organic debris, materials, threads, and carry them into the wound with it.

Now, you will note that Dr. Shaw earlier in his testimony and in all of my conversations with him, never did indicate that there was any such loss of material into the wrist, nor does the back of this coat which I have examined show that it lost significant amounts of cloth but I think the tear in this coat sleeve does imply that there were bits of fabric lost, and I think those were resident in the wrist. I think we recovered them.

Mr. SPECTER. Is the back of that bullet characteristic of an irregular missile so as to cause the wound in the wrist?

Dr. GREGORY. I would say that the back of this being flat and having sharp edges is irregular, and would possibly tend to tear tissues more than does an inclined plane such as this.

Mr. SPECTER. Would the back of the missile be sufficiently irregular to have caused the wound of the right wrist, in your opinion?

Dr. GREGORY. I think it could have; yes. It is possible.

Mr. SPECTER. Would it be consistent with your observations of the wrist for that missile to have penetrated and gone through the right wrist?

Dr. GREGORY. It is possible; yes. It appears to me since the wound of exit was a small laceration, that much of the energy of the missile that struck the Governor's wrist was expended in breaking the bone reducing its velocity sufficient so that while it could make an emergence through the underlying soft tissues on his wrist, it did not do great damage to them.

Mr. SPECTER. Is there any indication from the extent of the damage to the wrist whether the bullet was pristine, that is: was the wrist struck first in flight or whether there had been some reduction in the velocity of the missile prior to striking the wrist?

Dr. GREGORY. I would offer this opinion about a high velocity rifle bullet striking a forearm.

Mr. SPECTER. Permit me to inject factors which we have not put on the record although it has been brought to your attention previously: Assume this is a 6.5-millimeter missile which was shot from a rifle having a muzzle velocity of approximately 2,000 feet per second, with a distance of approximately 160 to 200 feet between the weapon and the victim; and answer the prior question, if you would, Dr. Gregory, with those factors in mind?

Dr. GREGORY. I would fully expect the first object struck by that missile to be very badly damaged, and especially if it were a rigid bone such as the wrist bone is, to literally blow it apart. I have had some experience with rifle wound injuries of the forearm produced by this type of missile, and the last two which I attended myself have culminated in amputation of the limb because of the extensive damage produced by the missile as it passed through the arm.

Considerably more than was evidenced in the Governor's case either by examination of the limb itself or an examination of these X-rays.

Mr. SPECTER. Now, as to the experience you had which you experienced which resulted in amputations, what was the range between the weapon and the victim's limb, if you know?

Dr. GREGORY. The range in those two instances, I concede was considerably shorter but I cannot give you the specific range. By short I mean perhaps no more than 15 or 20 yards at the most.

Mr. SPECTER. Would the difference between the 15 or 20 yards and the 160 to 250 feet make any difference in your opinion, though, as to the damage which would be inflicted on the wrist had that bullet struck it as the first point of impact?

Dr. GREGORY. No, sir; I don't think it would have made that much difference.

Mr. SPECTER. Do you know what the color was of the fragments in the wrist of the Governor, Dr. Gregory?

Dr. GREGORY. As I recall them they were lead colored, silvery, of that color. I did not recall them as being either brass or copper.

Mr. SPECTER. Are there any other X-rays of the Governor's wrist which would aid the Commission in its understanding of the injuries to the wrist?

Dr. GREGORY. Only to indicate that there were two fragments of metal retrieved in the course of dealing with this wound surgically.

For the subsequent X-rays of the same area, after the initial surgery indicate that those fragments are no longer there.

And as I stated, I thought I had retrieved two of them. The major one or ones now being missing. The small one related to the bone or most closely related to the bone, and I will put back up here—

Mr. SPECTER. On the new X-rays which you put up, would you identify them first by indicating the date the X-ray was taken?

Dr. GREGORY. Yes; the date of the X-ray is the same, November 22, 1963, and they may be identified as Exhibit "C" anteroposterior view postoperative, which is this one.

Mr. SPECTER. Did they bear the same numbers, Dr. Gregory?

Dr. GREGORY. They will bear the same numbers; yes.

Mr. DULLES. I think you had better get them marked.

We haven't got them marked yet "A," "B," and "C."

Representative BOGGS. Postoperative, these are after the operation?

Dr. GREGORY. These two. This one was made before the wound was dealt with.

Mr. SPECTER. Which one?

Dr. GREGORY. "A" is the one made before the wound was dealt with surgically.

Senator COOPER. Could you mark it 4 "A," "B," "C," and "D," Doctor?

Mr. McCLOY. Is that "B," we have had another "B" here, you know?

Dr. GREGORY. This is "C." "A" and "C" are comparable X-rays, one made before and one made after the operation was carried out.

Before the operation, you will note a large fragment of metal visible here, not visible in this one. You will also note a small satellite fragment not visible here. A second piece of metal visible preoperatively is still present postoperatively.

No effort incidentally is made to dissect for these fragments. They are small, they are proverbial needles in hay stacks, and we know from experience that small flakes of metal of this kind do not ordinarily produce difficulty in the future, but that the extensive dissection required to find them may produce such consequences and so we choose to leave them inside unless we chance upon them, and on this occasion, those bits of metal recovered were simply found by chance in the course of removing necrotized material.

Other than that the X-rays have nothing more to offer so far as the wrist is concerned.

Mr. SPECTER. May we then reserve 692 for "C" and 693 for "D"?

Dr. GREGORY. I will put the other marks on these.

Senator COOPER. So ordered.

Dr. GREGORY. For your convenience.

Mr. DULLES. Was the wound of exit in the wrist also jagged like the wound of entry or was there, what differences were there between the wound of entry and the wound of exit?

Dr. GREGORY. The wound of exit was disposed transversely across the wrist exactly as I have it marked here. It was in the nature of a small laceration, perhaps a centimeter and a half in length, about a half an inch long, and it lay in the skin creases so that as you examined the wrist casually it was a very innocent looking thing indeed, and it was not until it was probed that its true nature in connection with the remainder of the wound was evident.

Senator RUSSELL. When did you first see this bullet, Doctor, the one you have just described in your testimony?

Dr. GREGORY. This bullet?

Senator RUSSELL. Yes.

Dr. GREGORY. This morning, sir.

Senator RUSSELL. You had never seen it until this morning?

Dr. GREGORY. I had never seen it before this time.

Mr. SPECTER. Dr. Gregory, what was then the relative size of the wounds on the back and front side of the wrist itself?

Dr. GREGORY. As I recall them, the wound dimensions would be so far as

the wound on the back of the wrist is concerned about a half a centimeter by two and a half centimeters in length. It was rather linear in nature. The upper end of it having apparently lost some tissue was gapping more than the lower portion of it.

Mr. SPECTER. How about on the volar or front side of the wrist?

Dr. GREGORY. The volar surface or palmar surface had a wound disclosed transversely about a half centimeter in length and about 2 centimeters above the flexion crease to the wrist.

Mr. SPECTER. Then the wound on the dorsal or back side of the wrist was a little larger than the wound on the volar or palm side of the wrist?

Dr. GREGORY. Yes; it was.

Mr. SPECTER. And is that characteristic in terms of entry and exit wounds?

Dr. GREGORY. It is not at all characteristic of the entry wound of a pristine missile which tends to make a small wound of entrance and larger wound of exit.

Mr. SPECTER. Is it, however, characteristic of a missile which has had its velocity substantially decreased?

Dr. GREGORY. I don't think that the exchange in the velocity will alter the nature of the wound of entrance or exit excepting that if the velocity is low enough the missile may simply manage to emerge or may not emerge at all on the far side of the limb which has been struck.

Mr. DULLES. Would this be consistent with a tumbling bullet or a bullet that had already tumbled and therefore entered back side too?

Dr. GREGORY. The wound of entrance is characteristic in my view of an irregular missile in this case, an irregular missile which has tipped itself off as being irregular by the nature of itself.

Mr. DULLES. What do you mean by irregular?

Dr. GREGORY. I mean one that has been distorted. It is in some way angular, it has edges or sharp edges or something of this sort. It is not rounded or pointed in the fashion of an ordinary missile. The irregularity of it also, I submit, tends to pick up organic material and carry it into the limb, and this is a very significant takeoff, in my opinion.

Mr. SPECTER. Have you now described all of the characteristics on the Governor's wrist which indicate either the point of entry or the point of exit?

Dr. GREGORY. There is one additional piece of information that is of pertinence but I don't know how effectively it can be applied to the nature of the missile. That is the fact that dorsal branch of the radial nerve, a sensory nerve in this immediate vicinity was partially transected together with one tendon leading to the thumb, which was totally transected.

This could have been produced by a missile entering in the ordinary fashion, undisturbed, undistorted. But again it is more in keeping with an irregular surface which would tend to catch and tear a structure rather than push it aside.

Mr. SPECTER. Would that then also indicate the wound of entrance where that striking took place?

Dr. GREGORY. I believe it is more in keeping with it, yes.

Mr. SPECTER. As to the thigh wound, what, if anything, did you observe as to a wound on the thigh, Dr. Gregory?

Dr. GREGORY. I was apprised that the Governor had a wound of the thigh, and I did examine it immediately the limb was available for it after Dr. Shaw had completed the surgery.

The wound was located on the inner aspect of the thigh, a little to the front surface about a third of the way up from the knee. The wound appeared to me to be rounded, almost a puncture type of wound in dimension about equal to a pencil eraser, about 6 mm.

I suspected that there might be a missile buried here and so an X-ray was obtained of that limb, and—

Mr. SPECTER. Have you brought the X-ray with you?

Dr. GREGORY. Yes; I have.

Mr. SPECTER. On what date was that X-ray taken?

Dr. GREGORY. This X-ray is marked as having been taken on November 22, 1963. It indicates that it was made of the left thigh, and it belongs to John Connally, John G. Connally.

Mr. SPECTER. That says "G" instead of "C"?

Dr. GREGORY. Yes. It appears to me to be a "G." The number again is 219-922.

Mr. SPECTER. Is that the same number as the other X-rays bear?

Dr. GREGORY. I believe it is, yes.

Mr. SPECTER. May we reserve then Commission Exhibit No. 694 for that X-ray?

Senator COOPER. It may be so done.

Dr. GREGORY. There are a series of these films. Would you like them marked subsequently "E", "F," and "G"?

Mr. SPECTER. Insofar as you feel they are helpful in characterizing the wounds, do mark them in that way.

Dr. GREGORY. All right.

This I understand is Exhibit E, then and it is a single X-ray made on the anterior posterial view of Mr. Connally's thigh. The only thing found is a very small fleck of metal marked with an arrow here. It is that small, and almost likely to be overlooked. This was not consonant with the kind of wound on the medial aspect of his thigh.

Our next natural assumption was that that missile having escaped from the thigh had escaped the confines of this X-ray and lay somewhere else. So that additional X-rays were made of the same date and I submit two additional X-rays identified again as belonging to John G. Connally, the left lower extremity, November 22, 1963, and these two are numbered 218-922, and they are an anterior posterior view which I will mark "F," and a lateral view which I will mark "G."

Mr. SPECTER. May we reserve 695 for "F," and 696 for "G"?

Senator COOPER. So ordered.

Dr. GREGORY. Careful examination of this set of X-rays illustrated or demonstrates, I should say, a number of artificial lines, this is one and there is one. These lines I think represent rather hurried development of these films for they were taken under emergency conditions. They were intended simply to let us know if there was another missile in the Governor's limb where it might be located.

The only missile turned up is the same one seen in the original film which lies directly opposite the area indicated as the site of the missile wound or the wound in the thigh, but a fragment of metal, again microscopic measuring about five-tenths of a millimeter by 2 millimeters, lies just beneath the skin, about a half inch on the medial aspect of the thigh.

Mr. SPECTER. What is your best estimate of the weight of that metallic fragment?

Dr. GREGORY. This again would be in micrograms, postage stamp weight thereabouts, not much more than that.

Mr. SPECTER. Could that fragment, in your opinion, have caused the wound which you observed in the Governor's left thigh?

Dr. GREGORY. I do not believe it could have. The nature of the wound in the left thigh was such that so small a fragment as this would not have produced it and still have gone no further into the soft tissues than it did.

Mr. SPECTER. Would the wound that you observed in the soft tissue of the left thigh be consistent with having been made by a bullet such as that identified as Commission Exhibit 399?

Dr. GREGORY. I think again that bullet, Exhibit 399, could very well have struck the thigh in a reverse fashion and have shed a bit of its lead core into the fascia immediately beneath the skin, yet never have penetrated the thigh sufficiently so that it eventually was dislodged and was found in the clothing.

I would like to add to that we were disconcerted by not finding a missile at all. Here was our patient with three discernible wounds, and no missile within him of sufficient magnitude to account for them, and we suggested that someone ought to search his belongings and other areas where he had been to see if it could be identified or found, rather.

Mr. SPECTER. Had the missile gone through his wrist in reverse, would it likely have continued in that same course until it reached his thigh, in your opinion?

Dr. GREGORY. The missile that struck his wrist had sufficient energy left after it passed through the radius to emerge from the soft tissues on the under surface of the skin. It could have had enough to partially enter his thigh, but not completely.

Mr. SPECTER. In the way which his thigh was wounded?

Dr. GREGORY. I believe so; yes.

Mr. SPECTER. What did you do, Dr. Gregory, with the missile fragments which you removed from his wrists?

Dr. GREGORY. Those were turned over to the operating room nurse in attendance with instructions that they should be presented to the appropriate authorities present, probably a member of the Texas Rangers, but that is as far as I went with it myself.

Mr. SPECTER. I now show you a part of a document heretofore identified as Commission Exhibit 392, a two-page report which bears your name on the second page, and I ask you if this is the report you made of the operation on Governor Connally?

Dr. GREGORY. It appears to be the same; yes.

Mr. SPECTER. Are the facts set forth therein true and correct?

Dr. GREGORY. In essence they are true and correct; yes.

Mr. SPECTER. Dr. Gregory, does that report show the name of the nurse to whom you turned over the metallic fragments?

Dr. GREGORY. There are two nurses who are identified on this page. One is the scrub nurse, Miss Rutherford, and the second is the circulating nurse, Mrs. Schrader.

Mr. SPECTER. And is one or the other the nurse to whom you turned over the metallic fragments?

Dr. GREGORY. I do not remember precisely to whom I handed them. I do not know.

Mr. SPECTER. I now hand you a document marked Commission Exhibit No. 679, which Dr. Shaw used to identify the wounds on the Governor's back, and I ask you to note whether these documents accurately depict the place and the identity of the entry and exit wounds.

Dr. GREGORY. They do not in that, though the location of the wounds on the forearm is correct, and the dimensions, it is my opinion that entrance and exit terms have been reversed.

Mr. SPECTER. Would you delete the inaccurate statement and insert the accurate statement with your initials by the side of the changes, please?

Will you now describe the operative procedures—

Mr. DULLES. Could I ask one question that relates, I think, to your question. Assuming that the wrist wound and the thigh wound were caused by the same bullet, would you agree that the approximate trajectory is as indicated in this chart where Dr. Shaw has drawn a trajectory that he assumed taking into account three bullets instead of two? I am only asking you about the two wounds, namely the wrist and the thigh.

Dr. GREGORY. It would strike me, sir, that the trajectory to the wrist and the subsequent wound of the thigh could be lined up easily in a sitting position.

Now, those two could probably be lined up with a trajectory of the wound in the chest as well, but this would require a more precise positioning of the individual.

Mr. DULLES. But do you agree in general, taking the two wounds with which you are particularly familiar, that that would have been the trajectory as between the wrist and the thigh as drawn on that chart?

Dr. GREGORY. Yes, essentially so; yes, sir.

Mr. SPECTER. For the record, how was that chart identified, Doctor?

Dr. GREGORY. This is identified as Commission Exhibit 689.

Mr. SPECTER. Would you outline briefly the operative procedures which you performed on the Governor, please?

Dr. GREGORY. Yes. The wound on the dorsum of the Governor's wrist was treated by debridement, which means to remove by sharp surgical excision all contaminated tissues and those which are presumed to have been rendered nonviable by force. This meant removing a certain amount of skin, sub-

cutaneous tissue, fat, and all of the particles of clothing, threads of cloth, which we could identify; and, incidentally, a bit of metal or two.

That wound was subsequently left open; in other words, we did not suture it or sew it together. This is done in deference to potential infection which we know often to be associated with retained organic material such as cloth.

The wound on the volar surface or the palmar side of his wrist was enlarged. The purpose in enlarging it was an uncertainty as to the condition of the major nerves in the volar side of the wrist, and so these nerves were identified and explored and found to be intact, as were adjacent tendons. So that that wound was then sutured, closed.

After this, the fracture was manipulated into a hopefully respectable position of the fragments, and a cast was applied, and some traction, using rubber bands, was applied to the finger and the thumb in order to better hold the fracture fragments in their reduced or repositioned state.

Mr. SPECTER. Dr. Gregory, could all of the wounds which were inflicted on the Governor, that is, those described by Dr. Shaw, and those which you have described during your testimony, have been inflicted from one missile if that missile were a 6.5 millimeter bullet fired from a weapon having a muzzle velocity of approximately 2,000 feet per second at a distance of approximately 160 to 250 feet, if you assumed a trajectory with an angle of decline approximately 45 degrees?

Dr. GREGORY. I believe that the three wounds could have occurred from a single missile under these specifications.

Mr. SPECTER. Assume, if you will, another set of hypothetical circumstances: That the 6.5 millimeter bullet traveling at the same muzzle velocity, to wit, 2,000 feet per second, at approximately 165 feet between the weapon and the victim, struck the President in the back of the neck passing through the large strap muscles, going through a fascia channel, missing the pleural cavity, striking no bones and emerging from the lower anterior third of the neck, after striking the trachea. Could such a projectile have then passed into the Governor's back and inflicted all three or all of the wounds which have been described here today?

Dr. GREGORY. I believe one would have to concede the possibility, but I believe firmly that the probability is much diminished.

Mr. SPECTER. Why do you say that, sir?

Dr. GREGORY. I think that to pass through the soft tissues of the President would certainly have decelerated the missile to some extent. Having then struck the Governor and shattered a rib, it is further decelerated, yet it has presumably retained sufficient energy to smash a radius.

Moreover, it escaped the forearm to penetrate at least the skin and fascia of the thigh, and I am not persuaded that this is very probable. I would have to yield to possibility. I am sure that those who deal with ballistics can do better for you than I can in this regard.

Mr. SPECTER. What would your assessment of the likelihood be for a bullet under those hypothetical circumstances to have passed through the neck of the President and to have passed through only the chest of the Governor without having gone through either the wrist or into the thigh?

Dr. GREGORY. I think that is a much more plausible possibility or probability.

Mr. SPECTER. How about the likelihood of passing through the President and through the Governor's chest, but missing his wrist and passing into his thigh?

Dr. GREGORY. That, too, is plausible, I believe.

Mr. SPECTER. Are there any other circumstances of this event which have been related to you, including the striking of the President's head by a third bullet, which would account in any way, under any possibility, in your view, for the fracture of the right wrist which was apparently caused by a missile?

Dr. GREGORY. May I refer to this morning's discussions?

Mr. SPECTER. Yes, please do.

Dr. GREGORY. This morning I was shown two additional missiles or portions of missiles which are rather grossly distorted.

Mr. SPECTER. Let me make those a part of the record here, and ask if those are the missiles which have heretofore been identified as Commission Exhibit 568 and Commission Exhibit 570.

Dr. GREGORY. These items represent distorted bits of a missile, a jacket in one case, and part of a jacket and a lead core in the other.

These are missiles having the characteristics which I mentioned earlier, which tend to carry organic debris into wounds and tend to create irregular wounds of entry. One of these, it seems to me, could conceivably have produced the injury which the Governor incurred in his wrist.

Mr. DULLES. In his wrist?

Dr. GREGORY. Yes.

Mr. DULLES. And in his thigh?

Dr. GREGORY. I don't know about that, sir. It is possible. But the rather remarkably round nature of the wound in the thigh leads me to believe that it was produced by something like the butt end of an intact missile.

Mr. SPECTER. I now hand you an exhibit heretofore identified as Commission Exhibit 388, which depicts the artist's drawing of the passage of a bullet through the President's head, and I ask you, first of all, if you have had an opportunity to observe that prior to this moment?

Dr. GREGORY. Yes, I saw this illustration this morning.

Mr. SPECTER. Well, if you assume that the trajectory through the President's head was represented by the path of a 6.5-mm. bullet which fragmented upon striking the skull, both the rear and again the top, is it possible that a fragment coming at the rate of 2,000 feet per second from the distance of approximately 160 to 250 feet, could have produced a fragment which then proceeded to strike the Governor's wrist and inflict the damage which you have heretofore described?

Dr. GREGORY. I think it is plausible that the bullet, having struck the President's head, may have broken into more than one fragment. I think you apprised me of the fact that it did, in fact, disperse into a number of fragments, and they took tangential directions from the original path apparently.

Mr. SPECTER. Assuming the fact that the autopsy surgeon presented for the record a statement that the fragments moved forward into the vicinity of the President's right eye, as the diagram shows, that there were approximately 40 star-like fragments running on a line through the head on the trajectory, and that there was substantial fragmentation of the bullet as it passed through the head, what is your view about that?

Dr. GREGORY. I think it is possible that a fragment from that particular missile may have escaped and struck the Governor's right arm.

Mr. SPECTER. Did you have an opportunity to observe the slides and films commonly referred to as the Zapruder film this morning?

Dr. GREGORY. Yes; I saw those this morning.

Mr. SPECTER. Did they shed any light on the conclusions—as to your conclusions with respect to the wounds of the Governor and what you observed in the treatment of the Governor?

Dr. GREGORY. Yes, to this extent. It seemed to me in frames marked 234, 235, and 236, Governor Connally was in a position such that a single missile entered his back, could have passed through his chest, through his right forearm, and struck his thigh. That is a possibility.

I looked at the film very carefully to see if I could relate the position of Governor Connally's right arm to the movement when the missile struck the President's head, presumably the third missile, and I think that the record will show that those are obscured to a degree that the Governor's right arm cannot be seen. In the Governor's own words, he did not realize his right arm had been injured, and he has no idea when it was struck. This is historical fact to us at the time of the initial interview with him.

Mr. DULLES. Could I ask just one question? If a bullet had merely struck the Governor's arm without previously having struck anything else, is it conceivable that impediment of the bone that it hit there would be consistent with merely a flesh wound on the thigh? Do you follow me?

Dr. GREGORY. Yes; I follow you. I would doubt it on the basis of the kind of wound that the Governor has. Now the kind of wound in the Governor's right forearm is the kind that indicates there was not an excessive amount of energy expended there, which means either that the missile producing it had dissipated much of its energy, either that or there was an impediment to it someplace else along the way.

It is simply that there was not enough energy loss there, and one would expect a soft tissue injury beyond that point to be of considerably greater magnitude.

Mr. SPECTER. Dr. Gregory, did I take your deposition back on March 23, 1964, at Parkland Hospital?

Dr. GREGORY. Yes; you did.

Mr. SPECTER. Have you had an opportunity to review that deposition prior to today?

Dr. GREGORY. Yes; I have looked it over.

Mr. SPECTER. Do you have anything to add, Dr. Gregory, that you think would be helpful to the Commission in any way?

Dr. GREGORY. No, sir; I do not.

Mr. DULLES. Are you in agreement with the deposition as given?

Dr. GREGORY. Yes. I don't think there are any—there is any need to change any of the essence of the deposition. There are a few typographical errors and word changes one might make, but the essence is essentially as I gave it.

Mr. SPECTER. I have no further questions, sir.

Senator COOPER. I would just ask this question. In your long experience of treating wounds, you said some 500 wounds caused by bullets, have you acquired, through that knowledge of ballistics and characteristics of bullets?

Dr. GREGORY. Within a very limited sphere.

Senator COOPER. I know your testimony indicates that.

Dr. GREGORY. I have been concerned with the behavior of missiles in contact with tissues, but I am not very knowledgeable about the design of a missile nor how many grains of powder there are behind it. My concern was with the dissipation of the energy which it carries and the havoc that it wreaks when it goes off.

Senator COOPER. You derived that knowledge from your actual study of wounds and their treatment?

Dr. GREGORY. Study of wounds together with what I have read from the Army proving grounds, various centers, for exploring this kind of thing. I don't own a gun myself.

Mr. McCLOY. You are from Texas and you do not own a gun?

Dr. GREGORY. Well, sir, I went from Indiana to Texas. My father gave me a .410 shotgun, but he took it away from me shortly after he gave it to me.

The CHAIRMAN. Doctor, thank you very much.

Dr. GREGORY. Thank you very much, sir, Mr. Chief Justice.

(A short recess was taken.)

The CHAIRMAN. Governor, the Commission will come to order, please.

## TESTIMONY OF GOV. JOHN BOWDEN CONNALLY, JR.

Governor, this Commission has met today for the purpose of taking the testimony of you and Mrs. Connally concerning the sad affair that you were part of. If you will raise your right hand, please, and be sworn. Do you solemnly swear the testimony you are about to give before this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Governor CONNALLY. I do.

The CHAIRMAN. You may be seated, Governor. Mr. Specter will conduct the examination.

Mr. SPECTER. Will you state your full name for the record, please?

Governor CONNALLY. John Bowden Connally.

Mr. SPECTER. What is your official position with the State of Texas, sir?

Governor CONNALLY. I am now Governor of the State of Texas.

Mr. SPECTER. Did you have occasion to be in the automobile which carried President John F. Kennedy through Dallas, Tex., back on November 22, 1963.

Governor CONNALLY. Yes, sir; I did.

Mr. SPECTER. Will you outline briefly, please, the circumstances leading up to the President's planning a trip to Texas in November of last year?

Governor CONNALLY. You want to go back to—how far back do you want to

go, a few days immediately prior to the trip or a month before, or all of the circumstances surrounding it?

Mr. SPECTER. Well, just a very brief picture leading up to the trip, Governor, starting with whatever point you think would be most appropriate to give some outline of the origin of the trip.

Governor CONNALLY. Well, it had been thought that he should come to Texas for a period of many months, as a matter of fact. There was some thought given to it during 1962. The trip kept being delayed.

Finally in the fall of 1963 it was decided that he definitely should come, or should come in the fall of last year as opposed to waiting until this year, when his appearance might have more political overtones.

So I came up, I have forgotten the exact date, around the middle of October and talked to him about it, discussed the details, asked him what he would like to do.

He said he would like to do whatever he could do that was agreeable with me; it was agreeable with me that he more or less trust me to plan the trip for him, to tell him where he would like to go. About that time some thought was being given to having four fundraising dinners. His attitude on that was he wouldn't prefer that. He felt that the appearances would not be too good, that he would much prefer to have one if we were going to have any. I told him this was entirely consistent with my own thoughts. We ought not to have more than one fundraising dinner. If we did, it ought to be in Austin. If we could do it, I would like for him to see and get into as many areas of the State as possible while he was there.

He, on his own, had made a commitment to go to the dinner for Congressman Albert Thomas, which was being given the night of the 21st in Houston, so shortly, really before he got there, and when I say shortly I would say 2 weeks before he came, the plans were altered a little bit in that he landed originally in San Antonio in the afternoon about 1:30 of the afternoon of the 21st. From there we went to Houston, attended the Thomas dinner that night at about 8 o'clock.

After that we flew to Fort Worth, spent the night at the Texas Hotel, had a breakfast there the next morning, and left about 10 o'clock, 10:30, for the flight over to Dallas.

Mr. SPECTER. In what vehicle did you fly from Fort Worth to Dallas?

Governor CONNALLY. In Air Force 1.

Mr. SPECTER. And approximately what time did you arrive at Love Field, Tex.

Governor CONNALLY. I would say about 11:50, 12:00, shortly before noon. I believe the luncheon was planned for 12:30, and we were running on schedule. I believe it was 11:50.

Mr. SPECTER. Would you describe for us briefly the ceremonies at Love Field on the arrival of the President?

Governor CONNALLY. Well, we, as usual, the President had a receiving line there. I conducted Mrs. Kennedy through the receiving line and introduced her to about 15 or 17 people who were there as an official welcoming committee.

The President came right behind, was introduced to them, and then he and Mrs. Kennedy both went over to the railing and spoke to a number of people who were standing around, who visited for 5 or 10 minutes, and then we got into the car as we had customarily done at each of the stops, and Mrs. Connally and I got on the jump seats, and with the President and Mrs. Kennedy on the back seat, and took off for the long motorcade downtown.

Mr. SPECTER. I will now hand you a photograph which I have marked "Commission Exhibit 697," Governor Connally, and ask you if that accurately depicts the occupants of the car as you were starting that motorcade trip through Dallas?

Governor CONNALLY. Yes; it does.

Mr. SPECTER. Do you know the identities of the men who are riding in the front seat of the car?

Governor CONNALLY. Yes. Roy Kellerman is on the right front. He is a Secret Service agent, and Bill—I can't remember the other's name—

Mr. SPECTER. Greer.

I hand you another photograph here, Governor, marked as "Commission Exhibit 698," and ask you if that is a picture of the President's automobile during its ride through the downtown area of Dallas?

Governor CONNALLY. Yes; I assume it is. This is certainly the President's automobile, and this is the precise position that each of us occupied in the ride through Dallas. It was the same position, and could be a photograph, of any number of places that we went. But I was seated in the jump seat immediately in front of him, and Mrs. Connally was seated immediately in front of Mrs. Kennedy in the jump seat, and Roy Kellerman was immediately in front of me.

Mr. SPECTER. Mr. Chief Justice, may I move at this time the admission into evidence of Exhibits 697 and 698?

The CHAIRMAN. They may be admitted.

(The items marked Commission Exhibits Nos. 697 and 698 were received in evidence.)

Mr. SPECTER. What was the relative height of the jump seats, Governor, with respect to the seat of the President and Mrs. Kennedy immediately to your rear?

Governor CONNALLY. They were somewhat lower. The back seat of that particular Lincoln limousine, which is a specially designed and built automobile, as you know, for the President of the United States, has an adjustable back seat. It can be lowered or raised. I would say the back seat was approximately 6 inches higher than the jump seats on which Mrs. Connally and I sat.

Mr. SPECTER. Do you know for certain whether or not the movable back seat was elevated at the time?

Governor CONNALLY. No; I could not be sure of it, although I know there were—there was a time or two when he did elevate it, and I think beyond question on most of the ride in San Antonio, Fort Worth, Houston, and Dallas, it was elevated. For a while—the reason I know is—I sat on the back seat with him during part of the ride, particularly in San Antonio, not in Dallas, but in San Antonio. The wind was blowing, and we were traveling fairly fast, and Mrs. Kennedy preferred to sit on the jump seat, and I was sitting on the back seat part of the time, and the seat was elevated, and I think it was on substantially all the trip.

Mr. SPECTER. Was the portion elevated, that where only the President sat?

Governor CONNALLY. No; the entire back seat.

Mr. SPECTER. Describe in a general way the size and reaction of the crowd on the motorcade route, if you would, please, Governor?

Governor CONNALLY. When we got into Dallas, there was quite a large crowd at the airport to greet their President. I would say several thousand people.

Part way downtown, in the thinly populated areas of Dallas, where we traveled, the crowds were not thick and were somewhat restrained in their reaction. By restrained, I mean they were not wildly enthusiastic, but they were grown people. There was a mature crowd as we went through some of the residential areas. They applauded and they were obviously very friendly in their conduct.

But as we, of course, approached downtown, the downtown area of Dallas, going down the main street, the crowds were tremendous. They were stacked from the curb and even outside the curb, back against the back walls. It was a huge crowd. I would estimate there were 250,000 people that had lined the streets that day as we went down.

The further you went the more enthusiastic the response was, and the reception. It was a tremendous reception, to the point where just as we turned on Houston Street off of Main, and turned on Houston, down by the courthouse, Mrs. Connally remarked to the President, "Well, Mr. President, you can't say there aren't some people in Dallas who love you." And the President replied, "That is very obvious," or words to that effect.

So I would say the reception that he got in Dallas was equal to, if not more, enthusiastic than those he had received in Fort Worth, San Antonio, and Houston.

Mr. SPECTER. Are there any other conversations which stand out in your mind on the portion of the motorcade trip through Dallas itself?

Governor CONNALLY. No; actually we had more or less desultory conversation as we rode along. The crowds were thick all the way down on both sides, and all of us were, particularly the President and Mrs. Kennedy were, acknowledging the crowds. They would turn frequently, smiling, waving to the people, and the opportunity for conversation was limited. So there was no particularly significant conversation or conversations which took place. It was, as I say, pretty desultory conversation.

Mr. SPECTER. Did the automobile stop at any point during this procession?

Governor CONNALLY. Yes; it did. There were at least two occasions on which the automobile stopped in Dallas and, perhaps, a third. There was one little girl, I believe it was, who was carrying a sign saying, "Mr. President, will you please stop and shake hands with me," or some—that was the import of the sign, and he just told the driver to stop, and he did stop and shook hands, and, of course, he was immediately mobbed by a bunch of youngsters, and the Secret Service men from the car following us had to immediately come up and wedge themselves in between the crowd and the car to keep them back away from the automobile, and it was a very short stop.

At another point along the route, a Sister, a Catholic nun, was there, obviously from a Catholic school, with a bunch of little children, and he stopped and spoke to her and to the children: and I think there was one other stop on the way downtown, but I don't recall the precise occasion. But I know there were two, but I think there was still another one.

Mr. SPECTER. Are there any other events prior to the time of the shooting itself which stand out in your mind on the motorcade trip through Dallas?

Governor CONNALLY. No; not that have any particular significance.

Mr. SPECTER. As to the comment which Mrs. Connally had made to President Kennedy which you just described, where on the motor trip was that comment made, if you recall?

Governor CONNALLY. This was just before we turned on Elm Street, after we turned off of Main.

Mr. SPECTER. Onto Houston?

Governor CONNALLY. Onto Houston, right by the courthouse before we turned left onto Elm Street, almost at the end of the motorcade, and almost, I would say, perhaps a minute before the fatal shooting.

Mr. SPECTER. What was the condition of the crowd at that juncture of the motorcade, sir?

Governor CONNALLY. At that particular juncture, when she made this remark, the crowd was still very thick and very enthusiastic. It began to thin immediately after we turned onto Elm Street. We could look ahead and see that the crowd was beginning to thin along the banks, just east, I guess of the overpass.

Mr. SPECTER. Was there any difficulty in hearing such a conversational comment?

Governor CONNALLY. No, no; we could talk without any, and hear very clearly, without any difficulty, without any particular strain. We didn't do it again because in trying to carry on a conversation it would be apparent to those who were the spectators on the sidewalk, and we didn't want to leave the impression we were not interested in them, and so we just didn't carry on a conversation, but we could do so without any trouble.

Mr. SPECTER. As the automobile turned left onto Elm from Houston, what did occur there, Governor?

Governor CONNALLY. We had—we had gone, I guess, 150 feet, maybe 200 feet, I don't recall how far it was, heading down to get on the freeway, the Stemmons Freeway, to go out to the hall where we were going to have lunch and, as I say, the crowds had begun to thin, and we could—I was anticipating that we were going to be at the hall in approximately 5 minutes from the time we turned on Elm Street.

We had just made the turn, well, when I heard what I thought was a shot. I heard this noise which I immediately took to be a rifle shot. I instinctively turned to my right because the sound appeared to come from over my right

shoulder, so I turned to look back over my right shoulder, and I saw nothing unusual except just people in the crowd, but I did not catch the President in the corner of my eye, and I was interested, because once I heard the shot in my own mind I identified it as a rifle shot, and I immediately—the only thought that crossed my mind was that this is an assassination attempt.

So I looked, failing to see him, I was turning to look back over my left shoulder into the back seat, but I never got that far in my turn. I got about in the position I am in now facing you, looking a little bit to the left of center, and then I felt like someone had hit me in the back.

Mr. SPECTER. What is the best estimate that you have as to the time span between the sound of the first shot and the feeling of someone hitting you in the back which you just described?

Governor CONNALLY. A very, very brief span of time. Again my trend of thought just happened to be, I suppose along this line, I immediately thought that this—that I had been shot. I knew it when I just looked down and I was covered with blood, and the thought immediately passed through my mind that there were either two or three people involved or more in this or someone was shooting with an automatic rifle. These were just thoughts that went through my mind because of the rapidity of these two, of the first shot plus the blow that I took, and I knew I had been hit, and I immediately assumed, because of the amount of blood, and, in fact, that it had obviously passed through my chest, that I had probably been fatally hit.

So I merely doubled up, and then turned to my right again and began to—I just sat there, and Mrs. Connally pulled me over to her lap. She was sitting, of course, on the jump seat, so I reclined with my head in her lap, conscious all the time, and with my eyes open; and then, of course, the third shot sounded, and I heard the shot very clearly. I heard it hit him. I heard the shot hit something, and I assumed again—it never entered my mind that it ever hit anybody but the President. I heard it hit. It was a very loud noise, just that audible, very clear.

Immediately I could see on my clothes, my clothing, I could see on the interior of the car which, as I recall, was a pale blue, brain tissue, which I immediately recognized, and I recall very well, on my trousers there was one chunk of brain tissue as big as almost my thumb, thumbnail, and again I did not see the President at any time either after the first, second, or third shots, but I assumed always that it was he who was hit and no one else.

I immediately, when I was hit, I said, "Oh, no, no, no." And then I said, "My God, they are going to kill us all." Nellie, when she pulled me over into her lap—

Mr. SPECTER. Nellie is Mrs. Connally?

Governor CONNALLY. Mrs. Connally. When she pulled me over into her lap, she could tell I was still breathing and moving, and she said, "Don't worry. Be quiet. You are going to be all right." She just kept telling me I was going to be all right.

After the third shot, and I heard Roy Kellerman tell the driver, "Bill, get out of line." And then I saw him move, and I assumed he was moving a button or something on the panel of the automobile, and he said, "Get us to a hospital quick." I assumed he was saying this to the patrolman, the motorcycle police who were leading us.

At about that time, we began to pull out of the cavalcade, out of the line, and I lost consciousness and didn't regain consciousness until we got to the hospital.

Mr. SPECTER. Governor Connally, I hand you a photograph, marked Commission Exhibit 699, which is an overhead shot of Dealey Plaza depicting the intersection of Houston and Elm, and ask you if you would take a look at that photograph and mark for us, if you would, with one of the red pencils at your right, the position of the President's automobile as nearly as you can where it was at the time the shooting first started.

Governor CONNALLY. I would say it would be about where this truck is here. It looks like a truck. I would say about in that neighborhood.

Mr. SPECTER. Would you place your initials, Governor, by the mark that you made there?

Governor, you have described hearing a first shot and a third shot. Did you hear a second shot?

Governor CONNALLY. No; I did not.

Mr. SPECTER. What is your best estimate as to the timespan between the first shot which you heard and the shot which you heretofore characterized as the third shot?

Governor CONNALLY. It was a very brief span of time; oh, I would have to say a matter of seconds. I don't know, 10, 12 seconds. It was extremely rapid, so much so that again I thought that whoever was firing must be firing with an automatic rifle because of the rapidity of the shots; a very short period of time.

Mr. SPECTER. What was your impression then as to the source of the shot?

Governor CONNALLY. From back over my right shoulder which, again, was where immediately when I heard the first shot I identified the sound as coming back over my right shoulder.

Mr. SPECTER. At an elevation?

Governor CONNALLY. At an elevation. I would have guessed at an elevation.

Mr. SPECTER. Excuse me.

Governor CONNALLY. Well, that is all.

Mr. SPECTER. Did you have an impression as to the source of the third shot?

Governor CONNALLY. The same. I would say the same.

Mr. SPECTER. How fast was the President's automobile proceeding at that time?

Governor CONNALLY. I would guess between 20 and 22 miles an hour, and it is a guess because I didn't look at the speedometer, but I would say in that range.

Mr. SPECTER. Did President Kennedy make any statement during the time of the shooting or immediately prior thereto?

Governor CONNALLY. He never uttered a sound at all that I heard.

Mr. SPECTER. Did Mrs. Kennedy state anything at that time?

Governor CONNALLY. Yes; I have to—I would say it was after the third shot when she said, "They have killed my husband."

Mr. SPECTER. Did she say anything more?

Governor CONNALLY. Yes; she said, I heard her say one time, "I have got his brains in my hand."

Mr. SPECTER. Did that constitute everything that she said at that time?

Governor CONNALLY. That is all I heard her say.

Mr. SPECTER. Did Mrs. Connally say anything further at this time?

Governor CONNALLY. All she said to me was, after I was hit when she pulled me over in her lap, she said, "Be quiet, you are going to be all right. Be still, you are going to be all right." She just kept repeating that.

Mr. SPECTER. Was anything further stated by Special Agent Roy Kellerman other than that which you have already testified about?

Governor CONNALLY. No; those are the only two remarks that I heard him make.

Mr. SPECTER. Was any statement made by Special Agent William Greer at or about the time of the shooting?

Governor CONNALLY. No; I did not hear Bill say anything.

Mr. SPECTER. Did you observe any reaction by President Kennedy after the shooting?

Governor CONNALLY. No; I did not see him.

Mr. SPECTER. Did you observe any reaction by Mrs. Kennedy after the shooting?

Governor CONNALLY. I did not see her. This almost sounds incredible, I am sure, since we were in the car with them. But again I will repeat very briefly when what I believe to be the shot first occurred, I turned to my right, which was away from both of them, of course, and looked out and could see neither, and then as I was turning to look into the back seat where I would have seen both of them, I was hit, so I never completed the turn at all, and I never saw either one of them after the firing started, and, of course, as I have testified, then Mrs. Connally pulled me over into her lap and I was facing forward with my head slightly turned up to where I could see the driver and Roy Kellerman on his right, but I could not see into the back seat, so I didn't see either one of them.

Mr. SPECTER. When you turned to your right, Governor Connally, immediately after you heard the first shot, what did you see on that occasion?

Governor CONNALLY. Nothing of any significance except just people out on the grass slope. I didn't see anything that was out of the ordinary, just saw men, women, and children.

Mr. SPECTER. Do you have any estimate as to the distance which the President's automobile traveled during the shooting?

Governor CONNALLY. No; I hadn't thought about it, but I would suppose in 10 to 12 seconds, I suppose you travel a couple of hundred feet.

Mr. SPECTER. Did you observe any bullet or fragments of bullet strike the windshield?

Governor CONNALLY. No.

Mr. SPECTER. Did you observe any bullet or fragments of bullet strike the metal chrome?

Governor CONNALLY. No.

Mr. SPECTER. Did you experience any sensation of being struck any place other than that which you have described on your chest?

Governor CONNALLY. No.

Mr. SPECTER. What other wounds, if any, did you sustain?

Governor CONNALLY. A fractured wrist and a wound in the thigh, just above the knee.

Mr. SPECTER. What thigh?

Governor CONNALLY. Left thigh; just above the knee.

Mr. SPECTER. Where on the wrist were you injured, sir?

Governor CONNALLY. I don't know how you describe it.

Mr. SPECTER. About how many inches up from the wrist joint?

Governor CONNALLY. I would say an inch above the wrist bone, but on the inner bone of the wrist where the bullet went in here and came out almost in the center of the wrist on the underside.

Mr. SPECTER. About an inch from the base of the palm?

Governor CONNALLY. About an inch from the base of the palm, a little less than an inch, three-quarters of an inch.

Mr. SPECTER. Were you conscious of receiving that wound on the wrist at the time you sustained it?

Governor CONNALLY. No, sir; I was not.

Mr. SPECTER. When did you first know you were wounded in the right wrist?

Governor CONNALLY. When I came to in the hospital on Saturday, the next morning, and I looked up and my arm was tied up in a hospital bed, and I said, "What is wrong with my arm?" And they told me then that I had a shattered wrist, and that is when I also found out I had a wound in the thigh.

Mr. SPECTER. Can you describe the nature of the wound in the thigh?

Governor CONNALLY. Well, just a raw, open wound, looked like a fairly deep penetration.

Mr. SPECTER. Indicating about 2 inches?

Governor CONNALLY. No; I would say about an inch, an inch and a quarter long is all; fairly wide, I would say a quarter of an inch wide, maybe more, a third of an inch wide, and about an inch and a quarter, an inch and a half long.

Mr. SPECTER. Were you conscious that you had been wounded on the left thigh at the time it occurred?

Governor CONNALLY. No.

Mr. SPECTER. Did you first notice that in the hospital on the following day also?

Governor CONNALLY. Yes.

Mr. SPECTER. In your view, which bullet caused the injury to your chest, Governor Connally?

Governor CONNALLY. The second one.

Mr. SPECTER. And what is your reason for that conclusion, sir?

Governor CONNALLY. Well, in my judgment, it just couldn't conceivably have been the first one because I heard the sound of the shot. In the first place, I don't know anything about the velocity of this particular bullet, but any rifle has a velocity that exceeds the speed of sound, and when I heard the sound of that first shot, that bullet had already reached where I was, or it had reached

that far, and after I heard that shot, I had the time to turn to my right, and start to turn to my left before I felt anything.

It is not conceivable to me that I could have been hit by the first bullet, and then I felt the blow from something which was obviously a bullet, which I assumed was a bullet, and I never heard the second shot, didn't hear it. I didn't hear but two shots. I think I heard the first shot and the third shot.

MR. SPECTER. Do you have any idea as to why you did not hear the second shot?

Governor CONNALLY. Well, first, again I assume the bullet was traveling faster than the sound. I was hit by the bullet prior to the time the sound reached me, and I was in either a state of shock or the impact was such that the sound didn't even register on me, but I was never conscious of hearing the second shot at all.

Obviously, at least the major wound that I took in the shoulder through the chest couldn't have been anything but the second shot. Obviously, it couldn't have been the third, because when the third shot was fired I was in a reclining position, and heard it, saw it and the effects of it, rather—I didn't see it, I saw the effects of it—so it obviously could not have been the third, and couldn't have been the first, in my judgment.

MR. SPECTER. What was the nature of the exit wound on the front side of your chest, Governor?

Governor CONNALLY. I would say, if the Committee would be interested, I would just as soon you look at it. Is there any objection to any of you looking at it?

The CHAIRMAN. No.

Governor CONNALLY. You can tell yourself.

I would say, to describe it for the record, however, that it, the bullet, went in my back just below the right shoulder blade, at just about the point that the right arm joins the shoulder, right in that groove, and exited about 2 inches toward the center of the body from the right nipple of my chest. I can identify these for you.

The bullet went in here—see if I properly describe that—about the juncture of the right arm and the shoulder.

MR. SPECTER. Let the record show that the Governor has removed his shirt and we can view the wound on the back which he is pointing toward.

Governor CONNALLY. The other two are tubes that were inserted in my back by the doctors.

MR. SPECTER. Dr. Shaw is present and he can, perhaps, describe with identifiable precision where the wounds are.

Dr. SHAW. There is the wound of the drain that has been specifically described. It was not as large as the scar indicated because in cleaning up the ragged edges of the wound, some of the skin was excised in order to make a cleaner incision. This scar—

MR. SPECTER. Will you describe the location, Doctor, of that wound on the Governor's back?

Dr. SHAW. Yes. It is on the right shoulder, I will feel it, just lateral to the shoulder blade, the edge of which is about 2 centimeters from the wound, and just above and slightly medial to the crease formed by the axilla or the armpit, the arm against the chest wall.

MR. SPECTER. What other scars are shown there on the Governor's back?

Dr. SHAW. The other scars are surgically induced. This is the incision that was made to drain the depth of the subscapular space.

MR. SPECTER. And there you are indicating an incision at what location, please?

Dr. SHAW. Just at the angle of the shoulder blade. Here is the angle of the shoulder blade.

These incisions were never closed by suture. These incisions were left open and they healed by what we call secondary intention, because in this case there was what we call a Penrose drain, which is a soft-rubber drain going up into the depths of the shoulder to allow any material to drain. This was to prevent infection. The other small opening was the one in which the tube was placed through the eighth interspace.

Mr. SPECTER. Indicate its location, please, Doctor, on his back.

Dr. SHAW. This is lower on the right back in what we refer to as the posterior axillary line, roughly this line.

Mr. SPECTER. There you are drawing a vertical, virtually vertical line?

Dr. SHAW. Yes. It is on the right back, but getting close to the lateral portion of the chest. This also was a stab wound which was never sutured. There was a rubber drain through this that led to what we call a water seal bottle to allow for drainage of the inside of the chest.

Mr. SPECTER. Indicating again the second medically inflicted wound.

Dr. SHAW. Yes; that is right.

Mr. SPECTER. Will you now, Doctor, describe the location of the wound of exit on the Governor's chest, please?

Dr. SHAW. Yes. The wound of exit was beneath and medial to the nipple. Here was this V that I was indicating. It is almost opposite that. At the time of the wound there was a ragged oval hole here at least 5 centimeters in diameter, but the skin edges were excised, and here again this scar does not look quite as nice as it does during the more lateral portion of the surgically induced incision, because this skin was brought together under a little tension, and there is a little separation there.

Mr. SPECTER. Will you describe the entire scar there, Doctor, for the record, please?

Dr. SHAW. Yes. The entire surgical incision runs from the anterior portion of the chest just lateral to the, we call it, the condral arch, the V formed by the condral arch, and then extends laterally below the nipple, running up, curving up, into the posterior axillary portion or the posterior lateral wall of the chest.

Mr. SPECTER. What is the total length of the scar, Doctor?

Dr. SHAW. Twenty centimeters, about.

Mr. DULLES. Where was the center of the bullet wound itself in that scar about?

Dr. SHAW. Here.

Mr. DULLES. There?

Dr. SHAW. Yes. All of the rest of this incision was necessary to gain access to the depths of the wound for the debridement, for removing all of the destroyed tissue because of the passage of the bullet.

Mr. DULLES. Would you give us in your hand the area of declination from the entry to the—

Dr. SHAW. This way.

Mr. DULLES. Yes.

Mr. SPECTER. Can you estimate that angle for us, Doctor?

Dr. SHAW. We are talking about the angle now, of course, with the horizontal, and I would say—you don't have a caliper there, do you?

Dr. GREGORY. Yes.

Dr. SHAW. I was going to guess somewhere between 25° and 30°.

Mr. DULLES. Sorry to ask these questions.

Governor CONNALLY. That is fine. I think it is an excellent question.

Dr. SHAW. Well, this puts it right at 25°.

Mr. SPECTER. That is the angle then of elevation as you are measuring it?

Dr. SHAW. Measuring from back to front, it is the elevation of the posterior wound over the anterior wound.

The CHAIRMAN. The course being downward back to front?

Dr. SHAW. Yes.

Governor CONNALLY. Back to front.

The CHAIRMAN. Yes.

Dr. SHAW. At the time of the initial examination, as I described, this portion of the Governor's chest was mobile, it was moving in and out because of the softening of the chest, and that was the reason I didn't want the skin incision to be directly over that, because to get better healing it is better to have a firm pad of tissue rather than having the incision directly over the softened area.

Mr. DULLES. Doctor, would the angle be the same if the Governor were seated now the way he was in the chair?

Dr. SHAW. That is a good question. Of course, we don't know exactly whether

he was back or tipped forward. But I don't think there is going to be much difference.

Mr. DULLES. Were you seated in about that way, Governor?

Governor CONNALLY. Mr. Dulles, I would say I was in about this position when I was hit, with my face approximately looking toward you, 20° off of center.

Dr. SHAW. Yes; I got 27°. That didn't make much difference.

Mr. SPECTER. Is that reading taken then while the Governor is in a seated position, Doctor?

Dr. SHAW. Yes, seated; yes.

Representative BOGGS. May I ask a question? How would his hand have been under those circumstances, Doctor, for the bullet to hit his wrist?

Dr. GREGORY. I think it fits very well, really, remembering at the other end the trajectory is right here, and there would be no problem to pose his hands in that fashion, and if you will note, you can see it best from over here really, because you did see that the point of entry, and you can visualize his thigh, there is no problem to visualize the trajectory.

Mr. DULLES. Would you be naturally holding your hand in that position?

Dr. GREGORY. It could be any place.

Governor CONNALLY. It could be anywhere on that line, Mr. Dulles.

Mr. Chief Justice, you see this is the leg.

Dr. SHAW. Of course, the wound is much smaller than this.

Mr. SPECTER. Let the record show the Governor has displayed the left thigh showing the scar caused by the entry of the missile in the left thigh.

Dr. Gregory, will you describe the locale of that?

Dr. GREGORY. Yes. This scar, excisional scar, is a better term, if I may just interject that—

Mr. SPECTER. Please do.

Dr. GREGORY. The excisional scar to the Governor's thigh is located at a point approximately 10 or 12 centimeters above the adductor tubercule of the femur, placing it at the juncture of the middle and distal third of his thigh.

Mr. SPECTER. In lay language, Doctor, about how far is that up from the knee area?

Dr. GREGORY. Five inches, 6 inches.

Mr. SPECTER. Governor Connally, can you recreate the position that you were sitting in in the automobile, as best you can recollect, at the time you think you were struck?

Governor CONNALLY. I think, having turned to look over my right shoulder, then revolving to look over my left shoulder, I threw my right wrist over on my left leg.

Mr. SPECTER. And in the position you are seated now, with your right wrist on your left leg, with your little finger being an inch or two from your knee?

Governor CONNALLY. From the knee.

Mr. SPECTER. And, Dr. Gregory, would that be in approximate alinement which has been characterized on Commission Exhibit—

Dr. GREGORY. I think it fits reasonably well; yes, sir.

Mr. SPECTER. In a moment here I can get that exhibit.

Mr. DULLES. May I ask a question in the meantime?

Governor CONNALLY. Yes, sir.

Mr. DULLES. You turned to the right, as I recall your testimony, because you heard the sound coming from the right?

Governor CONNALLY. Yes, sir.

Mr. DULLES. How did you happen to turn then to the left, do you remember why that was?

Governor CONNALLY. Yes, sir; I know exactly. I turned to the right both to see, because it was an instinctive movement, because that is where the sound came from, but even more important, I immediately thought it was a riflshot, I immediately thought of an assassination attempt, and I turned to see if I could see the President, to see if he was all right. Failing to see him over my right shoulder, I turned to look over my left shoulder.

Mr. DULLES. I see.

Governor CONNALLY. Into the back seat, and I never completed that turn. I

got no more than substantially looking forward, a little bit to the left of forward, when I got hit.

Representative Boggs. May I ask one of the doctors a question? What is the incidence of recovery from a wound of this type?

Dr. GREGORY. I will defer the answer to Dr. Shaw. From the wrist, excellent so far as recovery is concerned. Functionally, recovery is going to be good, too, and Dr. Shaw can take on the other one.

Dr. SHAW. We never had any doubt about the Governor's recovery. We knew what we had to do and we felt he could recover. I think I indicated that to Mrs. Connally.

Governor CONNALLY. As soon as you got into the chest and found out what it was.

Representative Boggs. But there was a very serious wound, was there not, Doctor?

Dr. SHAW. Yes. It was both a shocking and painful wound, and the effects of the wound, the immediate effects of the wound, were very dangerous as far as Governor Connally was concerned, because he had what we call a sucking wound of the chest. This would not allow him to breathe. I think instinctively what happened, while he was riding in the car on the way to the hospital, he probably had his arm across, and he may have instinctively closed that sucking area to some extent. But they had to immediately put an occlusive dressing on it as soon as he got inside to keep him from sucking air in and out of the right chest.

Representative Boggs. Had hospitalization been delayed for about another half hour or so—

Dr. SHAW. That is speculation, but I don't think he could have maintained breathing, sufficient breathing, for a half hour with that type of wound. It is a little speculation. It would depend on how well he could protect himself. We have had instances where by putting their jackets around them like this, they could occlude this, and go for a considerable period of time. Airmen during the war instinctively protected themselves in this way.

Representative Boggs. You have no doubt about his physical ability to serve as Governor?

Dr. SHAW. None whatever. [Laughter.]

Senator COOPER. I am just trying to remember whether we asked you, Doctor, if you probed the wound in the thigh to see how deep it was.

Dr. GREGORY. I did not, Senator. Dr. Tom Shires at our institution attended that wound, and I have his description to go on, what he found, what he had written, and his description is that it did not penetrate the thigh very deeply, just to the muscle, but not beyond that.

Representative Boggs. Just one other question of the Doctor. Having looked at the wound, there is no doubt in either of your minds that that bullet came from the rear, is there?

Dr. GREGORY. There has never been any doubt in my mind about the origin of the missile; no.

Representative Boggs. And in yours?

Dr. SHAW. No.

Mr. SPECTER. Governor Connally, this is the exhibit which I was referring to, being 689. Was that your approximate position except—that is the alinement with your right hand being on your left leg as you have just described?

Governor CONNALLY. No; it looks like my right hand is up on my chest. But I don't know. I can't say with any degree of certainty where my right hand was, frankly.

Mr. SPECTER. Governor Connally—

Governor CONNALLY. It could have been up on my chest, it could have been suspended in the air, it could have been down on my leg, it could have been anywhere. I just don't remember.

I obviously, I suppose, like anyone else, wound up the next day realizing I was hit in three places, and I was not conscious of having been hit but by one bullet, so I tried to reconstruct how I could have been hit in three places by the same bullet, and I merely, I know it penetrated from the back through the chest first.

I assumed that I had turned as I described a moment ago, placing my right hand on my left leg, that it hit my wrist, went out the center of the wrist, the underside, and then into my leg, but it might not have happened that way at all.

Mr. SPECTER. Were your knees higher on the jump seat than they would be on a normal chair such as you are sitting on?

Governor CONNALLY. I would say it was not unlike this, with the exception the knees might be slightly higher, perhaps a half an inch to an inch higher.

Mr. DULLES. In this photograph you happen to have your right arm on the side of the car. I don't know whether you recall that. That is Commission Exhibit 698. That just happened to be one pose at one particular time?

Governor CONNALLY. Yes; I don't think there is any question, Mr. Dulles, at various times we were turned in every direction. We had arms extended out of the car, on the side.

Mr. DULLES. That was taken earlier, I believe. Was that on Main Street? Where was that taken?

Representative BOGGS. I wonder if I might ask a question?

The CHAIRMAN. Go right ahead.

Representative BOGGS. This is a little bit off the subject, but it is pretty well established that the Governor was shot and he has recovered. Do you have any reason to believe there was any conspiracy afoot for somebody to assassinate you?

Governor CONNALLY. None whatever.

Representative BOGGS. Had you ever received any threat from Lee Harvey Oswald of any kind?

Governor CONNALLY. No.

Representative BOGGS. Did you know him?

Governor CONNALLY. No.

Representative BOGGS. Had you ever seen him?

Governor CONNALLY. No.

Representative BOGGS. Have you ever had any belief of, subsequent to the assassination of President Kennedy and your own injury, that there was a conspiracy here of any kind?

Governor CONNALLY. None whatever.

Representative BOGGS. What is your theory about what happened?

Governor CONNALLY. Well, it is pure theory based on nothing more than what information is available to everyone, and probably less is available to me, certainly less than is available to you here on this Commission.

But I think you had an individual here with a completely warped, demented mind who, for whatever reason, wanted to do two things: First, to vent his anger, his hate, against many people and many things in a dramatic fashion that would carve for him, in however infamous a fashion, a niche in the history books of this country. And I think he deliberately set out to do just what he did, and that is the only thing that I can think of.

You ask me my theory, and that is my theory, and certainly not substantiated by any facts.

Representative BOGGS. Going on again, Governor, and again using the word "theory," do you have any reason to believe that there was any connection between Oswald and Ruby?

Governor CONNALLY. I have no reason to believe that there was; no, Congressman. By the same token, if you ask me do I have any reason not to believe it, I would have to answer the same, I don't know.

Representative BOGGS. Yes.

Governor CONNALLY. I just don't have any knowledge or any information about the background of either, and I am just not in a position to say.

Mr. DULLES. You recall your correspondence with Oswald in connection with Marine matters, when he thought you were still Secretary of the Navy?

Governor CONNALLY. After this was all over, I do, Mr. Dulles. As I recall, he wrote me a letter asking that his dishonorable discharge be corrected. But at the time he wrote the letter, if he had any reason about it at all, or shortly thereafter, he would have recognized that I had resigned as Secretary of the Navy a month before I got the letter, so it would really take a peculiar mind,

it seems to me, to harbor any grudge as a result of that when I had resigned as Secretary prior to the receipt of the letter.

Mr. DULLES. I think I can say without violating any confidence, that there is nothing in the record to indicate that there was—in fact, Marina, the wife, testified, in fact, to the contrary. There was no animus against you on the part of Oswald, as you—

Governor CONNALLY. I have wondered, of course, in my own mind as to whether or not there could have conceivably been anything, and the only—I suppose like any person at that particular moment, I represented authority to him. Perhaps he was in a rebellious spirit enough to where I was as much a target as anyone else. But that is the only conceivable basis on which I can assume that he was deliberately trying to hit me.

Representative BOGGS. You have no doubt about the fact that he was deliberately trying to hit you?

Governor CONNALLY. Yes, I do; I do have doubt, Congressman. I am not at all sure he was shooting at me. I think I could with some logic argue either way. The logic in favor of him, of the position that he was shooting at me, is simply borne out by the fact that the man fired three shots, and he hit each of the three times he fired. He obviously was a pretty good marksman, so you have to assume to some extent at least that he was hitting what he was shooting at.

On the other hand, I think I could argue with equal logic that obviously his prime target, and I think really his sole target, was President Kennedy. His first shot, at least to him, he could not have but known the effect that it might have on the President. His second shot showed that he had clearly missed the President, and his result to him, as the result of the first shot, the President slumped and changed his position in the back seat just enough to expose my back. I haven't seen all of the various positions, but again I think from where he was shooting I was in the direct line of fire immediately in front of the President, so any movement on the part of the President would expose me.

The CHAIRMAN. Have you seen the moving pictures, Governor?

Governor CONNALLY. Yes, sir; I have, Mr. Chief Justice.

Mr. SPECTER. Was there any point of exit on your thigh wound?

Governor CONNALLY. No.

Mr. SPECTER. (to Dr. Gregory.) Would you give the precise condition of the right wrist, and cover the thigh, too?

Dr. GREGORY. The present state of the wound on his wrist indicates that the linear scar made in the course of the excision is well healed; that its upper limb is about—

Governor CONNALLY. I thinks he wants you to describe the position of it.

Mr. SPECTER. Yes; the position.

Dr. GREGORY. I was about to do that. The upper limb of it is about 5 centimeters above the wrist joint, and curves around toward the thumb distally to about a centimeter above the wrist joint.

Mr. SPECTER. What is the total length of that?

Dr. GREGORY. The length of that excisional scar is about 4 centimeters, an inch and a half.

Mr. SPECTER. What is the wound appearing to be on the palmer side?

Dr. GREGORY. The wound on the palmer side of the wrist is now converted to a well-healed linear scar approximately one-half inch in length, and located about three-quarters of an inch above the distal flexion crease.

Representative BOGGS. What is the prognosis for complete return of function there?

Dr. GREGORY. Very good, Congressman; very good.

Mr. SPECTER. Governor Connally, I now show you the black jacket and ask you if you can identify what that jacket is, whose it is?

Governor CONNALLY. Yes, sir; that is mine.

Mr. SPECTER. When did you last wear that jacket?

Governor CONNALLY. On November 22 I was wearing this, the day of the shooting.

Mr. SPECTER. I show you Commission Exhibit 683 and ask you if that is a photograph of the front side of the jacket, as it appears at the moment?

Governor CONNALLY. Yes; it is.

Mr. SPECTER. I show you Exhibit 684, and ask if that is a photograph of the rear side of the jacket?

Governor CONNALLY. Yes, sir; it is.

Mr. SPECTER. I now show you a shirt and ask you if you can identify this as having been the shirt you wore on the day of the assassination?

Governor CONNALLY. Yes, sir; that is the shirt I had on.

Mr. SPECTER. I show you Exhibit 685 and ask if that is a picture of the rear side of the shirt?

Governor CONNALLY. Yes; it is.

Mr. SPECTER. Exhibit 686 is shown to you, and I ask you if that is a photograph of the front side of the shirt?

Governor CONNALLY. Yes, sir; it is.

Mr. SPECTER. I show you a pair of black trousers and ask you if you can identify them?

Governor CONNALLY. Yes, sir; these are the trousers to the coat we looked at a moment ago. They were the trousers I was wearing on the day of the shooting.

Mr. SPECTER. I show you a photograph and ask you, which is Exhibit 687, if that is a photograph of the front of the trousers?

Governor CONNALLY. Yes, sir; it is.

Mr. SPECTER. I show you Exhibit 688 and ask you if that depicts the rear of the trousers?

Governor CONNALLY. Yes, sir; it does.

Mr. SPECTER. I show you a tie, and ask you if you can identify that?

Governor CONNALLY. Yes, sir; that is the tie I was wearing on the day of the shooting.

Mr. SPECTER. I now show you a photograph marked Commission Exhibit 700 and ask if that is a picture of the tie?

Governor CONNALLY. Yes, sir; it is.

Mr. SPECTER. What is the permanent home of these clothes at the present time when they are not on Commission business?

Governor CONNALLY. They, the Archives of the State of Texas, asked for the clothing, and I have given the clothing to them. That is where they were sent from, I believe, here, to this Commission.

Mr. SPECTER. At this juncture, Mr. Chief Justice, I move for the admission in evidence of Commission Exhibits 699 and 700.

The CHAIRMAN. They may be admitted.

(The items marked Commission Exhibits Nos. 699 and 700 for identification were received in evidence.)

Mr. SPECTER. Governor Connally, in 1963 we were informed that Lee Harvey Oswald paid a visit to Austin, Tex., and is supposed to also have visited your office. Do you have any knowledge of such a visit?

Governor CONNALLY. No, sir.

Mr. DULLES. What date did you give?

Mr. SPECTER. 1963.

Representative BOGGS. What date in 1963?

Mr. SPECTER. We do not have the exact date on that.

Representative BOGGS. Excuse me just a minute. Would your office records indicate such a visit?

Governor CONNALLY. It might or might not, Congressman. We have—

Representative BOGGS. That is what I would think.

Governor CONNALLY. We have there a reception room that is open from about 9:30 to 12 and from 2 to 4 every day, and depending on the time of the year there are literally hundreds of people who come in there. There would be as high as 80 at a time that come in groups, and a tour—this is a very large reception room which, frankly, we can't use for any other purpose because it is so useful for tourists, and they literally come in by the hundreds, and some days we will have a thousand people in that room on any given day. So for

me to say he never was in there, I couldn't do that; and he might well have been there, and no record of it in the office.

We make no attempt to keep a record of all the people who come in. If they come in small groups or if they have appointments with me, or one of my assistants, yes, we do. We keep records of people who come in and want to leave a card or leave word that they dropped by. But I have no knowledge that he ever came by.

Mr. SPECTER. Governor Connally, on your recitation of the events on the day of the assassination, you had come to the point where the shooting was concluded and the automobile had started to accelerate toward the hospital. What recollection do you have, if any, of the events on the way to the hospital from the assassination scene?

Governor CONNALLY. None really. I think at that point I had lost consciousness because I don't have any recollection, Mr. Specter, of anything that occurred on the way to the hospital. It was a very short period of time, but I don't remember it.

Mr. SPECTER. Do you have any recollection of your arrival at the hospital itself, at the Parkland Hospital?

Governor CONNALLY. Yes. I think when the car stopped the driver was obviously driving at a very rapid rate of speed, and apparently, as he threw on the brakes of the car, it brought me back to consciousness.

Again, a strange thing—strange things run through your mind and, perhaps, not so strange under the circumstances, but I immediately—the only thought that occurred to me was that I was in the jump seat next to the door, that everyone concerned, was going to be concerned with the President; that I had to get out of the way so they could get to the President. So although I was reclining, and again Mrs. Connally holding me, I suddenly lurched out of her arms and tried to stand upright to get myself out of the car.

I got—I don't really know how far I got. They tell me I got almost upright, and then just collapsed again, and someone then picked me up and put me on a stretcher. I again was very conscious because this was the first time that I had any real sensation of pain, and at this point the pain in the chest was excruciating, and I kept repeating just over and over, "My God, it hurts, it hurts," and it was hurting, it was excruciating at that point.

I was conscious then off and on during the time I was in the emergency room. I don't recall that I remember everything, but I remember quite a bit. I remember being wheeled down the passageway, I remember doctors and various people talking in the emergency room, I remember them asking me a number of questions, too, which I answered, but that was about it.

Mr. SPECTER. Do you know whether there was any bullet, or bullet fragments, that remained in your body or in your clothing as you were placed on the emergency stretcher at Parkland Hospital?

Governor CONNALLY. No.

Mr. SPECTER. Governor Connally, other than that which you have already testified to, do you know of any events or occurrences either before the trip or with the President in Texas during his trip, or after his trip, which could shed any light on the assassination itself?

Governor CONNALLY. None whatever.

Mr. SPECTER. Do you know of any conversations involving anyone at all, either before the trip, during the trip, or after the trip, other than those which you have already related, which would shed any light on the facts surrounding the assassination?

Governor CONNALLY. None whatever.

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

Governor CONNALLY. No, sir; Mr. Specter, I don't.

I want to express my gratitude to the Commission for hearing me so patiently, but I only wish I could have added something more that would be helpful to the Commission on arriving at the many answers to so many of these difficult problems, but I don't.

I can only say that it has taken some little time to describe the events and what happened. It is rather amazing in retrospect when you think really

what a short period of time it took for it to occur, in a matter of seconds, and if my memory is somewhat vague about precisely which way I was looking or where my hand or arm was, I can only say I hope it is understandable in the light of the fact that this was a very sudden thing. It was a very shocking thing.

I have often wondered myself why I never had the presence of mind enough—I obviously did say something; I said, "Oh, no, no, no," and then I said, "My God, they are going to kill us all."

I don't know why I didn't say, "Get down in the car," but I didn't. You just never know why you react the way you do and why you don't do some things you ought to do.

But I am again grateful to this Commission as a participant in this tragedy and as a citizen of this country, and I want to express, I think in behalf of millions of people, our gratitude for the time and energy and the dedication that this Commission has devoted to trying to supply the answers that people, I am sure, will be discussing for generations to come. I know it has been a difficult, long, laborious task for you, but I know that generations of the future Americans will be grateful for your efforts.

Representative BOGGS. Governor, I would like to say that we have had fine cooperation from all of your Texas officials, from the attorney general of the State, and from his people and others who have worked with the Commission.

Governor CONNALLY. Well, we are delighted, and I am very happy that the attorney general is here with us today.

Senator COOPER. May I ask one question?

The CHAIRMAN. Yes, Senator Cooper.

Senator COOPER. Governor, at the time you all passed the Texas School Book Depository, did you know that such a building was located there? Were you familiar with the building at all?

Governor CONNALLY. Just vaguely, Senator.

Senator COOPER. But now when you heard the shot, you turned to your right because you thought, as you said, that the shot came from that direction. As you turned, was that in the direction of the Texas School Book Depository?

Governor CONNALLY. Yes, sir; it was.

Senator COOPER. Do you remember an overpass in front of you—

Governor CONNALLY. Yes, sir.

Senator COOPER. As you moved down?

Governor CONNALLY. Yes, sir.

Senator COOPER. Were you aware at all of any sounds of rifleshots from the direction of the overpass, from the embankment?

Governor CONNALLY. No, sir; I don't believe there were such.

Senator COOPER. Well, you know, there have been stories.

Governor CONNALLY. Yes, sir; but I don't believe that.

Senator COOPER. I wanted to ask you if you were very conscious of the fact—you were conscious of a shot behind you, you were not aware of any shot from the embankment or overpass. The answer is what?

Governor CONNALLY. I am not aware of any shots from the overpass, Senator. Senator, I might repeat my testimony with emphasis to this extent, that I have all my life been familiar with the sound of a rifleshot, and the sound I heard I thought was a rifleshot, at the time I heard it I didn't think it was a firecracker, or blowout or anything else. I thought it was a rifleshot. I have hunted enough to think that my perception with respect to directions is very, very good, and this shot I heard came from back over my right shoulder, which was in the direction of the School Book Depository, no question about it. I heard no other. The first and third shots came from there. I heard no other sounds that would indicate to me there was any commotion or disturbance of shots or anything else on the overpass.

Senator COOPER. Would you describe again the nature of the shock that you had when you felt that you had been hit by a bullet?

Governor CONNALLY. Senator, the best way I can describe it is to say that I would say it is as if someone doubled his fist and came up behind you and just with about a 12-inch blow hit you right in the back right below the shoulder blade.

Senator COOPER. That is when you heard the first rifleshot?

Governor CONNALLY. This was after I heard the first rifleshot. There was no pain connected with it. There was no particular burning sensation. There was nothing more than that. I think you would feel almost the identical sensation I felt if someone came up behind you and just, with a short jab, hit you with a doubled-up fist just below the shoulder blade.

Senator COOPER. That is all.

Mr. SPECTER. I have just one other question, Governor. With respect to the films and the slides which you have viewed this morning, had you ever seen those pictures before this morning?

Governor CONNALLY. I had seen what purported to be a copy of the film when I was in the hospital in Dallas. I had not seen the slides.

Mr. SPECTER. And when do you think you were hit on those slides, Governor, or in what range of slides?

Governor CONNALLY. We took—you are talking about the number of the slides?

Mr. SPECTER. Yes.

Governor CONNALLY. As we looked at them this morning, and as you related the numbers to me, it appeared to me that I was hit in the range between 130 or 131, I don't remember precisely, up to 134, in that bracket.

Mr. SPECTER. May I suggest to you that it was 231?

Governor CONNALLY. Well, 231 and 234, then.

Mr. SPECTER. The series under our numbering system starts with a higher number when the car comes around the turn, so when you come out of the sign, which was—

Governor CONNALLY. It was just after we came out of the sign, for whatever that sequence of numbers was, and if it was 200, I correct my testimony. It was 231 to about 234. It was within that range.

Mr. SPECTER. That is all.

The CHAIRMAN. Are there any other questions?

Mr. DULLES. I have one or two. Governor, were you consulted at all about the security arrangements in connection with the Dallas visit?

Governor CONNALLY. No, sir; not really; no, sir; and let me add we normally are not.

Mr. DULLES. I realize that.

Governor CONNALLY. Mr. Dulles, the Secret Service, as you know, comes in, they work with both our department of public safety and the various city police, and the various localities in which we are going. So far as I know, there was complete cooperation on the part of everyone concerned, but I was not consulted.

Mr. DULLES. I think you mentioned that there was a slight change in plans before the arrival in San Antonio. I don't know whether it affects our investigation at all. Do you recall that?

Governor CONNALLY. Yes, sir; I don't know whether it—I don't think it affects the testimony at all. I was merely trying to relate some of the problems that had gone into planning a Presidential trip into four cities.

Mr. DULLES. Yes.

Governor CONNALLY. And trying to arrange this all initially within about a 12-hour period which had been expanded into a little more than that because the President finally agreed to come the day before, and come into San Antonio on the afternoon before the Thomas dinner on Thursday night.

Mr. DULLES. That was the change you had in mind?

Governor CONNALLY. This was the change. This gave us much more latitude because it permitted us to go into San Antonio, which is one of the major stops, which was the major stop, really, because he dedicated the Aerospace Medical Center on Thursday, which meant we did not have to crowd Thursday. But there was a change, but not significant to this investigation.

Mr. DULLES. Do you happen to recall in general when the decision was reached that the visit would include a trip to Dallas, or was that always a part?

Governor CONNALLY. I think it was always a part.

Mr. DULLES. Of the planning?

Governor CONNALLY. Yes; I think it was always a part. There was consideration given, if you had to leave out some place, let us leave out Dallas or let us

leave out this one or that one, but there was no question, I don't think, in anyone's mind if we made more than one stop in the big cities that we were going to try to make them all, San Antonio, Houston, Dallas, and Fort Worth.

Mr. DULLES. You do not recall seeing anyone approach the car outside of those who were in the procession just prior to the shooting, anyone from the sidewalk or along the street there, in the park, which was on one side?

Governor CONNALLY. No, sir; I sure don't.

Mr. DULLES. You and one other happen to be the only witnesses who have indicated that they recognized it as being a riflshot. The other witness, like you, was a huntsman. Most of the witnesses have indicated they thought it was a backfire; the first shot was a backfire or a firecracker.

Can you distinguish, what is there that distinguishes a riflshot from a backfire or a firecracker? Can you tell, or is it just instinct?

Governor CONNALLY. I am not sure I could accurately describe it. I don't know that I have ever attempted to. I would say a firecracker or a blowout has more of a hollow, bursting kind of sound, as if you popped a balloon, or something of this sort. A riflshot, on the other hand, to me has more of a ring, kind of an echo to it, more of a metallic sound to it. It is a more penetrating sound than a firecracker or a blowout. It carries—

Mr. DULLES. That gives me what I had in mind. I realize that. That is all I have, Mr. Chief Justice.

The CHAIRMAN. Thank you very much. We are very appreciative of the help you have given us.

Senator COOPER. May I ask just one question?

The CHAIRMAN. We hate to have you review all of this sordid thing again.

Senator COOPER. May I ask a rather general question? I would like to ask, in view of all the discussion which has been had, was there any official discussion of any kind before this trip of which you were aware that there might be some act of violence against the President?

Governor CONNALLY. No, sir.

Senator COOPER. Thank you.

Governor CONNALLY. No; let me say that there have been several news stories—

Senator COOPER. Yes, I know.

Governor CONNALLY. That purportedly quoted me about not wanting the President to ride in a motorcade or caravan in Dallas. That is very true. But the implication was that I had some fear of his life, which is not true.

The reason I didn't want him to do it at the time it came up was simply we were running out of time, and that, I thought, we were working him much too hard. This again was before the change, moving San Antonio to Thursday instead of having it all on one day, and I was opposed to a motorcade because they do drain energy, and it takes time to do it, and I didn't think we had the time.

But once we got San Antonio moved from Friday to Thursday afternoon, where that was his initial stop in Texas, then we had the time, and I withdrew my objections to a motorcade.

The CHAIRMAN. Thank you very much, Governor.

Governor CONNALLY. Thank you, sir.

#### TESTIMONY OF MRS. JOHN BOWDEN CONNALLY, JR.

The CHAIRMAN. Mrs. Connally, would you mind telling us the story of this affair as you heard it, and we will be brief, and we will start right with the shooting itself, and Mr. Specter will also examine you.

Would you raise your right hand and be sworn, please? Do you solemnly swear the testimony you are about to give before this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. CONNALLY. I do.

The CHAIRMAN. Will you sit, please?

Mr. SPECTER. Are you the wife of Governor John C. Connally?

Mrs. CONNALLY. No, I am the wife of Governor John B. Connally.

Mr. SPECTER. Mrs. Connally, tell us what happened at the time of the assassination.

Mrs. CONNALLY. We had just finished the motorcade through the downtown Dallas area, and it had been a wonderful motorcade. The people had been very responsive to the President and Mrs. Kennedy, and we were very pleased, I was very pleased.

As we got off Main Street—is that the main thoroughfare?

Mr. SPECTER. That is the street on which you were proceeding through the town, yes.

Mrs. CONNALLY. In fact the receptions had been so good every place that I had showed much restraint by not mentioning something about it before.

I could resist no longer. When we got past this area I did turn to the President and said, "Mr. President, you can't say Dallas doesn't love you."

Then I don't know how soon, it seems to me it was very soon, that I heard a noise, and not being an expert rifleman, I was not aware that it was a rifle. It was just a frightening noise, and it came from the right.

I turned over my right shoulder and looked back, and saw the President as he had both hands at his neck.

Mr. SPECTER. And you are indicating with your own hands, two hands crossing over gripping your own neck?

Mrs. CONNALLY. Yes; and it seemed to me there was—he made no utterance, no cry. I saw no blood, no anything. It was just sort of nothing, the expression on his face, and he just sort of slumped down.

Then very soon there was the second shot that hit John. As the first shot was hit, and I turned to look at the same time, I recall John saying, "Oh, no, no, no." Then there was a second shot, and it hit John, and as he recoiled to the right, just crumpled like a wounded animal to the right, he said, "My God, they are going to kill us all."

I never again—

Mr. DULLES. To the right was into your arms more or less?

Mrs. CONNALLY. No, he turned away from me. I was pretending that I was him. I never again looked in the back seat of the car after my husband was shot. My concern was for him, and I remember that he turned to the right and then just slumped down into the seat, so that I reached over to pull him toward me. I was trying to get him down and me down. The jump seats were not very roomy, so that there were reports that he slid into the seat of the car, which he did not; that he fell over into my lap, which he did not.

I just pulled him over into my arms because it would have been impossible to get us really both down with me sitting and me holding him. So that I looked out, I mean as he was in my arms, I put my head down over his head so that his head and my head were right together, and all I could see, too, were the people flashing by. I didn't look back any more.

The third shot that I heard I felt, it felt like spent buckshot falling all over us, and then, of course, I too could see that it was the matter, brain tissue, or whatever, just human matter, all over the car and both of us.

I thought John had been killed, and then there was some imperceptible movement, just some little something that let me know that there was still some life, and that is when I started saying to him, "It's all right. Be still."

Now, I did hear the Secret Service man say, "Pull out of the motorcade. Take us to the nearest hospital," and then we took out very rapidly to the hospital.

Just before we got to Parkland, we made a right-hand turn, he must have been going very fast, because as he turned the weight of my husband's body almost toppled us both.

Mr. SPECTER. How fast do you think he was going?

Mrs. CONNALLY. I don't know; very rapidly. The people I could see going by were just rushing. We were just rushing by very fast.

We arrived at the hospital and sat there what seemed to me like an interminable time, and from what I know was just a few minutes, but the thoughts that went through my mind were how long must I sit here with this dying man in my arms while everybody is swarming over the President whom I felt very sure was dead, and just when I thought I could sit and wait no longer, John

just sort of heaved himself up. He did not rise up in the car, he just sort of heaved himself up, and then collapsed down into the seat.

Mr. SPECTER. At that time you and Governor Connally were still on the jump seats of the car?

Mrs. CONNALLY. Yes, and they had not—the President was still—and Mrs. Kennedy were still in the back. I still had not ever looked back at the back seat after the second shot. I could hear, you know, hear them talking about how sad, and lamenting the fact that the President was in such poor shape and, of course, they didn't know whether he was—I guess they didn't know whether he was alive or dead.

Mr. SPECTER. Did President Kennedy say anything at all after the shooting?

Mrs. CONNALLY. He did not say anything. Mrs. Kennedy said, the first thing I recall her saying was, after the first shot, and I heard her say, "Jack, they have killed my husband," and then there was the second shot, and then after the third shot she said, "They have killed my husband. I have his brains in my hand," and she repeated that several times, and that was all the conversation.

Mr. SPECTER. From that point forward you say you had your eyes to the front so you did not have a chance—

Mrs. CONNALLY. Yes, because I had him, and I really didn't think about looking back anyway, but I could just see the car rushing along, and people and things rushing past us. I remember thinking what a terrible sight this must be to those people, to see these two shot-up men, and it was a terribly horrifying thing, and I think that is about as I remember it.

Mr. SPECTER. What happened then after you got to the hospital?

Mrs. CONNALLY. We got to the hospital and, like I said, John heaved himself over. They still could not seem to get Mrs. Kennedy or the President out of the back of the car, but someone scooped him up in their arms and put him on a stretcher. There were two stretchers there, and then they took him off immediately to the emergency room, and they ran down the hall with the stretcher, and I just ran along with them.

They took him into the emergency room, and right behind us came the President on a stretcher, and they took him and put him in a room to the right. There was much commotion and confusion. There were lots of what I assumed were Secret Service men rushing in with machine guns, I guess, or tommyguns. I am not real sure, they were big arms of some sort. There was no one—there were lots of people across the hall. There was no one with me and, of course, my thoughts then were, I guess like any other woman, I wondered if all the doctors were in the room on the left, and they were not taking too good care of my husband on the right. I shouldn't have worried about that, should I?

I knew no one in the hospital and I was alone. Twice I got up and opened the door into the emergency room, and I could hear John and I could see him moving, and I knew then that he was still alive.

I guess that time was short, too. It seemed endless. Somebody rushed out, I thought it was a nurse, and handed me one cuff link. I later read that it was a lady doctor.

They took him out of there very soon up to surgery, and I just left with him and waited in an office. Do you know whose office I was in? It was where you came to me.

Dr. GREGORY. Dr. Jenkins' office.

Dr. SHAW. Yes. You were either in the anesthesia office or in the room that is part of the recovery room. Was it the same place where you later stayed, Mrs. Connally?

Mrs. CONNALLY. No.

Dr. GREGORY. I think it was back in Dr. Jenkins' office. That is where I believe I first saw you.

Mrs. CONNALLY. I believe that is right.

As soon as Dr. Shaw found that he had some encouraging news, that the wounds were not as extensive as he had thought they could be or might be, he sent that word to me from the operating room, and that was good news.

I then asked if I couldn't go see Mrs. Kennedy, and they told me that she had left the hospital.

Mr. SPECTER. Were you visited at the hospital by Mrs. Johnson?

Mrs. CONNALLY. Yes, I was. But I assume that was before, since they left together, not much of a visit. She came by and we didn't have to say much, and then they left.

Mr. SPECTER. Mrs. Connally, what was your impression, if any, as to the source of the shots?

Mrs. CONNALLY. Well, I had no thought of whether they were high or low or where. They just came from the right; sounded like they were to my right.

Mr. SPECTER. How many did you hear in all?

Mrs. CONNALLY. I heard three.

Mr. SPECTER. What is your best estimate on the time that passed from the first to the last shot?

Mrs. CONNALLY. Very short. It seemed to me that there was less time between the first and the second than between the second and the third.

Mr. SPECTER. About how fast do you think the car was going then?

Mrs. CONNALLY. I don't really know. Not too fast. It was sort of a letdown time for us. We could relax for, we thought we could, for just a minute.

Mr. SPECTER. And you mean by that since the major part of the crowd had been passed?

Mrs. CONNALLY. We had gone by them. The underpass was in sight, and I knew that as soon as we passed through the underpass that then we would be going straight to the Trade Mart for the luncheon, and I felt like we would then be moving fast and not have people on all sides of us.

Mr. SPECTER. Did you see the films this morning here in the Commission office?

Mrs. CONNALLY. Yes, I did.

Mr. SPECTER. Did you have an opinion as to which frame it was that Governor Connally was shot?

Mrs. CONNALLY. Yes. I was in agreement with the Governor. I am not sure I remember the numbers so correct me, but I thought at the time that it was that 229—it could have been then through the next three or four frames.

Mr. SPECTER. Do you have anything—

Mrs. CONNALLY. They were blurred.

Mr. SPECTER. With respect to the source, you say you thought it was to the right—did you have any reaction as to whether they were from the front, rear or side?

Mrs. CONNALLY. I thought it was from back of us.

Mr. SPECTER. To the rear?

Mrs. CONNALLY. To the right; that is right.

Mr. SPECTER. Did you have any reaction as to the question of elevation or level?

Mrs. CONNALLY. No, I didn't.

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

Mrs. CONNALLY. I don't think so.

The CHAIRMAN. Are there any other questions? Senator, do you have any? Do you have any, Mr. Dulles?

Mr. DULLES. I just have one question. Mrs. Connally, on one point your testimony differs from a good many others as to the timing of the shots. I think you said that there seemed to be more time between the second and third than between the first and the second; is that your recollection?

Mrs. CONNALLY. Yes.

Mr. DULLES. That is, the space between the first and the second was less than between the second and the third? You realize I just wanted to get whether I had heard you correctly on that.

Mrs. CONNALLY. You did.

Mr. DULLES. Thank you very much.

Mrs. CONNALLY. Thank you.

The CHAIRMAN. Mrs. Connally, thank you very much. We hate to have you review all this in your mind's eye again, but it was necessary to have your testimony, and you were very kind to come.

Mrs. CONNALLY. Thank you.

The CHAIRMAN. We appreciate it very much, indeed.

(Whereupon, at 5:45 p.m., the President's Commission adjourned.)

Wednesday, April 22, 1964

TESTIMONY OF JESSE EDWARD CURRY, J. W. FRITZ, T. L. BAKER,  
AND J. C. DAY

The President's Commission met at 9:10 a.m. on April 22, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator John Sherman Cooper, Representative Gerald R. Ford, John J. McCloy, and Allen W. Dulles, members.

Also present were J. Lee Rankin, general counsel; Joseph A. Ball, assistant counsel; David W. Belin, assistant counsel; Melvin Aron Eisenberg, assistant counsel; Leon D. Hubert, Jr., assistant counsel; Norman Redlich, assistant counsel; Charles Murray, observer; Waggoner Carr, attorney general of Texas; and Dean Robert G. Storey, special counsel to the attorney general of Texas.

TESTIMONY OF JESSE EDWARD CURRY

The CHAIRMAN. The Commission will come to order.

Chief, we have asked you to come here this morning, you and some of your officers, for the purpose of taking their testimony concerning the matters surrounding the arrest and the death of Lee Oswald at the time of the assassination of the President.

I think we will take the testimony of you, Captain Fritz, Lieutenant Day, and Lieutenant Baker. I want to say to you, Chief, before I leave, I will have to leave after an hour or so in order to sit on some cases we are hearing in the Supreme Court but I want to say to you beforehand that our staff was very much pleased with the cooperation that it received from your people when they were down in Dallas, and from the help that you personally gave to them, and made it very helpful, they were very helpful, and we did need to have speed at that particular time, because, as you know, we were obliged to wait until the Ruby trial was over before we could come down there at all.

So, we appreciate the assistance that your people gave us throughout that proceeding.

Now, would you please rise, Chief, and raise your right hand to be sworn.

Do you solemnly swear the testimony you are about to give before this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CURRY. I do.

The CHAIRMAN. Mr. Rankin, our Chief Counsel, will interrogate you, Chief.

Mr. Rankin, will you proceed?

Mr. RANKIN. Yes; Mr. Chief Justice.

Chief Curry, you gave a deposition for the Commission recently, did you not?

Mr. CURRY. Yes; I did, sir.

Mr. RANKIN. That was about April 15, 1964?

Mr. CURRY. Yes, sir.

Mr. RANKIN. And that was down in Dallas that you gave it?

Mr. CURRY. Yes, sir; it was.

Mr. RANKIN. And Mr. Hubert examined you?

Mr. CURRY. That is true.

Mr. RANKIN. That was taken down by a court reporter?

Mr. CURRY. Yes, sir.

Mr. RANKIN. Do you have anything to add to what you said at that time or wish to correct it in any way?

Mr. CURRY. I can't recall of anything that I should correct or add to.

Mr. RANKIN. I ask you those questions in a general way, we will go back to certain parts of that but I would like to proceed at this time in view of the fact that the Chief Justice and possibly other members of the Commission who will come may not be able to be here all the time that you are being examined and I would like to get to certain crucial matters if I may.

When did you learn of the arrest of Lee Harvey Oswald?

Mr. CURRY. While I was out at Parkland Hospital.

Mr. RANKIN. Do you know about what time that was, the day?

Mr. CURRY. It was on the 22d and the best I recall it was around 1 o'clock or maybe a little after 1 o'clock.

Mr. RANKIN. How did that come to your attention?

Mr. CURRY. Some of my officers came to me and said they had arrested a suspect in the shooting of our Officer Tippit.

Mr. RANKIN. What else did they say?

Mr. CURRY. They also told me a little later, I believe, that he was a suspect also in the assassination of the President.

Mr. RANKIN. What did you do then?

Mr. CURRY. I didn't do anything at the time. I was at the hospital, and I remained at the hospital until some of the Secret Service asked me to prepare two cars that we were informed that President Kennedy had expired and we were requested to furnish two cars for President Johnson and some of his staff to return to Love Field.

Mr. RANKIN. Did you do that?

Mr. CURRY. Yes; I did.

Mr. RANKIN. What else—what did you do after that?

Mr. CURRY. After the planes departed from Love Field, I was there for the inauguration of the President, and then we left the plane, and Judge Sarah Hughes and myself, and I remained at Love for some, I guess perhaps an hour.

Mr. RANKIN. By inauguration, you mean the swearing in of the President?

Mr. CURRY. That is right, sir.

Mr. RANKIN. On the plane?

Mr. CURRY. On the plane; yes.

Mr. RANKIN. And then you left Love Field?

Mr. CURRY. I talked to Mayor Cabell and his wife for a little while and after the plane left Love Field then I left Love Field.

Mr. RANKIN. Did you go with Judge Hughes or she go with you?

Mr. CURRY. No; she was in her own car.

Mr. RANKIN. I see.

Mr. CURRY. And I returned to the city hall.

Mr. DULLES. Did I understand correctly, how long were you at Love Field after the plane of the President left?

Mr. CURRY. As I recall it was approximately an hour.

Mr. DULLES. That is what I thought.

Mr. CURRY. We waited there until the casket bearing the President, and then the cars bearing Mrs. Kennedy arrived, and it was, I would judge an hour perhaps.

Mr. RANKIN. Then what did you do?

Mr. CURRY. I returned to my office at city hall.

Mr. RANKIN. Did you do anything about Lee Harvey Oswald at that time?

Mr. CURRY. No. As I went into the city hall it was overrun with the news media.

Mr. RANKIN. What did you do about that?

Mr. CURRY. I didn't do anything. They were jammed into the north hall of the third floor, which are the offices of the criminal investigation division. The television trucks, there were several of them around the city hall. I went into my administrative offices, I saw cables coming through the administrative assistant office and through the deputy chief of traffic through his office, and running through the hall they had a live TV set up on the third floor, and it was a bedlam of confusion.

Mr. RANKIN. Did anyone of the police department give them permission to do this?

Mr. CURRY. I noticed—well, I don't know who gave them permission because I wasn't there. When I returned they were up there.

Mr. RANKIN. Did you inquire about whether permission had been given?

Mr. CURRY. No; I didn't. We had in the past had always permitted free movement of the press around the city hall but we had never been faced with anything like this before where we had national and international news media descending upon us in this manner.

Mr. RANKIN. Could you describe to the Commission the difference this time as compared with the ordinary case that you have handled?

Mr. CURRY. Well, the ordinary case, perhaps we have two or three or maybe a half dozen reporters, we have a room for them on the third floor where they normally on assignment at city hall they stay in this room.

As prisoners are brought to and from the interrogation offices, it is necessary to bring them down the main corridor, and they usually are waiting there where they take pictures of them as they enter and as they leave and they sometimes try to ask them questions.

Mr. RANKIN. Now, how was this different?

Mr. CURRY. That there was such total confusion here. We had to post men on the door to keep them actually from going into the office where they were interrogating. We had some men, police reserves and a sergeant, I noticed on the third floor when I come off the elevator.

They were stationed there, and they were screening people to see whether or not they had business on the third floor because we did have to carry on our other normal business, the burglary and theft and the juvenile bureau and the auto theft bureau, the forgery bureau all of these are on the third floor in this wing.

The CHAIRMAN. Chief, is this building just a police building or a municipal building, general purposes?

Mr. CURRY. It is a section of the municipal building.

The CHAIRMAN. A section of it. Is it isolated from the rest of it?

Mr. CURRY. No; it is connected.

The CHAIRMAN. Connected?

Mr. CURRY. Yes. And on the first floor we have the courts and the traffic violations bureau.

In the basement it is principally police offices. On the second floor we have the city planning commission, and we have part of our traffic division and special service bureau on the second floor.

Then on the third floor we have the criminal investigation division. We have the police dispatcher's office, and we have the administrative offices and we have the personnel offices.

The CHAIRMAN. I see.

Mr. CURRY. But all these are connected with the municipal building, each floor is.

The CHAIRMAN. Yes.

Mr. RANKIN. Did you have anything to do with the interrogation of Lee Harvey Oswald?

Mr. CURRY. No, sir; I did not. I was in the office once or twice while he was being interrogated but I never asked him any question myself.

Mr. RANKIN. Do you know who did?

Mr. CURRY. Captain Fritz principally interrogated him, I believe.

Mr. RANKIN. Was that his responsibility?

Mr. CURRY. Yes; it was. There were several people in the office. It seems to me we were violating every principle of interrogation, the method by which we had to interrogate.

Mr. RANKIN. Will you explain to the Commission what you mean by that?

Mr. CURRY. Ordinarily an interrogator in interrogating a suspect will have him in a quiet room alone or perhaps with one person there.

Mr. RANKIN. Is that your regular practice?

Mr. CURRY. That is the regular practice.

Mr. RANKIN. Tell us how this was done?

Mr. CURRY. This we had representatives from the Secret Service, we had representatives from the FBI, we had representatives from the Ranger Force, and they were—and then one or two detectives from the homicide bureau. This was, well, it was just against all principles of good interrogation practice.

Mr. RANKIN. By representatives can you tell us how many were from each of these agencies that you describe?

Mr. CURRY. I can't be sure. I recall I believe two from the FBI, one or two, Inspector Kelley was there from Secret Service, and I believe another one

of his men was there. There was one, I recall seeing one man from the Rangers. I don't recall who he was. I just remember now that there was one.

Captain Fritz, and one or two of his detectives—this was in a small office.

Mr. RANKIN. Did you do anything about this when you found out there were so many, did you give any instructions about it?

Mr. CURRY. No; I didn't. This was an unusual case. In fact, I had received a call from the FBI requesting that they have a representative from there in the hearing room. And we were trying to cooperate with all agencies concerned in this, and I called Captain Fritz and asked him to permit a representative of the FBI to come in.

Mr. DULLES. Who was directing the interrogation, Captain Fritz?

Mr. CURRY. Captain Fritz.

Mr. RANKIN. Do you know how Lee Harvey Oswald was treated by the police department?

Mr. CURRY. So far as I know he was treated as any other prisoner is treated. He was not handled in any manner any different from any other prisoner. He had a scratch or two on his face which he received when he was wrestling with the police over in this theater in Oak Cliff. Other than that he had no marks on him.

Mr. RANKIN. Did he ever complain that you know of about his treatment while he was there?

Mr. CURRY. No, sir; he did not.

Mr. RANKIN. Did you give any instructions about the security or how he should be protected during this time?

Mr. CURRY. No; I personally didn't. Deputy Chief Lumpkin, who has charge of the service division which is the jail security, he told me that he had ordered that two guards be placed on him right outside his cell and kept there 24 hours a day as long as we had him.

Mr. RANKIN. Do you know what was done about that?

Mr. CURRY. It was carried out. He told me that this was carried out.

Mr. RANKIN. Did you have any further difficulty with the media, the various press and radio and television representatives during this time?

Mr. CURRY. Well, every time we would walk out of the office they would besiege you with questions and wanting statements and asking what we had found out, and did we think this was the right man, and they almost ran over you.

Mr. RANKIN. What did you do about that?

Mr. CURRY. I tried to maintain some order. I didn't order them out of the building, which if I had it to do over I would. In the past like I say, we had always maintained very good relations with our press, and they had always respected us, and this was something, the first time we experienced anything like this, to this degree.

Mr. RANKIN. Did you have any tape recordings of the interviews with Mr. Oswald?

Mr. CURRY. I do not have.

Mr. RANKIN. Did anyone?

Mr. CURRY. Not to my knowledge. Unless someone from the FBI or the Secret Service, if they recorded it, I don't know.

Mr. RANKIN. How many times was he interrogated, do you know?

Mr. CURRY. No; I do not know that.

Mr. RANKIN. You never examined him yourself at any time?

Mr. CURRY. No, sir; I didn't.

Mr. RANKIN. Will you describe the place where he was kept while he was there in the jail?

Mr. CURRY. Well, it is in one of our maximum security cells, much the same as any other jail. But he was isolated away from the other prisoners, and there was two jail guards set immediately outside his cell.

Mr. RANKIN. Did you isolate him or was that in accordance with your instructions?

Mr. CURRY. No; this is customary with a prisoner of this type and Chief Lumpkin in charge of the service division had issued these orders.

Mr. RANKIN. What do you mean by maximum security in your prison?

Mr. CURRY. Well, we have some cells where they have cells that are locked and then you come out of the cell into a corridor and that is locked, and these are maintained from a master control box. That is a maximum security cell. Some of the others they just have a lock on the door and it opens out into the hallway.

Mr. RANKIN. Did you do anything about furnishing him clothing?

Mr. CURRY. We removed his clothing except for his underwear in order that he couldn't harm himself. When he was removed from the cell, of course, his clothes were given to him.

Mr. RANKIN. Was he allowed to shower and clean up.

Mr. CURRY. I don't think he ever asked for a shower while he was there. Had he asked for one he would have been permitted to shower and he would have been permitted to shave.

Mr. RANKIN. Was he treated any differently in any way that you know of than other prisoners?

Mr. CURRY. Except perhaps a little more security placed on him, a constant security. Ordinarily we wouldn't, except in unusual cases would we have a constant surveillance on a prisoner, and this is usually, if we felt like he might try to harm himself we would have someone there to immediately prevent it.

Mr. DULLES. Could I ask a question?

What was Oswald's attitude toward the police? Have you any comment on that?

Mr. CURRY. The only things I heard him say, he was very arrogant. He was very—he had a dislike for authority, it seemed, of anyone. He denied anything you asked him. I heard them ask once or twice if this was his picture or something, he said, "I don't know what you are talking about. No; it is not my picture," and this was a picture of him holding a rifle or something. I remember one time they showed him and he denied that being him.

I remember he denied anything knowing anything about a man named Hidell that he had this identification in his pocket or in his notebook, and I believe a postal inspector was in this room at the time, too, and someone asked him about the fact that he had a post office box in the name of Hidell and he didn't know anything about that. He just didn't know anything about anything.

Mr. RANKIN. Did it ever come to your attention that he ever asked for or inquired about counsel?

Mr. CURRY. Yes; I heard him say something. I asked if he had had an opportunity to use the phone and Captain Fritz told me they were giving him an opportunity to use the phone.

Mr. RANKIN. What did he say about counsel?

Mr. CURRY. As I recall he said he wanted to try to get in touch with John Abt.

Mr. RANKIN. A-b-t?

Mr. CURRY. A-b-t, I believe an attorney in New York, to handle his case and then if he couldn't get him he said he wanted to get someone from Civil Liberties Union.

Mr. RANKIN. What did you do about that?

Mr. CURRY. I told them to let him talk to them in an attempt to get his attorney and in an attempt to get some of his relatives so they could arrange for it.

Mr. RANKIN. Will you describe how it was handled for him to be able to talk on the telephone?

Mr. CURRY. We take them from their cells and we have two telephones that they are taken to, and they are put on these telephones and they are locked in, and a guard stands by while they make their calls.

Mr. RANKIN. Is that call secret or is there any listening in on it?

Mr. CURRY. No, sir; it is not supposed to be secret. I mean it is supposed to be secret. It is privileged communication as far as we are concerned, we don't have a tap on the phone or anything.

Mr. DULLES. Did he use this?

Mr. CURRY. Yes; he did.

Mr. RANKIN. Do you know whether an attorney from Dallas was offered to him and came to the jail?

Mr. CURRY. There were some members of the Civil Liberties Union came to

see us that night, and they said they were concerned with whether or not he was being permitted legal counsel.

Mr. RANKIN. Did they talk to you?

Mr. CURRY. No; they didn't talk to me. They talked to Professor Webster.

Mr. RANKIN. How did this come to your attention?

Mr. CURRY. He told me.

Mr. RANKIN. I see. Now, tell us what he said.

Mr. CURRY. He said that they had come down to see whether or not he was being permitted legal counsel, and Professor Webster is in the law school out at Southern Methodist University and he told them he thought he was being given an opportunity to get in touch with legal counsel, and they seemed satisfied then about it. We also got Mr. Nichols.

Mr. RANKIN. Who is he?

Mr. CURRY. He was president of the Dallas Bar Association or criminal bar. I don't know which, Louis Nichols, and——

Mr. RANKIN. What did he do?

Mr. CURRY. He came down, he said he had heard that he was not being allowed the right to counsel, and they wanted to see and so I took him myself up to Lee Harvey Oswald's cell and let him go in the cell and talk to Lee Harvey Oswald.

The CHAIRMAN. Who was Mr. Nichols, did you say?

Mr. CURRY. Louis Nichols. He was president either of the Dallas——

Dean STOREY. Pardon me, it is Dallas Bar Association.

Mr. CURRY. Dallas Bar Association.

The CHAIRMAN. Yes.

Mr. CURRY. He went in to talk to him and to see whether or not he was getting an opportunity to receive counsel and he seemed pleased, I mean he had no complaints. He told him if he didn't get John Abt then he wanted someone from the Civil Liberties Union to come up and talk to him. Then Mr. Nichols then went out in front of the television cameras, I believe and made a statement to the effect that he had talked to him and he was satisfied that he was being given the opportunity for legal counsel.

The CHAIRMAN. On what day was this?

Mr. CURRY. That was on the same day we arrested him?

The CHAIRMAN. That was Friday?

Mr. CURRY. Yes.

Mr. RANKIN. Do you know whether Mr. Oswald ever did obtain counsel?

Mr. CURRY. I don't believe he did. But I do know he made some telephone contacts.

Mr. RANKIN. Did the police department so far as you know interfere in any way with his obtaining counsel?

Mr. CURRY. No, sir.

Mr. RANKIN. Do you know when Lee Harvey Oswald was arraigned?

Mr. CURRY. It was about 1:30 in the morning. That would be on the morning of the 23d, I believe.

Mr. RANKIN. How long did he—how long had he been in your custody then?

Mr. CURRY. About 11 hours. That was on the Tippit; yes, sir.

Mr. RANKIN. When you say that he was arraigned the following day early in the morning, did you mean for the Tippit murder or for the assassination?

Mr. CURRY. No; that was for the assassination of the President.

Mr. RANKIN. All right, will you tell us when he was arraigned for the Tippit murder?

Mr. CURRY. I was not present but I believe it was about 7:30.

Mr. RANKIN. That same evening?

Mr. CURRY. Yes; that would be about 5 hours afterwards.

Mr. RANKIN. Do you recall whether he was arrested first for the assassination or for the Tippit murder?

Mr. CURRY. For the Tippit murder. There were some witnesses to this murder and they had observed him as he left the scene, and this was what he was arrested for.

The CHAIRMAN. May I interrupt just to ask the chief a question?

Chief, on your arraignments does the magistrate advise the petitioner as to his right to counsel?

Mr. CURRY. Yes, sir; he does.

The CHAIRMAN. Does he ask him if he has counsel?

Mr. CURRY. I don't recall him doing that. I am not customarily present when a person is arraigned.

The CHAIRMAN. You were not present at the arraignment?

Mr. CURRY. I was present when he was arraigned for the assassination of the President. I was not present when he was arraigned for the murder of Tippit.

The CHAIRMAN. I suppose they make a stenographic record of that, do they not?

Mr. CURRY. Yes, sir; I am sure they do.

The CHAIRMAN. That is all I have.

Mr. RANKIN. Chief, our people made an inquiry whether there was a stenographic record. They don't believe there was any.

Mr. CURRY. I am not sure of that. I know at the time he was arraigned for the assassination of the President I was present there at the time. It was decided that we should, district attorney was there at the city hall. He was there during most of the evening.

Mr. RANKIN. Will you just describe for the Commission what happened during the arraignment for the assassination, who was present, what you saw.

Mr. CURRY. As I recall, I know the Justice of the Peace David John Stone was there. It seemed like Sergeant Warren, but I couldn't be positive but some of the jail personnel brought him out into the identification bureau.

Mr. RANKIN. How was he taken out? Were there several people around him, what was the security arrangements?

Mr. CURRY. At that time there was only, we were inside the offices of the criminal identification section. He was brought out through a door that opens from the jail into the criminal identification section. There was only about a half dozen of us altogether there, I don't recall who all was there.

Mr. RANKIN. What do you mean by the criminal identification section. Could you describe what that is?

Mr. CURRY. That is the identification bureau.

Mr. RANKIN. Does that have a room that this meeting occurred in?

Mr. CURRY. It is not a room such as this. It was in the little foyer or lobby, and it is separated from the jail lobby.

Mr. RANKIN. Did the justice of the peace sit or stand or what?

Mr. CURRY. He stood. He stood on one side of the counter and Oswald on the other side of the counter.

Mr. RANKIN. What floor is this on?

Mr. CURRY. The fourth floor.

Mr. RANKIN. That is nearest the place where there are some filing cabinets?

Mr. CURRY. Yes; it is.

Mr. RANKIN. And besides the people that you have described, I assume that you yourself were there as you have said?

Mr. CURRY. Yes; I was.

Mr. RANKIN. Was there anyone else that you recall?

Mr. CURRY. Not that I recall, other than the justice of the peace.

Mr. RANKIN. Will you describe what happened?

Mr. CURRY. Lee Harvey Oswald was brought in and the complaint was read to him, and here again he was very arrogant and he said, "I don't know what you are talking about. That is the deal, is it," and such remarks as this, and the justice of the peace very patiently and courteously explained to him what the procedure was and why it was.

Mr. RANKIN. What did he say about that?

Mr. CURRY. I don't recall his exact words.

Mr. RANKIN. Just tell us in substance.

Mr. CURRY. He didn't—as I recall, he didn't think much of it. He just said, "I don't know what you are talking about."

Mr. RANKIN. What did the justice of the peace say about the procedure and any rights and so forth?

Mr. CURRY. As I recall it, he read to him the fact that he was being charged with the assassination of the President of the United States, John Kennedy on such and such day at such and such time.

Mr. RANKIN. Did he say anything about his right to plead?

Mr. CURRY. I don't recall, sir.

Mr. RANKIN. Did he say anything about counsel?

Mr. CURRY. I don't recall whether he did or not.

Mr. RANKIN. What else happened at that time that you recall?

Mr. CURRY. That is about all. After it was read to him, he was taken back to his cell.

Mr. RANKIN. Did you go back with him to the cell?

Mr. CURRY. No, sir; I didn't.

Mr. RANKIN. Who took him back to the cell?

Mr. CURRY. The jailer and assistant jailer or jail guard.

Mr. RANKIN. What came to your attention after that about Lee Harvey Oswald, that you can recall, what was the next thing that happened that you know of?

Mr. CURRY. The next thing that I know of, was the next morning.

Mr. RANKIN. What happened then?

Mr. CURRY. The interrogation of Lee Harvey continued on and off through the day. No; I had asked the captain during the afternoon if he was being given rest periods and if he was being fed properly so that he wouldn't have reason to complain that we were mistreating him in any way.

Mr. RANKIN. What captain did you ask that?

Mr. CURRY. Fritz.

Mr. RANKIN. What did he say?

Mr. CURRY. He said he was. He said he was not interrogating him on long drawn-out extended periods, he was letting him rest and he was being fed.

Mr. DULLES. Did the interrogation continue into the night or did it stop, do you know?

Mr. CURRY. I don't know what—well, it did continue into that first night, I know. But I don't know what time they discontinued the interrogation.

Mr. RANKIN. They stopped?

Mr. CURRY. I was not in the offices all the time. I was there two or three times.

Mr. RANKIN. Captain Fritz tell you anything about the interrogation, how it was going, what was said?

Mr. CURRY. He told me about, oh, late in the afternoon or early in the evening that he felt that he had enough evidence to file on him for the murder of the officer, and he told me, he said, "I strongly suspect that he was the assassin of the President."

Mr. RANKIN. Do you know what time of day it was?

Mr. CURRY. It seemed to me like it was 6 or 7 o'clock on the day of the 22d.

Mr. RANKIN. Can you describe the situation in the police headquarters with regard to the media. Were they continuing to be there?

Mr. CURRY. They remained there. You could hardly get down the hall, and it was necessary, when we would take the prisoner back to the jail to bring him out of the office, and down this hallway and put him on a special elevator just for prisoners.

Mr. RANKIN. What office do you mean when you say that?

Mr. CURRY. From the homicide office.

Mr. RANKIN. Yes. You took him down what hallway?

Mr. CURRY. The third floor hallway. The offices run like this in the building. The homicide office is right along here, perhaps 25 feet. The elevator is right here, this is a special elevator that runs to the jail.

Mr. RANKIN. Will you mark that homicide office with an "H" on to indicate it?

Mr. CURRY. This extends up here a little more perhaps.

Mr. RANKIN. Will you mark the elevator with "EL."

The CHAIRMAN. There is a lot of other writing on this paper a lot of doodling that someone else has done and I think the chief had better have a new piece of paper.

Gentlemen, before you get into a discussion of this diagram with the chief, Mr. Rankin, I must leave now for a session of the Court, and Mr. Dulles, will you preside in my absence?

Mr. DULLES. Yes, Mr. Chairman.

The CHAIRMAN. I will be back immediately at the conclusion of our session today.

(At this point, the Chief Justice left the hearing room.)

Mr. RANKIN. Chief, have you marked on a yellow sheet of paper a diagram of the third floor of the police headquarters?

Mr. CURRY. Yes; I have, principally the north end of it.

Mr. RANKIN. We will call that Exhibit 701. Will you describe briefly for the Commission just what you have marked on there now?

Mr. CURRY. I have a rough layout of the north end of the third floor of the police and courts building in Dallas, Tex.

Now, this shows the public elevators, the lobby way in front of the elevators, and then a hall that extends the length of the third floor from north to south.

In the extreme north end there is a small press room where ordinarily the news media stay from early morning until late at night to cover police events.

I have also marked off the other bureaus that are located on this floor, the burglary and theft bureau would be on the west side, and in the northwest corner is the juvenile bureau.

The northeast corner is the auto theft bureau, the next going south would be the forgery bureau, and then would be the homicide office or homicide bureau, which is adjacent to a hallway, the north-south hallway, and also the rear office is adjacent to the hall going over to the municipal building which is immediately east of the police and courts building.

The entrance to the homicide office is approximately 20 or 25 feet to the entrance to this jail elevator, and it is necessary to bring a prisoner down this hall in order to get him into this jail elevator. Each time we—that I observed them move Oswald, they were almost overrun by news media.

Mr. RANKIN. By overrun, what do you mean?

Could you describe with a little more definiteness, are you talking about 4 or 5 or 10?

Mr. CURRY. I will say probably a hundred, at least a hundred that were jammed into this hallway.

(At this point, Mr. McCloy entered the hearing room.)

Mr. RANKIN. Were some of them—I will withdraw that question.

Were some of these people from the news media from the press and others from the radio and others from the television?

Mr. CURRY. Yes, sir; that is true, sir.

(At this point, Representative Ford entered the hearing room.)

Mr. RANKIN. Chief Curry, you said that Mr. Nichols came that afternoon. I call to your attention that we have information that he came there on the Saturday afternoon.

Mr. CURRY. Perhaps it was, not the Friday. That perhaps was on Saturday.

Mr. RANKIN. Yes.

Mr. DULLES. I wonder if you could just summarize briefly where we are.

(Discussion off the record.)

Mr. RANKIN. Back on the record.

In regard to Mr. Nichols, did you know whether or not he offered to represent or provide counsel?

Mr. CURRY. Yes; he did.

Mr. RANKIN. What did he say about that?

Mr. CURRY. He said he didn't care to at this time.

Mr. RANKIN. What did Mr. Nichols say about providing counsel?

Mr. CURRY. He said the Dallas Bar would provide counsel if he desired counsel.

Mr. RANKIN. That is to Mr. Oswald?

Mr. CURRY. Oswald.

Mr. RANKIN. What did Mr. Oswald say?

Mr. CURRY. He said, "I don't at this time," he said, "If I can't get Mr. Abt to represent me or someone from Civil Liberties Union I will call on you later."

Representative FORD. Did Nichols and Oswald talk one to another?

Mr. CURRY. Yes; he was taken to see Oswald and he talked to him.

Mr. RANKIN. And this all occurred at the meeting you have already described?

Mr. CURRY. Yes, sir.

Mr. RANKIN. Between Mr. Nichols and Mr. Oswald?

Mr. CURRY. That is correct.

Mr. RANKIN. When you had so many people of the news media in all of your corridors and throughout your police headquarters, did you discuss that with the mayor or any of the other authorities?

Mr. CURRY. I don't recall that I specifically discussed this condition.

Mr. RANKIN. Did you ask for any instructions or advice?

Mr. CURRY. No, sir; I didn't.

Mr. RANKIN. Did you do anything about it that you have not already described?

Mr. CURRY. No, sir; I didn't.

Mr. DULLES. Did it worry you?

Mr. CURRY. Yes, sir; it did. I was concerned about it.

Mr. McCLOY. Did you have a definite system of checking credentials of these people as they came in?

Mr. CURRY. On a particular incident that had occurred previous to this, such as the school integration, we had a plane to fall there one time and we have a regular set up for disaster, whereby the press identify themselves in order to get into a certain area, and their credentials were being checked.

Now, I have heard it said, not to my knowledge can I tell you this, that Jack Ruby at one time or sometime during these preceding days, had been seen there and apparently had some press credentials but I was never able to establish that.

Mr. RANKIN. You have checked into it?

Mr. CURRY. I have inquired into it or had it inquired into.

Mr. RANKIN. What did you find out in that regard?

Mr. CURRY. I couldn't find out where he had received press credentials from anybody.

Representative FORD. Were any press credentials found in his effects?

Mr. CURRY. No; not to my knowledge.

Mr. RANKIN. When you were having the difficulty with the media that you have described, did you do anything about adding additional guards or anything about additional security?

Mr. CURRY. No; we had two men, two uniformed officers right at the homicide door to keep anyone from going in there.

As I recall, there was a sergeant, and a couple of reserve officers at the public elevators here, and there were a couple of reservists at this end of the hall to keep them from overrunning into the administrative offices.

Mr. RANKIN. I offer in evidence Exhibit 701, Mr. Chairman.

Mr. DULLES. Is that the chart?

Mr. RANKIN. Yes.

Mr. DULLES. It will be admitted. This is a chart of the third floor.

Mr. CURRY. Of the police and courts building.

Mr. DULLES. What is the other word?

Mr. CURRY. Police and courts building.

Mr. DULLES. It will be accepted.

(The chart referred to was marked Commission Exhibit No. 701 for identification and received in evidence.)

Mr. RANKIN. Have you done anything to change your procedures in regard to security or how you would handle prisoners in light of this difficulty you had with the media?

Mr. CURRY. The city manager and I have discussed the possibility that we are going to in the near future build a new police building.

Mr. RANKIN. Who is the city manager?

Mr. CURRY. Elgin Crull. He made this statement that when and if we build another building, it will be so designed that the prisoners will not have to be brought through where the general public are permitted or where the press would be permitted. That there will be two sets of halls or hallways where they will

be brought down in the rear hallways and admitted into the offices for interrogation.

Mr. RANKIN. What did you say about that?

Mr. CURRY. I heartily agreed with him.

Mr. RANKIN. Have you made any other plans for change of security?

Mr. CURRY. I have talked to my staff and said if we were ever faced with a thing of such magnitude again that we would not permit the press to come into the building. We would designate a place outside for them and we would just have to take the heat that was given to us by the press for not permitting them in there, but in view of what had happened that we would never permit this to occur again.

That we would permit them to have representatives but they would be required to choose their representatives to be present, say, in these hallways or inside the buildings, and the rest of them would be excluded.

And regardless of how they treated us in the press for this decision, that is the way it would be in the future.

Mr. RANKIN. Did you do anything about appearing on television during this time?

Mr. CURRY. They had these cameras set up in the hallway, if I can have the exhibit I will show it to you.

Mr. RANKIN. Yes. That is Exhibit 701.

Mr. CURRY. Yes, sir. They had cameras set up right here, two or three cameras.

Mr. RANKIN. Have you marked that with the word "cameras"?

Mr. CURRY. Yes. And on an occasion or two as I was walking from the homicide office back to my office they would stop me here and try to interrogate me or interview me and they would have the cameras turned on me.

Mr. RANKIN. What would you do?

Mr. CURRY. They would besiege me with questions about how the investigation was proceeding, and I would on occasion or two I told them I thought it was proceeding very well, that we were obtaining good evidence to substantiate our suspicions, that this was the man that was guilty of the assassination.

Mr. RANKIN. Did you tell them what evidence you had?

Mr. CURRY. I told them on one occasion we had a rifle that had been partially identified by his, as belonging to him.

Mr. RANKIN. When did you do that?

Mr. CURRY. I believe that was on Saturday, I think.

Mr. RANKIN. About what time of the day?

Mr. CURRY. I don't recall exactly. I think it was in the afternoon. It might have been Friday night.

Mr. RANKIN. Did you tell them about any other evidence that you had?

Mr. CURRY. I don't recall, sir, whether I did or not. There was so much confusion that I can't recall exactly the times and exactly what was said. I think this is documented, perhaps.

Mr. RANKIN. Where?

Mr. CURRY. On the TV film.

Mr. RANKIN. I see. Did you give out any interviews to the newspapers?

Mr. CURRY. I don't recall giving any interviews to newspapers.

Mr. RANKIN. Any news releases?

Mr. CURRY. Not that I recall.

Mr. DULLES. Do you recall having told them that you had sent a radio order out to surround the book depository?

Mr. CURRY. I didn't do that, sir. That was one of my inspectors, I believe that gave that order. I was riding in the Presidential parade and approximately a hundred feet, I guess, ahead of the President's car, and when we heard this first report, I couldn't tell exactly where it was coming from.

Representative FORD. What report are you talking about now?

Mr. CURRY. A sharp report as a firecracker or as it was it was the report of this rifle.

We were just approaching an underpass, and there were some people around

on each side of the underpass, up in the railroad yards, and I thought at first that perhaps this was a railroad torpedo, it was a sharp crack.

Inspector—no, it wasn't Inspector, it was Lawson of the Secret Service and Mr. Sorrels of the Dallas office of the Secret Service, and Sheriff Bill Decker and myself were in this car.

Mr. DULLES. I may be anticipating.

Mr. RANKIN. That is all right, go right ahead.

Mr. CURRY. I said what was that, was that a firecracker, or someone said this, I don't recall whether it was me or someone else, and from the report I couldn't tell whether it was coming from the railroad yard or whether it was coming from behind but I said over the radio, I said, "Get someone up in the railroad yard and check."

And then about this time, I believe it was motorcycle Officer Chaney rode up beside of me and looking back in the rear view mirror I could see some commotion in the President's car and after this there had been two more reports, but these other two reports I could tell were coming behind instead of from the railroad yards.

Mr. RANKIN. What do you mean by reports?

Mr. CURRY. Sharp reports as a rifle or a firecracker, and looking in the rear view mirror then I could see some commotion in President Kennedy's car.

Mr. RANKIN. You could distinctly hear and tell that the two later reports were from behind?

Mr. CURRY. Behind.

Mr. RANKIN. Rather than front?

Mr. CURRY. That is right.

Mr. RANKIN. You weren't sure whether the first one was from behind or in front?

Mr. CURRY. I couldn't tell because perhaps of the echo or the—

Representative FORD. Where were you sitting in the car, sir?

Mr. CURRY. I was driving.

Representative FORD. You were driving?

Mr. CURRY. Yes, sir.

Representative FORD. When you heard the first report, did you grab a communications set and give this order?

Mr. CURRY. Almost immediately.

Representative FORD. What was the order that you gave?

Mr. CURRY. As I recall it, "Get someone up in the railroad yard to check those people." There was already an officer up there.

Mr. RANKIN. How do you know that?

Mr. CURRY. They assigned officers to every overpass.

We went with the Secret Service. Batchelor and Chief Lunday had went over this route with Secret Service agents Lawson and Sorrels and they had run, the route 2 or 3 days prior to this and pointed out every place where they wanted security officers, and we placed them there where they asked for them.

Mr. RANKIN. Did you see an officer there when you looked up?

Mr. CURRY. I couldn't recognize him, but I could see an officer whoever it was.

Representative FORD. Did you get this order over the PA system before the second and third shots?

Mr. CURRY. I don't believe so, I am not sure. I am not positive. Because they were in pretty rapid succession. But after I noticed some commotion in the President's car and a motorcycle officer ran up aside of me and I asked him what had happened and he said shots had been fired, and I said, "Has the President been hit or has the President's party been hit?"

And he said, "I am sure they have."

I said, "Take us to the hospital immediately," and I got on the radio and I told them to notify Parkland Hospital to stand by for an emergency, and this is approximately, I would say, perhaps a couple of miles or so to Parkland Hospital from this, and we went to Parkland and I notified them to have them to be standing by for an emergency, and we went out there under siren escort and went into the emergency entrance.

As I recall, I got out of the car and rushed to the emergency entrance and told them to bring the stretchers out, and they loaded the President, President

Kennedy and Governor Connally onto stretchers and took them into the hospital.

Mrs. Kennedy, I went into the hospital, and I know she was outside the door of where they were working with the President, and someone suggested to her that she sit down and she was very calm, and she said, "I am all right. Some of your people need to sit down more than I do."

But everyone was very concerned. I remained around the hospital. I was contacted by some of the special sergeants who asked me to stand by in my car and get another car and take the President, then Vice President Johnson to Love Field.

Mr. RANKIN. You have told us about that, haven't you?

Mr. CURRY. Yes; I have told you about that.

Mr. RANKIN. And you told us you attended the swearing in of President Johnson?

Mr. CURRY. Yes; I did.

Mr. RANKIN. And that you waited until the plane left and then you came back?

Mr. CURRY. To my offices.

Mr. RANKIN. And Judge Hughes left at the same time?

Mr. CURRY. Yes.

Mr. RANKIN. Now, did you do anything about the assassination after this or at some time?

Mr. CURRY. No. I left this to be handled by Captain Fritz who is in charge of all homicide investigations.

Mr. RANKIN. Do you know whether anything was done, did you make inquiry?

Mr. CURRY. Yes; he told me they were interrogating him, Oswald about the assassination and trying to check on the movements of Oswald, and they obtained, I understand, some search warrants to go out and search, they found out where he had been staying.

Mr. RANKIN. What about the building immediately after the occasion?

Mr. CURRY. It was sealed off, Inspector Sawyer who is a uniformed police inspector, I think was the first ranking officer to the School Depository Building. He would have had to come perhaps 10 blocks. I believe he told me that he was about at Akard and Maine when this came on the air that we had had some trouble down there.

Mr. RANKIN. You say you imagine. Is this something that they reported to you?

Mr. CURRY. Yes. He told me later that he did immediately go to the scene of the Texas—of where the shots were fired from.

Mr. RANKIN. What did he tell you he did then?

Mr. CURRY. He took charge of the investigation.

Mr. RANKIN. What did he do about the building?

Mr. CURRY. He had it sealed off. This perhaps would have been perhaps, 5, 8, 10 minutes after the original—

Mr. RANKIN. About what time?

Mr. CURRY. I would say perhaps 12:40.

Mr. RANKIN. And was that before or after a description of Lee Oswald was put on the radio?

Mr. CURRY. I couldn't say whether it was before or after.

Mr. RANKIN. What else happened?

Mr. CURRY. I think he perhaps was the one who gave that description, I am not sure.

A deputy chief of services who was in the pilot car ahead of us, was at Love Field, and he had some more Secret Service men with him, I believe.

Mr. RANKIN. Who is that?

Mr. CURRY. George Lumpkin. George L. Lumpkin. He asked me at the hospital if I didn't want him to go back to the Texas School Book Depository and assist in the search of the building and I told him yes, and he did go back, and took over on the search of the building then.

Mr. RANKIN. Did he report to you later what he did about that?

Mr. CURRY. Yes, he did. He told me that he had sealed it off and he appointed

two search teams to search the building from top to bottom, starting at the bottom and going to the top and starting at the top and going to the bottom.

Mr. McCLOY. Who was this man?

Mr. CURRY. George L. Lumpkin.

Mr. McCLOY. Secret Service?

Mr. CURRY. No.

Mr. McCLOY. On your staff?

Mr. CURRY. No; he is a police officer.

Mr. RANKIN. Was he an assistant chief?

Mr. CURRY. He is not an assistant chief. Each of the divisions have a deputy chief in charge of them. I have one assistant chief and four deputy chiefs.

Mr. RANKIN. And this was a deputy chief?

Mr. CURRY. A deputy chief; yes.

Mr. RANKIN. Under your system the highest civil service status is inspector, is it?

Mr. CURRY. That is correct.

Mr. RANKIN. And the other officers are appointed?

Mr. CURRY. Appointed, yes.

Mr. RANKIN. By you?

Mr. CURRY. By me, yes.

Mr. RANKIN. Now, these two teams that you referred to that the deputy chief appointed to search the building, do you know how many officers were in those teams?

Mr. CURRY. No, sir; I don't.

Mr. RANKIN. Do you know whether the search was made?

Mr. CURRY. They reported to me that it was made, yes.

Mr. RANKIN. Do you know what else happened in regard to the building or the search for the assassin?

Mr. CURRY. After it was searched I understand it was sealed off and they were asked not to let anybody come or go from the building until further orders.

Mr. RANKIN. Then what happened after that?

Mr. DULLES. Could I inquire there. I thought it was sealed off previous to the search according to your previous testimony.

Mr. CURRY. It was. But after they searched it and all of the investigators left there, they asked Mr. Truly, I believe, the building manager, not to let anybody come and go.

Mr. DULLES. Was that supplemented, though, by the police?

Mr. CURRY. Yes; I believe we had officers there.

Mr. DULLES. Then there were in a way two sealings off. One that you gave the order was given 8 or 10 minutes—

Mr. CURRY. Almost immediately, yes.

Mr. DULLES. After the assassination, and then the other one was after this search had been made.

Mr. CURRY. Yes, sir.

Mr. McCLOY. There is one element I am not clear on, I may be anticipating, Mr. Rankin. But I believe we have had some testimony heretofore, that Mr.—an officer went in with Mr. Truly into the building.

Mr. CURRY. Yes, sir.

Mr. McCLOY. And started to go upstairs, and they ran into Oswald on the second floor. Was that before the inspector got there?

Mr. CURRY. Yes, sir; I am sure it was, because this officer was there at the scene.

Mr. McCLOY. Do you remember that officer's name?

Mr. CURRY. No, sir; I don't. It is in the record.

Mr. BELIN. It is officer M. L. Baker. He was in the motorcade.

Mr. McCLOY. Did M. L. Baker purport to seal off the building?

Mr. CURRY. No, sir; he didn't. The first officers in there were rushing up to the upper floors.

Mr. McCLOY. The first man who sealed the building was—

Mr. CURRY. I believe will be Inspector Sawyer.

Mr. McCLOY. Inspector Sawyer?

Mr. CURRY. I believe he would be the first to issue orders. I could be mistaken on that but as I recall he was the first officer.

Mr. DULLES. You did not give those orders yourself?

Mr. CURRY. No, sir; not myself.

Representative FORD. How many men participated in the search of the building?

Mr. CURRY. I would just have to guess but I would suggest probably 20 people.

Representative FORD. Did you check with those who went through this process?

Mr. CURRY. No; I didn't check with each individual officer.

Representative FORD. Did you get a report?

Mr. CURRY. I got a report from Inspector Sawyer, and also from Chief Lumpkin as to the manner in which it was searched.

Representative FORD. How long did it take them, do you have any idea?

Mr. CURRY. I believe they were, perhaps, maybe a couple of hours altogether, searching that building.

Representative FORD. Did they give you an oral or written report on what they found or didn't find?

Mr. CURRY. I believe there were some written reports made. I don't recall now.

Representative FORD. If there are written reports could we have them?

Mr. CURRY. I think—

Mr. RANKIN. Off the record.

(Discussion off the record.)

Representative FORD. Back on the record.

Are you familiar with any written report, Chief, on what transpired during the search of the building?

Mr. CURRY. Only what Deputy Chief Lumpkin in his report here in a chronological report that we made, and you have this, as best we could, after this occurred, the deputy chiefs and myself all sat down together went over this from the time we received notice that the President would visit Dallas until the shooting of Oswald, and step by step we tried to go through this as to what we did, and this is what we call a chronological report.

Representative FORD. If there is a report in anybody's files in the Dallas police department on what transpired during this investigation of the building, there would be no reason why that report couldn't be made available?

Mr. CURRY. No, sir; if we have one it certainly would be made available.

Representative FORD. Will you check the files of the department and if there is a report available will you submit it to the Commission, please?

Mr. CURRY. Yes, sir; I was trying to.

Mr. RANKIN. Chief Curry, I think that your chronological report does not purport to go into the detail of how the search was made and so forth.

Mr. CURRY. No, sir; it just states in here how Chief Lumpkin, how he formed the search and it tells something about while he was there.

Mr. McCLOY. The chronological report part of our record yet?

Mr. BELIN. We have a chronological report, yes.

Mr. McCLOY. Is this the same one as the Chief is looking at?

Mr. RANKIN. We will check that.

Mr. DULLES. It is not yet an exhibit, is it?

Mr. RANKIN. No; we have, and we were discussing yesterday, a number of items in the form of affidavits and other evidence that we will have to introduce into the record of the Commission before we get through which has been examined by the staff and in some cases called to the Commission's attention but is not formally a matter of record and we will have to complete that before we can complete our report.

Mr. McCLOY. Is that the same chronological report that the Chief has?

Mr. CURRY. If it isn't I can leave you these copies but they were submitted to Attorney General Carr, two copies. This is what is in this report. "Upon arrival,"—this is Chief Lumpkin—"Upon arrival at the Texas School Book Depository we found Inspector Sawyer was in front of the building and with the assistance of other officers was in the process of detaining anyone or everyone who had any knowledge whatsoever of the shooting. This was discussed with Sawyer. We decided that we would get all persons in that category away

from the crowd by sending them to Sheriff Decker's office"—which is about a half block from here—"at Main and Houston to be held for further interrogation. Homicide Detective Turner was sent to the sheriff's office to represent the homicide bureau of our department and interrogating these witnesses."

Mr. DULLES. That is where the sheriff's office was?

Mr. CURRY. Main and Houston, it runs.

"Detective Senkel was released back to Captain Fritz to assist in the investigation. He had come down. Sawyer had placed guards on the building to prevent anyone from going or coming. Sawyer organized a detail to check all persons and automobiles on the parking lot surrounding the Texas School Book Depository Building, taking their names, telephone numbers, addresses, places of employment, and later on in the afternoon those vehicles that were not taken out were checked by license number. Several of the U.S. Alcohol Tax units assisted in the search.

"At that time Lumpkin entered the building and instructed that it be completely sealed off and that no one be allowed to leave or enter."

This probably was some, I would say, some 30 or 40 minutes after the original shots were fired. He had gone on to Parkland Hospital to me and I told him there to return to assist in the handling of this matter.

Mr. McCLOY. In your judgment is that the first sealing off of the building that took place?

Mr. CURRY. No; I think Inspector Sawyer, when he arrived he took some steps to seal off the building.

Mr. RANKIN. You have already testified about Inspector Sawyer and you said you thought he was about 10 or 12 blocks away.

Mr. CURRY. I believe so. I believe he was about at Main and Akard Streets which would be about 10 blocks away when he heard of this incident occurring and he immediately went down there.

Mr. DULLES. And the first order to seal off was given some 10 minutes, I think you testified, in that neighborhood?

Mr. CURRY. To the best of my knowledge.

Mr. DULLES. After the assassination?

Mr. CURRY. Yes.

Mr. RANKIN. You don't know just what he did about sealing the building, did you?

Mr. CURRY. No, sir; I don't. I imagine he placed men on the front and back doors and asked them not to let anyone come or go without finding out who they were.

Mr. DULLES. Who would know that fact as to when that order was given, that would be Sawyer?

Mr. RANKIN. Officer Sawyer would be the one who would really know that fact?

Mr. CURRY. I believe so.

Mr. RANKIN. And whatever he would say about it you think would be correct?

Mr. CURRY. I do. Because we already have a deposition from him that tells about the sealing of the building, and it was not done immediately when he came.

Representative FORD. Would it be appropriate at this time to put that deposition in the record at this point?

Mr. RANKIN. I wonder if it would be satisfactory to the Commission, in view of the inquiry by Commissioner Ford, if we would, the staff would, tender at this point the portion of the deposition that relates to how the building was sealed, and then have a reference to this point in the place where it is offered in evidence in regular course.

Representative FORD. That would be satisfactory to me as far as the particular point we are discussing at the moment.

Mr. RANKIN. We will do that then.

Now, Chief, would you tell us the next thing that you know of that happened about the search for the assassin, after the search of the depository building that you described?

Mr. CURRY. The next thing I can tell you about, I remained out, as I say, at Love Field until the planes departed. I went back to the office.

Mr. DULLES. At about what time would you place that?

Mr. CURRY. I believe it was about 4 o'clock I believe when I returned to the office.

Mr. DULLES. It was 4 o'clock when you returned to the office from Love Field?

Mr. CURRY. I believe so, I am not positive.

When I arrived they were in the process of, Captain Fritz and his men, were in the process of investigating this murder of Tippit and also the assassination of the President.

Mr. RANKIN. Did you make an inquiry in regard to the progress?

Mr. CURRY. I think I did. I asked him how he was coming along and he said they were making good progress.

Mr. RANKIN. Then what happened after that?

Mr. CURRY. They had had a couple of showups with Oswald so witnesses could attempt to identify him.

Mr. RANKIN. Do you know whether they had gone out to Beckley Street to the place where he had stayed?

Mr. CURRY. I understood they had and I understood they went back the next day.

Mr. RANKIN. What do you mean by a showup?

Mr. CURRY. Well, it is customary when you have suspects in a crime where you have witnesses, that they be taken into a room and allowed, the witnesses, to observe them in the presence of other people.

Mr. RANKIN. You have a room for this purpose?

Mr. CURRY. Yes, sir; we do.

Mr. RANKIN. Will you describe briefly what that room is like?

Mr. CURRY. It is a police assembly room where we hold our regular rollcalls. They have a stage whereby prisoners are brought up on this stage.

Mr. RANKIN. How large is the room?

Mr. CURRY. The room, I would say, is perhaps 50 feet long and 20 feet wide.

Mr. RANKIN. Who was allowed in the room at the time of this showup?

Mr. CURRY. Presumably only the news media and police officers. I have been told that Jack Ruby was seen in this showup room also.

Mr. RANKIN. About what time of the day was that?

Mr. CURRY. As I recall, this was fairly late Friday night, I believe.

Mr. RANKIN. Do you know who was there to try to identify Lee Oswald?

Mr. CURRY. No, I don't. The news media, a number of them, had continued to say, "Let us see him. What are you doing to him? How does he look?"

I think one broadcaster that I had heard or someone had told me about, said that Lee Harvey Oswald is in custody of the police department, and that something about he looked all right when he went in there, they wouldn't guarantee how he would look after he had been in custody of the Dallas police for a couple of hours, which intimated to me that when I heard this that they thought we were mistreating the prisoner.

Mr. RANKIN. Did you do anything about that?

Mr. CURRY. I offered then at that time—they wanted to see him and they wanted to know why they couldn't see him and I said we had no objection to anybody seeing him.

And when he was being moved down the hall to go back up in the jail they would crowd on him and we just had to surround him by officers to get to take him to the jail elevator to take him back upstairs, to let him rest from the interrogation.

Mr. RANKIN. And this showup, how many people attended?

Mr. CURRY. I would think perhaps 75 people. I am just making an estimate. I told them if they would not try to overrun the prisoner and not try to interrogate him we would bring him to the showup room. There was—this, thinking also that these newspaper people had been all over Love Field, and had been down at the assassination scene, and we didn't know but what some of them might recognize him as being present, they might have seen him around some of these places.

Now, Mr. Wade, the district attorney, was present, at this time and his assistant was present, and as I recall, I asked Mr. Wade, I said, "Do you think this will be all right?" And he said, "I don't see anything wrong with it."

Mr. RANKIN. Did you find out where Jack Ruby was during this showup?

Mr. CURRY. I didn't know Jack Ruby. Actually the first time I saw Jack Ruby to know Jack Ruby was in a bond hearing or I believe it was a bond hearing, and I recognized him sitting at counsel's table.

The impression has been given that a great many of the Dallas Police Department knew Jack Ruby.

Mr. RANKIN. What is the fact in that regard?

Mr. CURRY. The fact of that as far as I know there are a very small percentage of the Dallas Police Department that knows Jack Ruby.

Mr. RANKIN. Did you make an inquiry to find out?

Mr. CURRY. Yes; I did, yes, sir. And so far as I know most of the men who knew Jack Ruby are men who were assigned to the vice squad of the police department or who had worked the radio patrol district where he had places and in the course—

Mr. RANKIN. How many men would that be?

Mr. CURRY. I am guessing, perhaps 25 men. This is merely a guess on my part.

Mr. RANKIN. How large is your police force?

Mr. CURRY. Approximately 1,200. I would say 1,175 people. I would say less, I believe less than 50 people knew him. From what I have found out since then that he is the type that if he saw a policeman, or he came to his place of business he would probably run up and make himself acquainted with him.

I also have learned since this time he tried to ingratiate himself with any of the news media or any of the reporters who had anything to do, he was always constantly trying to get publicity for his clubs or for himself.

Mr. RANKIN. Now, at this showup, is there some screen between the person in custody?

Mr. CURRY. There is a time—there wasn't at this time.

Mr. RANKIN. Why not?

Mr. CURRY. No particular reason. They just, a lot of the news media say they didn't think they could see him up there or couldn't get pictures of him up there and we brought him in there in front of the screen and kept him there as I recall only about 4 or 5 minutes and shoving up close to him and taking shots of him and took him upstairs and I believe the district attorney and his assistant stayed down and perhaps talked to the news media for several minutes.

But we took Harvey Oswald back upstairs and I think I went back to my office.

Mr. DULLES. This was the evening of Friday, was it not?

Mr. CURRY. I believe so, sir.

Mr. DULLES. Did you say Ruby was present that evening?

Mr. CURRY. I have understood he was. But to my own knowledge, I wouldn't have known him because I didn't know him.

Mr. McCLOY. You said you first saw Ruby when?

Mr. CURRY. In a trial. I believe it was for a bond hearing where they were attempting to get bond for him. And I saw him sitting at a counsel table and recognized him from pictures I had seen of him in the paper.

Mr. DULLES. This is some time before the assassination?

Mr. McCLOY. This is the trial incident to the trial of Ruby, as I understand it?

Mr. DULLES. You had not seen him before?

Mr. CURRY. No, sir.

Mr. McCLOY. It was a bond hearing incident to the trial?

Mr. CURRY. If I had seen him I wouldn't have known him.

Mr. McCLOY. I don't want to again interrupt but I don't know whether we have passed by all of the questions you wanted to ask the chief in regard to the motorcade and the time of the assassination.

I thought maybe we might ask him whether or what was his estimate of the speed of the motorcade, for example.

Mr. RANKIN. We haven't covered that period because of the way we started, and I think we could go back, Chief, if you will, to, say, at the point the motorcade left Main Street and started down Houston, and then down Elm up to the time of the shots.

Will you describe that, where you and what the motorcade consisted of?

Mr. CURRY. Yes, sir; I was—there was a pilot car ahead of us with Deputy Chief Lumpkin that was perhaps two or three blocks ahead of us and had been preceding us all the way from Love Field to see that the route was open and reporting back by radio to us, and this was for the purpose, if we had any wrecks or congestion to where it looked like the motorcade could be stopped that we could change our routes and get around them and also to let us know how the crowd was.

He had been preceding us all this way. There has been some question as to why this motorcade would not proceed on down Main Street.

Mr. RANKIN. Will you explain that to the Commission?

Mr. CURRY. Yes, sir; I can. I will make another diagram here, if you wish me to.

Mr. RANKIN. Mr. McCloy asked about whether the chronological report that Chief Curry was examining during part of his testimony was available to the Commission. We have now searched the Commission files and we find that a copy of that exact report has been available to the Commission and we have it here. It is a Commission document—

Mr. REDLICH. It is in Commission Document 81.1.

Representative FORD. Will this report be made a part of the record?

Mr. RANKIN. We haven't decided that question but we will examine it and report to the Commission later if it is not made a part of the record, why we recommend that it not be. It may very well be amongst the documents that would be made part of the record in regular course when we examine all of the material for that purpose. Is that a satisfactory handling of it?

Representative FORD. I think it is. I haven't had an opportunity to examine it. But if it is a part of the record, I suspect it ought to be made a part at this point since it has been referred to by the testimony of the chief. But it is something that could be discussed later, and if it should be, it could be put into the record at this point.

Mr. RANKIN. I would like to ask leave of the Chairman then to examine it with greater care after the testimony of the chief is taken and be able to make it a part of the record at this point unless I report back to the Commission that for some reason it would not be desirable.

Mr. DULLES. That would be we would proceed in regard to this chronological report we would proceed in the same way as we have suggested we would with regard to the other depositions that were taken in Dallas.

Mr. RANKIN. Except my offer before, Mr. Chairman, was that the portion of the deposition that would relate to the matters described, that is the sealing of the building, would, in fact, be incorporated into this record at that point. And that the balance of it would be offered at some later date as a part of the record of the Commission.

Here I wanted to reserve the question as to whether it should be a part of the record because of my desire first to examine it in detail and see if there is any reason why it should not and then report back to the Commission.

Mr. DULLES. You will report back to the Commission. It will not be excluded unless you so report to the Commission.

Mr. RANKIN. That is right.

Mr. DULLES. And the reason therefor?

Mr. CURRY. This sketch.

Mr. RANKIN. Will you mark that sketch you have just made Exhibit 702 please, and 703?

(Commission Exhibits Nos. 702 and 703 were marked for identification.)

Mr. CURRY. In the diagram, 702, Exhibit 702, the motorcade was going west on Main Street, there is a triple underpass there. There are three streets and they converge into one wide street down through a triple underpass, what we call a triple underpass.

Mr. RANKIN. Where you are talking about the underpass is that underpass on Main Street?

Mr. CURRY. It is just west of Houston Street and runs parallel with Houston Street. And Main Street—now Houston Street runs in a north-south direction, Main Street, Elm Street, and Commerce Street the three principal streets that

empty into this triple underpass are east-west, Elm Street is a one-way street west, Commerce is one-way east, Main Street is a two-way street going east and west. We had—

Mr. RANKIN. You were going to explain why you couldn't continue right down Main.

Mr. CURRY. We would—we left the parade route up to the host committee. They chose the route, asking that we go down Main Street, and then we would go on to what is known as the triple, through the triple underpass onto Stemmons Expressway. It was necessary to get on this expressway to get to the Trade Mart, the building where the dinner or luncheon would be held.

But had we proceeded on down Main Street, we could not have gotten onto Stemmons Expressway unless we had had public works to come in and remove some curbing and build some barricades over it.

So, in talking with the Secret Service people they suggested we come to Main Street to Elm Street, turn one block north and turn back west and go through the triple underpass on the Elm Street side and at this place Elm Street is two-way.

So that was the reason that it was necessary to take this motorcade one block north, and then turn west again in order that we could get on the triple, through the triple underpass onto the Stemmons Expressway without coming down and removing some curbing or building over the curbing and disturbing the regular flow of traffic.

Mr. RANKIN. Was there any consideration given prior to establishing the parade route to removing this curbing and going—

Mr. CURRY. No, sir; nothing was said about it at all. In fact, when they were choosing the routes for this parade, we left it entirely up to the host committee and to the Secret Service.

They asked us what we thought about certain routes. We told them what we thought would be the most direct routes, and they chose to come through the downtown area, I think for the purpose they wanted the President to see as much of the people as possible and wanted the people to have an opportunity to see him.

Mr. RANKIN. Going to the Trade Mart building would be assumed that you would go by the Texas Depository Building?

Mr. CURRY. If we went on Stemmons Expressway and that is the way they wanted to go. The only other way we could have gone. We could have continued down Main Street passed through the underpass about a block past there to Industrial Boulevard and then we would have gone Industrial Boulevard and made an entrance from the Trade Mart, from the north side of the Trade Mart there. But it was decided with the Secret Service people that we would go Main to Houston, Houston to Elm, Elm through to triple underpass onto the expressway and the expressway to the Trade Mart where they would come off and had parking facilities reserved and had a security setup.

Mr. RANKIN. Will you describe the cars of the—

Mr. McCLOY. Just before that, how far before November 22 was that route decided on?

Mr. CURRY. Approximately 2 days or so, I believe. That is in this chronological record.

Mr. DULLES. When was this route published?

Mr. McCLOY. That route was published.

Mr. CURRY. It was published perhaps 2 days before, a day or two before.

Mr. RANKIN. Is the Elm Street route a shorter route than to go by Industrial Boulevard?

Mr. CURRY. It's a more scenic route. The Stemmons Expressway was and it was easier to travel, traffic is easier to control on it, it is a 10-lane highway, and the Industrial Highway is heavily traveled by commercial vehicles and goes through a commercial section of the industrial area. And there was a more scenic route and traffic was more—a freer flow of traffic anyway.

Mr. RANKIN. Were you involved in the discussion about the choice of route?

Mr. CURRY. Not particularly. Chief Batchelor, my assistant chief, and Chief

Lunday. I discussed this some with the Secret Service Agent Sorrels, and Lawson in a staff meeting at city hall.

Mr. RANKIN. What was that discussion?

Mr. CURRY. Well, we, when I say we, I mean my staff and I, we told them what we thought would be the most direct route.

Mr. RANKIN. What did you say that would have been?

Mr. CURRY. It would have been to come into Lemmon Avenue, to Central Expressway if they were coming through town and over that route.

Now, if they were going directly to the Trade Mart it would have been to come in Lemmon to Inwood Road and down Inwood to Hines, and Hines to Industrial and Industrial into—but this would not have taken them through the downtown area.

Mr. RANKIN. Then if they were going to go through the downtown area what did you say about the route that should be taken for that?

Mr. CURRY. This was probably the most direct route that they chose except they could have come in what we term the Central Expressway to Main Street, and then west on Main Street right down the route that was taken.

They chose rather to come in on Lemmon Avenue to Turtle Creek, and here again this is a more scenic route and more people would have an opportunity to see the motorcade. And followed Turtle Creek into Cedar Springs, to Harwood and south on Harwood to Main Street, west on Main to Houston, north on Houston to Elm and west on Elm to Stemmons Expressway.

Mr. RANKIN. Have you described the cars in the motorcade? Their positions?

Mr. CURRY. I have them listed here, I couldn't tell you other than the front part of the motorcade but they are in this report.

Mr. RANKIN. Yes. Tell us the front part that you recall.

Mr. CURRY. I had Deputy Chief Lumpkin, and he had two Secret Service men with him, I believe, out of Washington, and a Colonel Wiedemeyer who is the East Texas Section Commander of the Army Reserve in the area, he was with him. They were out about, they were supposed to stay about a quarter of a mile ahead of us and I was in the lead car.

Mr. RANKIN. Who was with you?

Mr. CURRY. Inspector, not inspector, but Sheriff Bill Decker, Sorrels of the Secret Service, and Mr. Lawson, I believe he was out of the Washington office of the Secret Service. And immediately behind us then was the President's car.

Mr. RANKIN. You were driving your car?

Mr. CURRY. I was driving my car.

Mr. RANKIN. You had radio communication in that?

Mr. CURRY. Yes; I had radio communication with my motorcycle officers, with my downtown office, and Secret Service had a portable radio that they had radio contact with their people.

Mr. RANKIN. Yes. Now, what was in the next car.

Mr. CURRY. The President's party was in that car. Then following him was the Secret Service vehicle and then I understand was the Vice President's car, and then behind him was a Secret Service car. And then they had cars lined up as listed in this report here, how they were lined up after that.

Mr. RANKIN. Now, after you turned the corner off of Main going onto Houston, will you describe what happened as you recall it?

Mr. CURRY. Nothing unusual occurred. We were, I would say traveling perhaps 10 miles an hour, would be the ordinary speed to make a turn, and probably was making that speed after we made a turn from north, going north on Houston to west on Elm Street, and——

Mr. RANKIN. Did you slow down for the turn onto Elm?

Mr. CURRY. Perhaps just a little. I would say we were probably going 8 to 10 miles an hour. And as we were moving downward the triple underpass which is about an ordinary block we were beginning to pick up a little speed.

Mr. RANKIN. How much of a descent is there between where the Depository Building is and the place in the underpass?

Mr. CURRY. It is a pretty good little drop. Within the space of a block it drops down enough to go under an underpass.

Mr. RANKIN. It would be more than the height of a car?

Mr. CURRY. Yes; two heights.

Mr. RANKIN. Two heights.

Mr. CURRY. I think it is a 13- or 14-foot clearance.

Mr. RANKIN. Trucks could get under that?

Mr. CURRY. Yes.

Mr. RANKIN. Then what happened?

Mr. CURRY. Then we heard this report.

Mr. RANKIN. Now, how far along from the corner of Elm and Houston were you at the time of that?

Mr. CURRY. I think we were perhaps a couple of hundred feet or so.

Mr. RANKIN. How fast were you going then?

Mr. CURRY. I think we were going between 10 or 12 miles an hour, maybe up to 15 miles an hour.

Mr. RANKIN. Then what happened?

Mr. CURRY. We heard this report, and then all of the tension that followed I have told you.

Mr. RANKIN. Yes.

Mr. DULLES. What was the distance between your car and the President's car approximately?

Mr. CURRY. Mr. Dulles, I believe to the best of my knowledge it would have been 100, 125 feet.

Mr. DULLES. Between your car and the President's car?

Mr. CURRY. Yes, we stayed pretty close to them. In the planning of this motorcade, we had had more motorcycles lined up to be with the President's car, but the Secret Service didn't want that many.

Mr. RANKIN. Did they tell you why?

Mr. CURRY. We actually had two on each side but we wanted four on each side and they asked us to drop out some of them and back down the motorcade, along the motorcade, which we did.

Mr. RANKIN. How many motorcycles did you have?

Mr. CURRY. I think we had four on each side of him.

Mr. RANKIN. How many did you want to have?

Mr. CURRY. We actually had two on each side side but we wanted four on each side and they asked us to drop out some of them and back down the motorcade, along the motorcade, which we did.

Mr. RANKIN. So that you in fact only had two on each side of his car?

Mr. CURRY. Two on each side and they asked them to remain at the rear fender so if the crowd moved in on him they could move in to protect him from the crowd.

Mr. RANKIN. Who asked him to stay at the rear fender?

Mr. CURRY. I believe Mr. Lawson.

Mr. RANKIN. The Secret Service man?

Mr. CURRY. Yes, sir. Also we had planned to have Captain Fritz and some of his homicide detectives immediately following the President's car which we have in the past, we have always done this.

Mr. RANKIN. Now, would that be between the President's car and the Secret Service?

Mr. CURRY. And the Secret Service. We have in past done this. We have been immediately behind the President's car.

Mr. RANKIN. Did you propose that to someone?

Mr. CURRY. Yes, sir.

Mr. RANKIN. Who did you propose it to?

Mr. CURRY. To Mr. Lawson and Mr. Sellers.

Mr. RANKIN. What did they say about that?

Mr. CURRY. They didn't want it.

Mr. RANKIN. Did they tell you why?

Mr. CURRY. They said the Secret Service would be there.

Mr. RANKIN. And then?

Mr. CURRY. They said we can put this vehicle in between Captain Fritz and his detectives immediately at the end of the motorcade. They said, "No, we

want a white or marked car there bringing up the rear," so Fritz and his men were not in the motorcade.

Mr. DULLES. What do you mean in the past when there have been previous Presidents visiting Dallas or other dignitaries?

Mr. CURRY. Yes; that is right; other dignitaries. Yes; our thinking along this was that in the past there have been this. Captain Fritz, he is a very experienced homicide man so are his detectives. They know the city very well. They have been there very, Captain Fritz to my knowledge, over 40 years.

It is customary that they in trying to protect a person if they are in the immediate vicinity, and Captain Fritz told me later, he said, "I believe that had we been there we might possibly have got that man before he got out of that building or we would have maybe had the opportunity of firing at him while he was still firing" because they were equipped, would have been equipped with high-powered rifles and machineguns, submachine guns.

Representative FORD. Where were they instead of being at the motorcade.

Mr. CURRY. Actually they were not in the motorcade at all. They followed up the motorcade.

Representative FORD. Were they in a car following up the motorcade?

Mr. CURRY. Yes, sir; they were in a car.

Representative FORD. How far away would they have been?

Mr. CURRY. I think they would have been at the rear, I believe.

Representative FORD. Captain Fritz is going to be here later.

Mr. RANKIN. Yes.

Representative FORD. And fill in what he did at that time?

Mr. RANKIN. Yes.

Mr. CURRY. But we tried to do what the Secret Service asked us to do, and we didn't try to override them because we didn't feel it was our responsibility, that it was their responsibility to tell us what they wanted and we would try to provide it.

Mr. RANKIN. Did you refuse to do anything that they asked you to do?

Mr. CURRY. No, sir; not to my knowledge we don't—we didn't refuse them to do anything.

Mr. DULLES. You considered them to be the boss in this particular situation?

Mr. CURRY. Yes, sir; the Secret Service; yes, sir.

Mr. RANKIN. Do you know or can you tell us approximately where the President's car was at the time of the first shot that you heard?

Mr. CURRY. To the best of my knowledge, I would say it was approximately halfway between Houston Street and the underpass, which would be, I would say probably 125-150 feet west of Houston Street.

Mr. RANKIN. Can you give us the approximate location of where it was when you heard the second shot?

Mr. CURRY. Well, it would have been just a few feet further because these shots were in fairly rapid succession.

Mr. RANKIN. How many feet do you mean?

Mr. CURRY. I would say perhaps, and this is just an estimate on my part, perhaps 25 or 30 feet further along.

Mr. RANKIN. Then at the time of the third shot?

Mr. CURRY. A few feet further, perhaps 15-20 feet further.

Mr. RANKIN. Do you have an opinion as to the time that expired between the first shot and the third shot?

Mr. CURRY. This is just an opinion on my part but I would think perhaps 5 or 6 seconds.

Mr. RANKIN. Did you hear any more than three shots?

Mr. CURRY. No, sir; I did not.

Mr. RANKIN. Are you sure of that?

Mr. CURRY. I am positive of that. I heard three shots. I will never forget it.

Mr. RANKIN. Do you have something, Mr. McCloy?

Mr. McCLOY. I was going to ask you, chief, as you were approaching the underpass you were looking toward the underpass presumably?

Mr. CURRY. That is right.

Mr. McCLOY. Was the underpass bare of people or were there people on it?

Mr. CURRY. No; I could see some people on each side but not immediately over,

but there were some people up in the railroad yard. I also could see an officer up there. I don't know who the officer was.

Mr. McCLOY. You could recognize an officer on the top of the underpass?

Mr. CURRY. Yes; their instructions had been to place officers on every overpass and in every underpass.

Mr. McCLOY. How close were you then to the underpass when you first heard that shot?

Mr. CURRY. Oh, perhaps 150 feet or 100 feet or so.

Mr. McCLOY. So you are convinced that the shot could not come from the overpass?

Mr. CURRY. I don't believe it did; no, sir.

Mr. McCLOY. Then——

Mr. CURRY. Because there didn't seem to be any commotion going on over there. This seemed to be people that I could see, they didn't seem to run or anything. They just seemed to be there.

Mr. McCLOY. You spoke of the railroad yard. Just where is that railroad yard in relation to the underpass? We will see that.

Mr. CURRY. It is over——

Mr. McCLOY. It is on the other side.

Mr. CURRY. Yes, sir. You see these tracks.

Mr. RANKIN. Mark that as Exhibit 703 and you can refer to.

Mr. CURRY. Yes; here is the School Book Depository. The railroad goes over.

Mr. DULLES. This aerial view of the Elm Street there, isn't it of the underpass, will be admitted as 704.

(Commission Exhibit No. 704 was marked for identification, and received in evidence.)

Mr. McCLOY. Do you call that the railroad yards?

Mr. CURRY. Yes; that is true.

Mr. McCLOY. Above the underpass?

Mr. CURRY. Yes.

Mr. McCLOY. Did you see a number of people in the railroad yard?

Mr. CURRY. I would estimate maybe a half dozen.

Mr. DULLES. They were spectators or were they workmen. They were spectators?

Mr. CURRY. Yes, sir; as well as I was able to tell. They might have been workmen, too, but I presume it was people who were in the area and as the motorcade approached they got into position where they perhaps could have seen it.

Mr. McCLOY. Did you recognize any officer amongst them?

Mr. CURRY. I seemed to recall seeing a uniformed police officer up there.

Mr. McCLOY. In the railroad yard, and there was no commotion amongst the railroad yard people?

Mr. CURRY. I don't believe so.

Representative FORD. Do you know who the officer was?

Mr. CURRY. No, sir; but I believe by looking at the assignments we could determine what officer was up there.

There is an assignment of personnel which has been submitted for the record. (Discussion off the record.)

Mrs. RANKIN. On the record, we will supply for the purposes of this record the name of the officer and check it with Chief Curry, who was on the underpass or really the over part of the pass.

Mr. CURRY. Really over.

Mr. RANKIN. At the time of the motorcade.

Representative FORD. Who determined there should be one, not more officers at an overpass?

Mr. CURRY. Deputy Chief Lunday and Assistant Chief Batchelor went over this route with Sorrels, and I believe Lawson was with them. And they were the ones who determined how many men would be placed at each location.

Mr. RANKIN. The inquiry I think particularly is did the Secret Service decide it would be one or did you decide it would be one?

Mr. CURRY. No; it would be the Secret Service because we just let them tell us how many men they wanted. The only deviation we made from that was in

the security of the Trade Mart. I believe they requested 143 men, as I recall to secure the Trade Mart, and I believe we supplied them with 193 or 194 men, somewhat in excess of what they asked for at this location.

I called the State police, and they furnished a number of men, about 30 men, and Sheriff Decker furnished about 15, and I think we furnished from our department everybody that they asked for really, so we had a surplus.

Representative FORD. But the details as to how many men should be placed where were determined by Lawson and Sorrels of the Secret Service?

Mr. CURRY. That is right, sir; yes, sir.

(At this point Senator Cooper entered the hearing room.)

Mr. McCLOY. May I ask one question?

As you were leading this or just ahead of the President's car, as you came around past the School Depository Building, was there anything that attracted your attention to the building at all as you went by?

Mr. CURRY. Not at all.

Mr. McCLOY. There was no movement or anything?

Mr. CURRY. Not at all.

Mr. McCLOY. You weren't conscious of looking up at the windows?

Mr. CURRY. Not at all.

Mr. McCLOY. You had Secret Service men in that car with you?

Mr. CURRY. Yes, sir.

Mr. McCLOY. Were they inspecting the windows as they went by?

Mr. CURRY. It seemed that Sorrels, he was looking around a whole lot and so was Lawson. I know comments were being made along the route as to first one thing and then another.

Mr. DULLES. If you had had the other car with police officers in it to which you referred and which I gathered you recommended what would have been the function and duties of the officers in that particular car?

Mr. CURRY. It would have been, of course, to guard the President, but in the event that anything happened they would have immediately dropped out of their car with rifles and submachine guns. That was what we had planned.

Mr. RANKIN. Now, as a part of the plans for the motorcade, was there anything said about the inspection of buildings along the route?

Mr. CURRY. The comment was made that in a city like this how in the world could you inspect or put somebody in every window of every building.

Mr. RANKIN. Who said that?

Mr. CURRY. This was in a discussion with the Secret Service. I don't recall exactly who said this.

Mr. RANKIN. Was it the Secret Service people or your people?

Mr. CURRY. I don't know whether it was us or Secret Service. But this was discussed. I think it was Secret Service who told us how they always dreaded having to go through a downtown area where there were these skyscraper buildings.

Mr. RANKIN. Do you know of any effort that was made to search any of the buildings?

Mr. CURRY. Not to my knowledge. We did put some extra men from the special service bureau in the downtown area to work in midblocks to watch the crowd and they were not specifically told to watch buildings but they were told to watch everything.

Mr. RANKIN. Where were they located?

Mr. CURRY. On the route down Main Street. We didn't have any between Elm Street and the railroad yard.

Mr. RANKIN. But you say in midblock?

Mr. CURRY. Yes, sir; especially midblock along the route through the downtown area.

Mr. RANKIN. Where would the downtown area be?

Mr. CURRY. It would be from Harwood Street down to Houston Street.

Mr. RANKIN. Chief Curry, do you know whether Officers Foster and White were on the underpass?

Mr. CURRY. I would have to look at the assignment sheet to determine that, sir.

Mr. McCLOY. May I ask at this point, unless I may be interfering with your

examination, but was it usual for the representatives of the news media to attend showups in the police headquarters apart from this incident?

Mr. CURRY. It was not unusual. This was not setting a precedent.

Mr. McCLOY. It was not unusual.

Representative FORD. In such a showup where they are present, are they shielded from the person brought in for identification?

Mr. CURRY. Are they shielded from—

Representative FORD. From the person who is brought up for identification?

Mr. CURRY. Ordinarily the person who is brought up for identification would be behind the screen, behind this silk screen. This is for the purpose of protecting the person who is going to try to identify him more than trying to protect the person who is being shown up because witnesses oftentimes have a fear of facing someone that they are asked to identify.

For this reason this screen was provided where the prisoner could not see out, but the people can see in. It is much like a one-way glass.

Representative FORD. That was used in this case?

Mr. CURRY. No; this was not used. We just brought him in front of it.

Representative FORD. Any particular reason why he was put in front of it?

Mr. CURRY. They asked us if we wouldn't bring him out there, they didn't think their cameras would show through the screen. And as I repeated, when this was brought up, I asked Mr. Wade, the district attorney, if he saw anything wrong with this and he said "No; I don't see anything wrong with this," so we agreed to do this.

Representative FORD. Who was in charge of the actual showup operation?

Mr. CURRY. The jail personnel would have brought him down from downstairs and brought him into the room and then removed him.

Representative FORD. Who handled the actual process of identification or attempted identification by various witnesses?

Mr. CURRY. Usually Captain Fritz or some of his homicide detectives are present. I know when they were having a showup for a little lady, I don't know her name but she was a waitress who observed the shooting of the officer, I just—I wasn't there during the entire showup but I was present part of the showup and Captain Fritz was asking her to observe these people and see if she could pick out the man she saw who shot the officer and she didn't identify Oswald at that time.

Representative FORD. Did you say the actual process that was—that took place in these several showups was similar to or different from the showups in other cases?

Mr. CURRY. The only one where we didn't have any particular witnesses to show him up to, but the number of the news media had asked if they couldn't see him and it was almost impossible for all of them to see him up in this hallway and we decided that the best thing to do, if we were going to let them see him at all would be to take them and get them into a room, and then there was utter confusion after we did that because they tried to overrun him after we got him there and we immediately removed him and took him back upstairs.

Representative FORD. You mentioned earlier there had been some allegations to the effect that Oswald had been badly treated.

Mr. CURRY. There was—I didn't hear this myself but someone told me, I don't recall who it was, that some of the news media, I understood this was broadcast over the radio and TV.

Representative FORD. Did you investigate that rumor?

Mr. CURRY. Yes, sir.

Representative FORD. What did you find out?

Mr. CURRY. I found he had not been mistreated.

Representative FORD. You checked with all the police personnel who had anything to do with it?

Mr. CURRY. Everyone I knew about and the only marks on him was, that I could see there was a slight mark on his face up here, and this was received when he was fighting the officers in that theatre, and they had to subdue him and in the scuffle, this episode in the theatre, he apparently received a couple of marks on his face.

But he didn't complain to me about it. I think he—one of the times he was

coming down the hall someone asked him what was the matter with his eye and he said, "A cop hit me," I believe, or "A policeman hit me."

Representative FORD. Did you ask Oswald whether he had been mistreated?

Mr. CURRY. I don't believe I did, sir.

Representative FORD. But you talked to Oswald on one or more occasions?

Mr. CURRY. I don't know that I ever asked him any questions at all. I was present during the interrogation, but he was very sullen and arrogant and he didn't have much to say to anybody. Fritz, I think did more talking to him than anybody else.

Representative FORD. But not in your presence did he object to any treatment he received from the Dallas police force?

Mr. CURRY. No, sir; I would like to say for the record that we are very strict on our officers in the treatment of prisoners, and we have a personnel section setup that any person who complains that they have been mistreated by the police officer, a thorough investigation is made, and if it is determined that he has been mistreated in any way, disciplinary action is taken, and on occasion we have, not frequently, but on occasion where we have found that this has been true we have dismissed personnel for mistreating a prisoner, so our personnel know positively this is not tolerated regardless of who it is.

Mr. RANKIN. Chief, you have described a showup, and you have also described the general practice. You have also described showups in regard to Oswald and you said there were several of them.

Mr. CURRY. When I said several, to the best of my knowledge there were perhaps three altogether.

Mr. RANKIN. Yes, one you were describing when the screen was not used was not for the purpose of identification, is that right?

Mr. CURRY. No, sir; unless some of the news media had come forward and said, "We saw that man"; you see a lot of that news media, that was present, were with the Presidential party and there is a possibility that some of them might have said we saw this man to leave the scene.

Mr. RANKIN. So the principal reason was to allow the news media?

Mr. CURRY. The principal reason was at their request that they be allowed to see the prisoner.

Mr. RANKIN. And he wasn't placed back of the screen at that time?

Mr. CURRY. No, sir; he was not.

Mr. RANKIN. And whatever identification there would be would be under the hope that they might have seen him?

Mr. CURRY. They might have seen him because a great number of the news media were at the scene of the shooting or in the immediate area.

Mr. RANKIN. And that is the particular showup when you learned later Jack Ruby was supposed to have been present?

Mr. CURRY. I was told that he was present. That someone had seen him back in this room. He easily could have been there as far as I was concerned because I wouldn't have known him from anyone else.

Mr. RANKIN. At the other showups, were witnesses there to try to identify Oswald?

Mr. CURRY. Yes, there were.

Mr. RANKIN. How were those handled, do you know?

Mr. CURRY. Exactly the same manner except that he was brought in behind the screen, and was handcuffed to some police officers or other prisoners.

Mr. RANKIN. Do you know who was there to try to identify him?

Mr. CURRY. Only on one occasion. This was a little lady that was a waitress.

Mr. RANKIN. Mrs. Markham?

Mr. CURRY. I believe her name was Mrs. Markham.

Mr. RANKIN. Do you believe whether she was able to identify him?

Mr. CURRY. Yes, I heard her tell Captain Fritz that that was the man she saw shoot the officer.

Mr. RANKIN. And that was Officer Tippit?

Mr. CURRY. Yes, sir.

Mr. RANKIN. What kind of a reputation did Officer Tippit have with the police force?

Mr. DULLES. Could I ask one question before that. Were you present when

any members of Oswald's family, his wife, his mother, saw him or talked with him?

Mr. CURRY. No, sir; I was not.

Mr. DULLES. Do you know whether any of your officers were?

Mr. CURRY. I understood they were brought to the third floor of the city hall and were placed in a room, and that if any of them were present it probably would have been Captain Fritz.

Mr. DULLES. He would know about it?

Mr. CURRY. I believe he would, yes.

Mr. DULLES. Thank you.

Mr. RANKIN. Will you tell us what Officer Tippit's reputation was with your police force?

Mr. CURRY. He had a reputation of being a very fine, dedicated officer.

Mr. RANKIN. How long had he been with you?

Mr. CURRY. I believe he came to work for us in 1952, after he had had service in the paratroopers, I believe, and he had made several jumps into Europe. He was raised in a rural community, and he was very well thought of by the people in the community where he grew up. He was a rather quiet, serious minded young man. He seemed to be very devoted to his family, and he was an active church man.

Mr. RANKIN. What was his rank?

Mr. CURRY. Patrolman. He was not a real aggressive type officer. In fact, he seemed to be just a little bit shy, if you were to meet him, I believe, shy, retiring type, but certainly not afraid of anything. I think in his personnel investigation it showed that during, as he was growing up, sometimes his shyness was mistaken for perhaps fear, but that it only took a time or two for someone to exploit this to find out it wasn't fear. It was merely a quiet, shy-type individual.

Mr. RANKIN. Was there any record in the police department of any disciplinary action toward him?

Mr. CURRY. The only disciplinary action ever taken was he was given a day off one time because he had missed court on two occasions.

Mr. DULLES. Missed what?

Mr. CURRY. Missed court.

Mr. RANKIN. He had been unable to testify or something?

Mr. CURRY. Yes, sir; in city court they have to appear 1 day a week. They are notified each week to appear but they are told on one day will be their court day and if any cases coming up it would be that time. And on two occasions he failed to appear. I think one time he forgot it and I think another time he said he was tied up on a radio call or something and didn't notify him and it is just a departmental policy if you miss court twice you are given a day off for it.

Mr. RANKIN. Was that the penalty that was imposed?

Mr. CURRY. Yes, it was. He took it in very good graces, he didn't feel like he was being mistreated.

Mr. RANKIN. That was the only disciplinary action against him?

Mr. CURRY. Yes, sir; there was one other complaint in his file, where he had stopped a lady and given her a ticket and also had given her, he gave her two tickets, one for no operator's license, and after he had issued the tickets she found her driver's license, and she called to him across the street, and said something about she found her license and he told her okay, show it in court, but she thought he was being rather abrupt and discourteous to her, she felt like he should have come back over and taken this ticket for driver's license and destroyed it.

Under our rules and regulations you cannot destroy a ticket; if it is destroyed it has to be accounted in our auditor's office and that was the only complaint in the years on the force.

Mr. DULLES. A rumor reached me that Officer Tippit had been some way involved in some narcotic trouble, I don't know what the foundation of that is. Do you know anything about that at all?

Mr. CURRY. Nothing whatsoever; no, sir.

Representative FORD. You mean you know nothing about it or you checked it out and there is no validity?

Mr. CURRY. This is the first I ever heard of it that he was involved in any narcotics.

Representative FORD. But your records, so far as you know, would not indicate such?

Mr. CURRY. No, sir.

Mr. DULLES. Thank you.

Mr. McCLOY. Did you, so far as you know, did Tippit know Ruby?

Mr. CURRY. I don't believe he did. I am sure he didn't. He would not be the type I think that would even have any occasion to know him because some of the officers that we found that did know him, either worked in the area where he had a night club or some of the officers that worked in the vice squad who had occasion to go in and inspect these cases or a few officers we found they went out there for social purposes, outside their regular duty.

Tippit, for a number of years, had been assigned out in Oak Cliff. I don't think he had ever been assigned in an area where Jack Ruby—well Jack Ruby did live in Oak Cliff but I am sure, to the best of my knowledge, Tippit never had any occasion to be around Jack Ruby.

Mr. DULLES. Was Tippit at the time he was killed on a regular assigned assignment or was he just roving in a particular area?

Mr. CURRY. On this particular day, now he had been assigned to Oak Cliff for several months farther out than he was, but when this incident occurred at the Texas School Book Depository, this is customary policy in the police department if something happens on this district and tying up several squads that the squads from the other district automatically move in in a position where they can cover off or something else might happen here, much the same as fire equipment does, this is automatic.

Mr. RANKIN. Will you explain that further?

Mr. CURRY. Yes, sir; say two squads were to get a call in an area, and this area here, say they had a big fire or something, they brought two or three squads in here from adjoining districts, then automatically these squads out in these other areas would begin to cover off or get in a position to where if instead of staying out here on the far side of this district, they would perhaps move into this district right here where they could answer here, here or over into here. This is just automatic patrol policy.

On this particular day, some of the squads in this Oak Cliff area had been ordered over into the Dallas area, this Texas School Book Depository, and some of these other outlying squads then, I think we have this on a radio log, I don't know whether you have this or not, were 78 or 81.

Mr. BALL. Why don't you read it in the record, a definite order for Tippit to come in there.

Mr. CURRY. Right here. This would have been at approximately 12:45, I believe. Here is the description came out at about 12:45. The dispatcher put out a description of attention all squads.

Mr. DULLES. What do you mean by description?

Mr. CURRY. Of a suspect.

Mr. DULLES. I see, description of Oswald?

Mr. CURRY. Yes.

Mr. RANKIN. What are you reading from, Chief?

Mr. CURRY. This is radio log record from the Dallas Police Department, as recorded on November 22.

Mr. RANKIN. Is that from Commission Document 728?

Mr. DULLES. I want to correct my question, it was a man seen leaving?

Mr. CURRY. It was a description of a suspect.

Mr. DULLES. You didn't know it was Oswald?

Mr. RANKIN. Will you tell us what the rest of that notation is?

Mr. CURRY. Dispatcher put out this description, "attention all squads Elm and Houston, unknown white male person approximately 30, slender build, height 5 feet 10, 160 pounds, reported to be armed with what is believed to be a .30-caliber rifle. Attention all squads, the suspect is believed to be white

male 30, 5 feet 10 inches, slender build, armed with what is thought to be a .30-30 rifle, no further description at this time."

This was at 12:45 p.m.

Mr. RANKIN. What channel are you talking about?

Mr. CURRY. Channel 1.

Mr. RANKIN. You had more than one channel?

Mr. CURRY. Two channels.

Mr. RANKIN. Yes.

Mr. CURRY. Someone came in, they didn't identify themselves and came in and said what are they wanted for, and they said signal 19 which is a shooting under our code involving the President.

Representative FORD. Did Tippit's motorcycle have channel 1?

Mr. CURRY. He was in a squad car and most of our squad cars have channel 1 and 2, but they stay on channel 1 unless they are instructed to switch over to channel 2.

Mr. DULLES. He did have channel 1?

Mr. CURRY. Yes. Now within the minute of broadcasting, a little further on, squads 102 and 233 checked out at Elm and Houston, 81 came in the district squad, that was an Oak Cliff squad. He said "I will be going north from Industrial on Corinth." That means he was leaving the Oak Cliff section coming toward the downtown section of Dallas.

Representative FORD. By he who do you mean?

Mr. CURRY. The man assigned to district 81, and I don't have his name but it would be on our records.

Then Tippit was working 78 and he along with district 87, which is further out in Oak Cliff, at about 12:45, between 12:45 and 12:46, the dispatcher sent out this message to him, "87-78 moving into central Oak Cliff area."

Now the central Oak Cliff area would have been the area nearby where this shooting occurred.

Representative FORD. Shooting of Tippit?

Mr. CURRY. Shooting of Tippit occurred. I am sure—a little later on here, he says "you are in Oak Cliff area, are you not," and he said "at Lancaster and 8th", that would be just several blocks from where this shooting then occurred.

Mr. McCLOY. This is Tippit's reply going in?

Mr. CURRY. Yes.

Mr. RANKIN. The next sentence also says something, Chief?

Mr. CURRY. And the dispatcher told him, "You will be at large for any emergency that comes in." In other words, he was one of the remaining squads in Oak Cliff that was in service.

Mr. DULLES. What does that mean, scout around the area?

Mr. CURRY. Anywhere in that central area, Oak Cliff.

Mr. McCLOY. Did he reply to that?

Mr. CURRY. He said "10-4".

Mr. RANKIN. What does that mean?

Mr. CURRY. It means message received.

Mr. RANKIN. Doesn't that mean approval?

Mr. CURRY. Yes, sir.

Representative FORD. These are transcriptions of communications back and forth?

Mr. CURRY. That is recorded on our radio there in Dallas.

Mr. RANKIN. Is there a tape recorder on that?

Mr. CURRY. Yes; and it is kept for a permanent record.

Mr. RANKIN. Was there any other shooting in this particular area where Officer Tippit was that morning, do you know?

Mr. CURRY. Not to my knowledge.

Mr. DULLES. Is that 10-4 message the last message you received from Tippit?

Mr. CURRY. As far as I know that is the last word we heard from him.

Mr. McCLOY. Was this description of the suspect the first description that went out?

Mr. CURRY. As far as I know, it is.

Mr. DULLES. That was at 12:45, as I recall.

Mr. CURRY. Approximately, yes.

(Discussion off the record.)

Mr. RANKIN. When did you first learn of Officer Tippit's murder?

Mr. CURRY. While I was out at Parkland Hospital. That is after we had taken the President there and the Governor, and we were waiting there.

Mr. RANKIN. Now, on these showups for Lee Oswald, did you have any special security arrangements about bringing him in among all this crowd of news people?

Mr. CURRY. We had some police officers bringing him down. I was there, Captain Fritz went, I don't believe he went inside the door. He went to the door, I believe. There were several officers there, yes.

Mr. RANKIN. Was this more than usual?

Mr. CURRY. Perhaps so; yes. Ordinarily there would have been maybe a jailer and a jail guard with the prisoner. And there would have been the detective out with the witnesses.

Mr. RANKIN. Were you disturbed about the security for Lee Oswald with all this crowd?

Mr. CURRY. Not at that time. I really didn't suspect any trouble from the news media. I thought they were there doing a professional job of reporting the news and I had no reason to be concerned about the news media.

Mr. RANKIN. Did it concern you that there were so many additional people to try to keep track of as well as—

Mr. CURRY. Yes, sir; it did.

Mr. RANKIN. What did you do about it?

Mr. CURRY. I didn't do anything about it but I was concerned about it. I was thinking that we were going to have to, in the event we have had an incident like this occur again, that we would have to make some different arrangements for the press. We couldn't, when I say the press, the news media, we couldn't have the city hall overrun like this.

Mr. RANKIN. Did it occur to you to do anything about stopping it right then?

Mr. CURRY. No. I didn't discuss it with any of my staff that we should clear all these people out of here and get them outside the city hall.

Mr. RANKIN. You gave no consideration to that kind of approach?

Mr. CURRY. Not at the time.

Mr. RANKIN. Now after the interrogation of Oswald, did you make some decision about moving him?

Mr. CURRY. Not at that particular time. It is customary after we file on a person that he be removed from the city hall.

Mr. RANKIN. What do you mean by file on a person?

Mr. CURRY. File a case against him and that is necessary to go to the district attorney's office usually, and in this case the district attorney was there and we filed it at the city hall because the district attorney was with us.

Mr. RANKIN. A criminal complaint?

Mr. CURRY. A criminal complaint. After we file this complaint it is customary for the prisoner to be transferred from the city to the county jail and to remain in custody until he makes bond or is brought to trial.

Mr. RANKIN. That is a regular practice?

Mr. CURRY. Yes, sir. These transfers are usually made by the sheriff's office, sometime during the morning.

Mr. RANKIN. By the sheriff's office you mean it is the sheriff's responsibility?

Mr. CURRY. Routine transfers are made. It is not a hard and fast custom. Many times we will take the prisoner to the sheriff.

Mr. RANKIN. Who decides which way you will do it?

Mr. CURRY. It is left up to the bureau commander.

Mr. RANKIN. What do you mean by the bureau commander?

Mr. CURRY. That is handling the case.

Mr. RANKIN. Who would that be in this case?

Mr. CURRY. In this case it would have been Captain Fritz.

Mr. RANKIN. And he decides then in all cases of this type whether or not the police will take him across to the sheriff's jail or the sheriff will come and get him?

Mr. CURRY. Yes, sir; ordinarily it wouldn't even come to my attention how it was handled.

Mr. RANKIN. Did it come to your attention this time?

Mr. CURRY. It did this time. I had asked, it seemed to me like it was on Saturday after he had been filed on late or early Friday morning, the news media many times had asked me when are you going to transfer him and I said, "I don't know."

Mr. RANKIN. What do you mean by "early Friday morning?"

Mr. CURRY. I mean early Saturday morning. Late Friday night or early Saturday morning.

Representative FORD. Where do you actually do this filing?

Mr. CURRY. Ordinarily our detectives would go down to the courthouse which is right near where the President was assassinated and file it in the district attorney's office. However, in this case the district attorney and also his assistant was up at the city hall with us, and we drew up the complaints there at the city hall.

Mr. RANKIN. Who do you mean by we?

Mr. CURRY. When I say we, I mean the Dallas police officers and the homicide officers working in this case.

Mr. RANKIN. I see.

Representative FORD. What evidence did you have at that point?

Mr. CURRY. I couldn't tell you all the evidence. I think Captain Fritz can tell you better than I. Captain Fritz just told me on Friday afternoon he said, "We have sufficient evidence to file a case on Oswald for the murder of Tippit." Later on that night, somewhere around midnight, I believe, he told me, he said, "We now have sufficient evidence to file on Lee Harvey Oswald for the assassination of President Kennedy."

He told me he had talked it over with Henry Wade and with the assistant district attorney and they agreed we had enough evidence to file a case, and a decision was made then to file the case, which we did.

Representative FORD. At that time you had the rifle, did you not?

Mr. CURRY. Yes, sir.

Representative FORD. Who made the original identification of the rifle, the kind of rifle that it was?

Mr. CURRY. I don't know, sir.

Representative FORD. It was reported that the original identification was a 7.65 Mauser. Are those reports true or untrue?

Mr. CURRY. I wouldn't know, sir.

Representative FORD. You don't know?

Mr. CURRY. I don't know.

Representative FORD. Do you know when it was finally determined that it was not a 7.65 Mauser?

Mr. CURRY. No, sir; I don't know that.

Mr. McCLOY. As far as I know there was no police report that it was a 7.65 rifle.

(Discussion off the record.)

Mr. RANKIN. Chief Curry, do you know of any police records of your police department that showed that this weapon that was purportedly involved in the assassination was a Mauser rifle?

Mr. CURRY. No, sir; not to my knowledge.

Representative FORD. All of your records show affirmatively it was the Italian rifle?

Mr. CURRY. Yes, sir. That is correct.

Mr. McCLOY. While we are waiting for Mr. Rankin to continue his examination, let me ask you this question, Chief.

Did you, prior to the assassination, know or hear of Oswald?

Mr. CURRY. Never.

Mr. McCLOY. Didn't hear that he had been—there was a defector named Oswald in the city of Dallas?

Mr. CURRY. No, sir.

Mr. McCLOY. Never heard of his name?

Mr. CURRY. We didn't have it in our files.

Representative FORD. Was there anything in your files that Lee Harvey Oswald had been involved with the Dallas police force?

Mr. CURRY. No, sir.

Representative FORD. No record whatsoever?

Mr. CURRY. No, sir.

Mr. DULLES. Was there any record of his having made a trip to the Soviet Union and returned?

Mr. CURRY. Not in our files.

Mr. DULLES. And returned to Texas?

Mr. CURRY. We didn't have anything in our files regarding Lee Harvey Oswald.

Senator COOPER. Could I follow up on that, did you have any record of any individuals, persons, in Dallas, or the area, who because of any threats of violence against the President or any Communist background required you to take any special security measures?

Mr. CURRY. Yes, sir; when we have notables, celebrities visiting us, there are some groups in Dallas that are known to be extreme rightwing and extreme leftwing groups. We try to keep track of these people and what their plans are. We have been able to infiltrate most of their organizations.

Senator COOPER. Now prior to the President's visit, did you take any—did the Dallas Police force take any special security measures about any persons that you might suspect of possible violence?

Mr. CURRY. Yes, sir; we kept some people under surveillance or groups under surveillance. We had prior to this visit, we had some information brought to us, I don't know who brought it to us, that there was a man in Sherman or Denison, who said that he is going to see that the President was embarrassed when he came to Dallas.

Senator COOPER. Who was that man, do you know?

Mr. DULLES. We have a Secret Service report, I believe with regard to this case. Here is one from the chief of police of Denton, Tex.

Mr. CURRY. Yes; we had some information that the students at North Texas were planning some demonstrations.

Senator COOPER. My question is, did your police force take any special security measures about anyone that you felt might be capable of violence against the President?

Mr. CURRY. Not at this particular time, because we had reports from the different groups, and we had information from inside these groups that they were not planning to do anything on the day the President was there. We knew that General Walker was out of the city, and we knew that his group that sometimes put on demonstrations.

Senator COOPER. When you say planning, you are not limiting it to any violence, but you are talking about any possible demonstrations?

Mr. CURRY. Yes; demonstrations.

Senator COOPER. I want to come back to that point later, but I want to ask this, outside of what you had in your police files, your records, did you know yourself, or did you know whether anyone in authority in the police force or anyone in the police force, to your knowledge, had any knowledge of the presence of Oswald in Dallas?

Mr. CURRY. No, sir; I have asked my criminal intelligence section, which would have been the persons who had knowledge of this.

Senator COOPER. Had anyone informed you that he was working in the Texas School Book Depository Building?

Mr. CURRY. No, sir.

Mr. DULLES: Had he ever tangled with the Dallas Police in any respect of which there is any record?

Mr. CURRY. We have no record at all of him.

Representative FORD. Did the Secret Service people inquire of you as to your knowledge of these various groups that you had infiltrated?

Mr. CURRY. I don't remember them specifically asking me what were these groups planning to do.

Representative FORD. Did you volunteer any information on it?

Mr. CURRY. I think perhaps we told them what we had done. They were aware of the fact that we did know the plans of the various organizations, and I know we sent Lieutenant Revill and a couple of his men up to Denison, or Denton, to talk to a man that had purportedly said they were going to embarrass the President and had made some remarks about it and after we talked with him he said, "I won't even be in Dallas. I was just popping off. I will assure you I am not even going to be down there. I don't want any part of it."

Then some of the study group in North Texas, we had an informant in this group, and they had decided they would be in Dallas with some placards to express opinions about the President or some of his views. Some of these people were arrested after the shooting because we were afraid that the people were going to harm them. They were down around the Trade Mart with some placards.

Senator COOPER. I have a couple of more questions.

Do you remember the full page advertisement that was in the Dallas paper?

Mr. CURRY. I saw it; yes.

Senator COOPER. Directed against the President of the United States?

Mr. CURRY. Yes.

Senator COOPER. What date did you give that statement in making any kind of preparations for his visit?

Mr. CURRY. In the first place, I didn't think it was very appropriate, it makes us apprehensive, a little more apprehensive of the security of the President, but we were doing everything that I knew we could do to protect him. I will never forget that as we turned to go down toward that underpass the remark was made, "We have almost got it made," and I was very relieved that we had brought him through this downtown area, and were fixing to get on this expressway where we could take him out to the Trade Mart where we had a tremendous amount of security set up for him.

Senator COOPER. Since the assassination, have you had any actual factors or any evidence or information of any kind which would indicate that any person other than Oswald was involved in the assassination of President Kennedy?

Mr. CURRY. No, sir; I have not.

Mr. DULLES. Was any investigation made of, I believe it was Weissman, or somebody by that name, who inserted this advertisement to which Senator Cooper referred, was any particular investigation made?

Mr. CURRY. Not any investigation by us.

(At this point, Representative Ford withdrew from the hearing room.)

Mr. McCLOY. I have one question.

Did you since the assassination or before have any information or any credible information which would indicate that there was any connection between Ruby and Oswald?

Mr. CURRY. No, sir; we were not able to establish any connection between them.

Mr. McCLOY. You made a thorough investigation of that?

Mr. CURRY. Yes, sir; we made every attempt to prove or disprove an association between them, and we were not able to connect the two.

Mr. McCLOY. Do you intend to ask the chief about the General Walker episode?

Mr. RANKIN. Yes; and also about the Ruby episode.

Mr. McCLOY. I think that is all I have at the moment.

Mr. RANKIN. Chief, I put in front of you there as Exhibit 705, now marked as "Exhibit 705," your radio log that you have just been looking at and referred to, is that right?

Mr. CURRY. Yes, sir.

Mr. RANKIN. Will you turn to the page there where you find the first broadcast of the description of the suspect of the assassination of the President? Is that on your page 6 or thereabouts?

Mr. CURRY. The pages—yes, it is page 6, channel 1.

Mr. RANKIN. Will you tell what time of the day that is recorded as having been made?

Mr. CURRY. This shows at the end the broadcast to be 12:45 p.m. It would be on November 22d.

Mr. RANKIN. Mr. Chairman, I would like to offer Exhibit 705 being this radio log which covers a great many matters, but in light of the importance

of the time and the description and all, I think the entire log should go in and then we can refer to different items in it.

Mr. DULLES. It will be admitted as Commission's Exhibit No. 705.

(The document referred to was marked Commission Exhibit No. 705, and received in evidence.)

Mr. RANKIN. Now, will you read to the Commission a description that was given at that time of the suspect of the assassination?

Mr. CURRY. The broadcast reads as follows: "Attention all squads. Attention all squads. At Elm and Houston, reported to be an unknown white male, approximately 30, slender build, height 5 feet 10 inches, 165 pounds. Reported to be armed with what is believed to be a .30-caliber rifle.

"Attention all squads, the suspect is believed to be white male, 30, 5 feet 10 inches, slender build, 165 pounds, armed with what is thought to be a .30-.30 rifle. No further description or information at this time. KKB there 64 Dallas, and the time given as 12:45 p.m."

Mr. RANKIN. You have described Officer Tippit's number?

Mr. CURRY. District 78.

Mr. RANKIN. And that is recorded along the left-hand side when there is any message either from him or to him, is that right?

Mr. CURRY. That is correct.

Mr. RANKIN. Do you find there a message directed to him about moving to the central Oak Cliff area?

Mr. CURRY. Yes, sir.

Mr. RANKIN. And what time is that message recorded?

Mr. CURRY. Immediately following this dispatch to him to district squads 87 and 78, EBG 78.

Mr. RANKIN. What time?

Mr. CURRY. The time is given as 12:46.

Mr. RANKIN. What does it say?

Mr. CURRY. The dispatcher asked him "87 and 78" or instructed him "Move into the central Oak Cliff area."

Mr. RANKIN. Did he respond to that?

Mr. CURRY. A little later he did.

Mr. RANKIN. When?

Mr. CURRY. We have—he was asked his location, would be about 1 o'clock.

Mr. RANKIN. Did he say what it was?

Mr. CURRY. He didn't come back in at that time. At 1:08 p.m. they called him again.

Mr. RANKIN. Did he respond?

Mr. CURRY. It is at 12:54. The dispatcher said "78" and he responded, he said, "You are in the Oak Cliff area, are you not?"

Seventy-eight responded and said, "Lancaster and 8," which would be in the central section of Oak Cliff.

The dispatcher said, "You will be at large for any emergency that comes in."

And he responded, "10-4," which means message received. And he would follow those instructions.

Mr. RANKIN. Do you have an item there of a broadcast of a person who murdered Tippit?

Mr. CURRY. We have apparently—a citizen came in on the radio and he said, "Somebody shot a police officer at 404 10th Street." Someone in the background said 78, squad 78, car No. 10. And the citizen said, "You get that?" and the dispatcher said, "78."

And there was no response and the citizen said, "Hello, police operator, did you get that?" Some other unknown voice came in and said, "510 East Jefferson."

Mr. RANKIN. What time of the day?

Mr. CURRY. This was about 1:15; 1:19 is the next time that shows up on the radio log. The dispatcher at 1:19 said, "The subject is running west on Jefferson from the location."

Citizen came back in on the radio and said, "From out here on 10th street, 500 block, the police officer just shot, I think he is dead."

Dispatcher said, "10-4, we have the information."

The citizen using the radio remained off the radio.

Dispatcher to 15, he was the sergeant, said, "Did you receive the information of police officer shot?"

And he said, "10-4, but didn't that citizen say first he was on Jefferson and 10th and then Chesapeake?"

And he said, "Yes."

And he said, "Do they relate?"

And he said, "Yes, at Denver, 19 will be there shortly," that is a sergeant or a lieutenant.

Ninety-one came on and said, "Have a signal 19 involving a police officer at 400 block East 10th. The suspect last seen running west on Jefferson, no description at this time."

The dispatcher came in and said, "The suspect just passed 401 East Jefferson."

Dispatcher then says, "Give us the correct location on it, 85, we have three different locations."

Eighty-five says, "I haven't seen anything on Jefferson yet, 10-4, check, 491 East 10th at Denver."

Dispatcher repeated, "The subject has just passed 401 East Jefferson."

At 1:22 we have a broadcast here that says, "We have a description on the suspect here on Jefferson, last seen on the 300 block on East Jefferson, a white male, 30, about 5 feet 8, black hair, slender, wearing a white jacket, white shirt and dark slacks, armed with what he states unknown. Repeat the description."

Dispatcher said that to the squad. He says, "Wearing a white jacket believed to be a white shirt and dark slacks. What is his direction of travel on Jefferson?"

He said, "Travel west on Jefferson, last seen in the 401 West Jefferson, correction, it will be East Jefferson."

The dispatcher then said, "Pick up for investigation of aggravated assault on a police officer, a white male approximately 30, 5 feet 8, slender build, has black hair, white jacket, white shirt, dark trousers. Suspect has been seen running west on Jefferson from the 400 block of East Jefferson at 1:24."

Then they asked about the condition of the officer, and there was something about—the dispatcher did receive some information that there was a man pulled in there on West Davis driving a white Pontiac, a 1961 or 1962 station wagon with a prefix PE, saying he had a rifle laying in the street.

We have a citizen following in a car address unknown direction.

The dispatcher said, "Any unit near Gaston 3600 block, this is about a blood bank."

Then 279 comes in and says, "We believe the suspect on shooting this officer out here got his white jacket, believed he dumped it in this parking lot behind the service station at 400 block West Jefferson across from Dudley House. He had a white jacket we believe this is it."

"You do not have a suspect, is that correct?"

"No, just the jacket lying on the ground."

There is some more conversation about blood going to Parkland.

"What was the description beside the white jacket?"

"White male, 30, 5-8, black hair, slender build, white shirt, white jacket, black trousers, going west on Jefferson from the 300 block."

Squad says, "This is Sergeant Jerry Hill." Says, "I am at 12th and Beckley now, have a man in the car with me that can identify the suspect if anybody gets one."

Mr. RANKIN. Chief Curry, we were furnished a Commission Document No. 290, dated December 5, 1963, that purported to be a radio log for your department, and it did not have any item in it in regard to instruction to Officer Tippit to go to the Central Oak Cliff area.

Do you know why that would be true?

Mr. CURRY. I don't know why it wasn't in that log except that these logs, after they are recorded, they are pretty difficult to try to take everything off

of them, channel 1 and channel 2 is in on them and they spent many hours going over these and copying these.

This would be available and I listened to our recording.

Mr. RANKIN. That is Exhibit 705 you are talking about?

Mr. CURRY. That is right.

Mr. RANKIN. So if there is a discrepancy between the two, are you satisfied that Exhibit 705 is correct?

Mr. CURRY. Is the correct exhibit; yes.

Mr. RANKIN. Commission Document No. 290 does say at the heading that most routine transmissions were left out for reasons of brevity.

Would that be any explanation?

Mr. CURRY. Perhaps it could be, yes. Because these would have been routine broadcasts. The fact the squad was moving into this area because this is more or less normal procedure when we have incidents occurring of any magnitude, the squads immediately begin moving in to cover officers of the district.

Mr. RANKIN. You were going to tell us about how it came to your attention about the moving of Lee Oswald to the jail from your place on Saturday?

Mr. CURRY. To the county jail?

Mr. RANKIN. Yes.

Mr. CURRY. Yes, sir.

I asked Captain Fritz a time or two when he wanted to move Oswald, because this is left up to him. Whoever will be handling the case, I mean I don't enter in the transfer of prisoners, I don't ordinarily even know when they are going to be transferred.

Mr. RANKIN. Why is that?

Mr. CURRY. It is just a routine matter.

Mr. RANKIN. Can you tell us is that involved quite a few times in your operations?

Mr. CURRY. Yes, sir. Usually it is a daily transfer of prisoners, and usually the sheriff's office sends up there and picks them up on routine prisoners.

Mr. RANKIN. Are there a number each day?

Mr. CURRY. I would say perhaps anywhere from maybe none to 15 a day.

Mr. RANKIN. When did you talk to Officer or Captain Fritz about this?

Mr. CURRY. I think I talked to him some on Saturday, because the newspaper people or the news media kept asking me when are going to transfer him?

Mr. RANKIN. That would be November 23?

Mr. CURRY. Yes; and I said this I don't know because that would be left up to the men doing the interrogation. When they felt like they were finished with him and wanted to transfer him or when Sheriff Decker said, "We want the man."

Mr. RANKIN. Did you have anything to do with his transfer then?

Mr. CURRY. Other than to, I called Sheriff Decker on Sunday morning and he said, I told him and I think he had talked to Fritz prior to that time, too, and he told Fritz, he says, "Don't bring him down here until I get some security set up for him."

So, Sunday morning I talked to Sheriff Decker.

Mr. RANKIN. Why didn't you do it at night?

Mr. CURRY. This is not customary to transfer prisoners at night.

Mr. RANKIN. Why?

Mr. CURRY. Well, in talking with Captain Fritz, and here again the prisoner was his, and when some of my captains, I believe it was perhaps Lieutenant Swain, it is in the record somewhere said something about, "Do you think we ought to move him at night?"

And Captain Fritz was not in favor of moving him at night because he said, "If anything does occur you can't see, anybody can immediately get out of sight, and if anything is going to happen we want to know where we can see and see what is happening."

Mr. RANKIN. Were you fearful something might happen?

Mr. CURRY. I didn't know. I thought it could happen because of a feeling of a great number of people. But I certainly didn't think anything to happen in city hall. I thought that if anything did happen to him it would probably be en route from the city jail to the county jail.

Mr. RANKIN. What precautions did you take?

Mr. CURRY. The precautions that were taken, when I came in on Sunday morning, now Captain Fritz, I had talked to him on Saturday night or Saturday evening anyway, and he said, he thought he would be ready to transfer him by 10 o'clock the next morning, that would be Sunday morning.

Mr. RANKIN. Did you tell that to the media?

Mr. CURRY. I told them at some time after that. Several of them asked me when are you going to transfer him, and I said, I don't know.

They said, "Are you going to transfer him tonight," and I said, "No, we are not going to transfer him tonight." I said, "We are tired. We are going home and get some rest."

Something was said about well, we are tired, too. When should we come back, and I think that this is recorded in some of the tape recording, that I told them if you are back here by 10 o'clock in the morning, I don't think that you would miss anything you want to see.

Mr. RANKIN. What did you do then about precautions?

Mr. CURRY. The next morning when I came in, that would be about 8:30, 8:45, I think, parked in the basement of city hall, I started up to the elevator and I noticed they had moved some cameras into a hallway down in the basement and I told Lieutenant Wiggins who is in the jail office, I said, "These things will have to be moved out of here, and I also told Chief Batchelor, and Chief Stevenson, Assistant Chief Batchelor, and Assistant Chief in Charge of Investigations Stevenson who came down in the basement at the time.

Mr. RANKIN. Those were TV cameras?

Mr. CURRY. That was in the lobby or in near the lobby of the jail office. I told them they were—would have to move those out of there. This was also in the parking area, there was a ramp come down from Main Street and goes out on Commerce Street, and then there is a parking area east of this.

I told Lieutenant Wiggins who was there, I said, "Now, move these squad cars," there was a transfer car there and a squad car, "move these cars out of this area and if the news media wants down here put them over behind these railings, back over in the basement here."

Then that is all I did at that time. I saw that they were setting up some security. A little while later Chief Batchelor and Chief Stevenson went downstairs and found Captain Talbert who was the platoon commander, radio platoon commander had some sergeants down there and they were setting up security and were told clean everything out of the basement and not let anybody in here, I think the depositions will show that, not let anybody in except police officers and news media who had proper credentials.

Mr. RANKIN. What about the various entrances, was anything done about that?

Mr. CURRY. Well, the entrances to the basement, yes, and the entrances from the basement of city hall out into the basement proper where the cars come in.

Mr. RANKIN. What was done about that?

Mr. CURRY. Every entrance there were guards put on it with instructions not to let anyone come or go except police officers or news people that had proper credentials.

Mr. RANKIN. What entrances are there to the basement?

Mr. CURRY. This is a Main Street entrance for vehicles, that would be on the north side of the building. There is a Commerce Street exit which would be on the south side of the building, on the west side downstairs there is an entrance from the jail corridor where the public goes to the jail window into the basement of the parking area. Then there are some elevators that come from the municipal building, that come down to the basement level. There are also, there is also an opening that goes from this basement down into a subbasement where the maintenance men have their offices.

(At this point, Senator Cooper left the hearing room.)

Mr. RANKIN. And each one of those was guarded?

Mr. CURRY. Yes, sir.

Mr. RANKIN. Throughout the time?

Mr. CURRY. Yes, sir.

Mr. RANKIN. What other precautions were made?

Mr. CURRY. There were a great number of police reservists and detectives and uniformed officers, I think there was a total, I believe of about 74 men in this area between the jail office and the immediate area where he would be loaded.

Mr. RANKIN. How large an area was that?

Mr. CURRY. Well, where he would be brought out of the jail office to put him in this car, would be, I would say, 15 or 20 feet, and then this building, this ramp runs from one street to the other, and the parking area would cover a block wide and perhaps 150 feet deep.

Mr. RANKIN. Were there cars in the parking area?

Mr. CURRY. Some cars were there. They had been searched out, all of them. All of the vehicles had been searched, and all the, where the airconditioning ducts were, they had all been searched, every place where a person could conceal himself had been searched out.

Mr. RANKIN. Was there a plan for an armored car?

Mr. CURRY. Yes, sir; there was.

Mr. RANKIN. What happened about that?

Mr. CURRY. After they had gotten the armored car down there, in talking with Captain Fritz, and here again this prisoner was his responsibility and I don't want to be in a position of just overriding him, and I was willing to trust his judgment, he had been doing this for, like I say, nearly 40 years, and he said, "Chief, I would prefer not to use that armored car, I don't know who the driver is. It is awkward to handle and if anybody tries to do anything to us, I am afraid we would be surrounded. I would prefer to put him in a police car with some of my men following him, and get in and just take him right down Main Street and slip him into the jail."

So I said, "It will be all right with me if you want to do it that way but let's not say anything about this."

Mr. RANKIN. Now the armored car was not a Dallas police car, was it?

Mr. CURRY. No; it was not.

Mr. RANKIN. It was one you were arranging to get from——

Mr. CURRY. I believe his name was Mr. Sherrell, who was the manager of the Armored Motor Service there in Dallas.

Mr. RANKIN. And they would furnish a driver with it?

Mr. CURRY. Yes.

Mr. RANKIN. What else was done, if anything?

Mr. CURRY. We went ahead with our plans and we instructed the officers that would be involved in this transfer they would go east on Commerce Street, north to Elm Street, west on Elm Street to Houston Street, and then back south on Houston to the rear entrance of the county jail.

Mr. RANKIN. How many officers would be involved in the transfer?

Mr. CURRY. In the actual transfer, I would think perhaps 15 or 18 besides the men that were stationed at the intersections downtown.

Mr. RANKIN. How far would it be from your police department to the county jail?

Mr. CURRY. I would say 12-15 blocks.

Mr. RANKIN. Were there any other precautions you haven't described?

Mr. CURRY. No, sir; that is about all I know of, except that Captain Fritz wanted to transfer the prisoner in his car, with some of his detectives. This is not unusual. He has transferred many, many prisoners, especially where there is—it is an unusual case involving more than the ordinary routine crime, so it is not anything unusual to transfer him, for him to transfer prisoners.

But, it was then suggested or arranged that they would put his car in a position behind the armored car that we would bring the prisoner out, put him in his car, and he would have two detectives in the back seat with him, plus one driver and two or three detectives following him immediately and there was supposed to be another car to pick up and go with them or get into a car van with these two.

They would follow the armored motor car and no one would know that he was not in the armored motor car except the reporters downstairs when they saw him come out. They would see he was placed in a car instead of the armored car, and we planned to let the armored car go over the predetermined route, but that Captain Fritz, when he got to Main Street, as you go east on

Commerce and turned north to go to Elm Street, that is the second street over, when he got to Main Street they would make a left turn and go right down Main Street to the county jail, and they would turn right on Houston Street and the lead car would pull past the entrance and he would duck in and the gates would be closed and the prisoner would be transferred.

Mr. RANKIN. What happened to these TV cameras that you told them to get out of there?

Mr. CURRY. They moved them back somewhere. I don't know where they moved them but it was away from there.

Mr. RANKIN. Weren't their cameras right there at the time of the shooting?

Mr. CURRY. There were some cameras immediately over, TV cameras, I think over where I had told them to place them earlier that morning. I understood when Chief Batchelor went downstairs and I think Captain Jones of the forgery bureau, immediately prior to the transfer, they found there were some reporters and cameramen in the jail office, and Captain Jones, I believe, asked Chief Batchelor if these should not be removed and he was told yes, they should be removed out into the basement. When they were removed out into the basement instead of them being placed outside of the railing—now this is a decision made by Chief Batchelor, I suppose, because he said put them in the driveway up to the north. Now this is from where Ruby came. So apparently this afforded him an opportunity, from our investigation it was determined that he came down this Main Street ramp.

Mr. RANKIN. How did you determine that?

Mr. CURRY. We interrogated every man that was assigned in the basement. Also every witness who was around there that we could find that knew anything about it.

Mr. RANKIN. Did anyone see him come in on that ramp?

Mr. CURRY. There was a former police officer who told us he saw him go down that ramp, a Negro former police officer.

Mr. RANKIN. Who was that?

Mr. CURRY. I believe his name was Daniels, I think perhaps you have a statement from him, don't you?

Mr. RANKIN. Is he the only one who saw him come in down there?

Mr. CURRY. I believe so.

Mr. RANKIN. Now with these TV cameras down there how would your ruse work about having the armored car go ahead and Oswald climb into Captain Fritz' car? Wouldn't that all be shown on TV?

Mr. CURRY. If it was. We didn't think there would be anybody downtown to be in a position to watching TV that quickly to do anything about it if they wanted to.

Mr. RANKIN. You thought about it though?

Mr. CURRY. Yes.

Mr. RANKIN. What happened? Were you down there at the time?

Mr. CURRY. No, sir; I would have been but I received a call from my mayor and as I was fixing to go downstairs and I wish that I had been downstairs because I don't know that I could have done anything but you always have this feeling if you were there maybe you could have done something.

But I was called to the telephone and while I was talking to the mayor, why I heard some noises from downstairs and I was up on the third floor, and I heard some shouting, and someone came in and told me that Oswald had been shot.

Mr. RANKIN. Did you learn how the shooting occurred?

Mr. CURRY. Yes.

Mr. RANKIN. Will you tell us?

Mr. CURRY. I was told that someone sprang from the crowd and pushed a gun into his stomach and fired a shot.

Mr. RANKIN. Do you know who that was?

Mr. CURRY. I was told that the man was named Jack Ruby.

Mr. RANKIN. What else did you learn about it?

Mr. CURRY. Further investigation revealed, and some of my officers who talked to Ruby and talked to his attorney, I believe, were told that he came down that north ramp, and an investigation revealed that one of our officers,

who was assigned there, Officer Vaughn, who was assigned to this location just prior to this transfer.

Mr. RANKIN. That is out on the street?

Mr. CURRY. Main Street side.

Mr. RANKIN. At the entrance?

Mr. CURRY. At the entrance to the basement ramp. He had been assigned there and had been told not to let anybody come in except newspaper reporters or news media or police officers.

Mr. RANKIN. Did you find out what he did?

Mr. CURRY. We discovered or found out subsequently that he, just prior to this transfer, that when we found out we were going to transfer him and not use an armored car that Chief Stevenson had told Lieutenant Pierce "to get a couple of sergeants or a sergeant, get somebody and go around and get in front of the armored car and when we tell you to why you lead off and lead this armored car over here and just over the route we have discussed, and take it to the county jail."

Well, Lieutenant Pierce went downstairs and got a car and he got Sergeant Putnam and I don't recall the other sergeant, and because the ramp that ordinarily we would use for exit ramp to Commerce Street, it was blocked with this armored car and another vehicle, he went out in the wrong direction, that is he went north, up to north, he went north on the ramp to Main Street which ordinarily would not be done, but since he could not get out, why he did, and as he approached the ramp, our investigation showed that Officer Vaughn stepped from his assignment in the entrance to this ramp, and the walk is about 10 or 12 feet wide there, stepped across and just more or less assisted the car to get into the Main Street flow of traffic.

Now he wasn't asked to do this by the lieutenant, but he just did it and according to what Ruby told some of my officers, I believe, whether you have it on the record who he told this to, that he came down that north ramp.

Mr. RANKIN. At that time?

Mr. CURRY. At that time.

Now this would only have been, it couldn't have possibly been over 2 or 3 minutes prior to the shooting, so apparently he went right down that ramp and he got in behind some of these newspaper reporters or news media and detectives, and as Oswald was brought out he sprang from behind one of my detectives and took about two steps and shoved a gun in Oswald's side and pulled the trigger.

This officer, in talking to him, he made a report, he swears that he didn't see anybody go in there.

Mr. RANKIN. By this officer, you mean Vaughn?

Mr. CURRY. Officer Vaughn. He did, I asked him myself or asked the investigating officers to see if he wouldn't take a polygraph test concerning this, just to verify his position in it, and he agreed to take the polygraph test and did take the polygraph test and the polygraph test revealed that he was not aware that Ruby came in while he stepped, when he stepped away from the entrance of that door.

Now I am not here to place the blame on anybody because, as I have said previously, as head of the department, I have got to accept the responsibility for what goes on there.

But if Officer Vaughn had properly carried out his assignment, I don't believe that Ruby could have gotten into the basement of the city hall.

Mr. McCLOY. Unless he had credentials, media credentials?

Mr. CURRY. That is correct.

Mr. McCLOY. We haven't verified whether or not he did have anything?

Mr. CURRY. We haven't been able to verify that. There were none found on his person.

Mr. RANKIN. Did you make any inquiry as to whether or not any of the police force were involved with Ruby in this shooting?

Mr. CURRY. We got reports and interrogated every officer who was there.

Mr. RANKIN. What did you find out?

Mr. CURRY. We didn't find any officer who knew he was down there or that had in any way assisted him in getting there. No one.

Mr. RANKIN. You are satisfied that none of them were involved in trying to have Oswald shot?

Mr. CURRY. Yes, sir; I certainly am.

Mr. RANKIN. Did you make inquiry to determine whether there was any evidence that anyone else was involved with Ruby in trying to shoot Oswald?

Mr. CURRY. We made every effort we could in our investigation. We were not able to determine any tieup between any other individual and Ruby or Oswald.

Mr. RANKIN. Did you make any inquiry to determine whether or not anyone else was involved with Oswald in the assassination of the President?

Mr. CURRY. We attempted to. Every lead we came upon we followed it out to see whether or not we could make any connection between Ruby, Oswald, or any other group.

Mr. RANKIN. Did you discover any evidence that would tend to show that Oswald had any support in the assassination?

Mr. CURRY. No; we did not.

Mr. RANKIN. Did you discover any evidence that would prove Ruby was involved with any other person in the killing of Oswald?

Mr. CURRY. We were not able to determine any connection.

Mr. DULLES. I will just ask one question, if I may, here.

It was Officer Vaughn, I understand, who had the direct responsibility for checking the credentials.

Mr. CURRY. Of that door, of that particular door.

Mr. DULLES. That door. Is there any evidence that Officer Vaughn knew of Ruby?

Mr. CURRY. I don't believe he did.

Mr. DULLES. Has that been looked into?

Mr. CURRY. He was asked that, and if I remember correctly in his deposition he didn't know him.

Mr. DULLES. He testified he didn't know him?

Mr. CURRY. I believe so, I am not confident of that, but they have had his deposition here, which I am sure would reveal that.

Mr. DULLES. Do you know—

(Discussion off the record.)

Mr. McCLOY. Do you know, chief, anybody on the staff, on your staff, on the police staff, that was particularly close to Ruby?

Mr. CURRY. No, sir; I do not.

Mr. McCLOY. I would want to go back for a little while on one thing.

How did it happen the description was broadcast so quickly after the event? Can you explain the circumstances under which—

Mr. CURRY. I am merely giving an opinion here.

Mr. McCLOY. Yes.

Mr. CURRY. I think the reason it was when they found out at the Texas School Book Depository that this employee when they were checking employees and they found out this employee was missing, that they presumed he must or could have had some connection between the shooting of the President and the fact that he was not present at this time.

Mr. McCLOY. Can you describe the mechanics or the machinery by which this did get on to, this material on to the broadcast, that is—

Mr. BALL. Could I go off the record on it?

(Discussion off the record.)

Mr. CURRY. No, sir; other than, I am sure that someone put it over a police radio to our dispatcher and he put it then, he broadcast it.

Mr. McCLOY. That is someone on the scene would presumably communicate with headquarters?

Mr. CURRY. With the dispatcher. He would rebroadcast it to all units.

Mr. McCLOY. And he would rebroadcast it to all the units?

Mr. CURRY. Yes.

Mr. DULLES. You have given us, I think, an estimate or approximate estimate of the number of officers you thought that knew Ruby, and I believe it was about 25 out of the whole force.

Mr. CURRY. This is just—I mean this is not—I couldn't say this was a real

accurate number, but I am just presuming from just talking to people in the department. I would say that certainly no more than 50 men knew anything about him at all.

Mr. DULLES. Have you made any effort to find out and run down these men that did know?

Mr. CURRY. Yes, sir.

Mr. DULLES. You have?

Mr. CURRY. Yes, sir.

Mr. DULLES. And how many have you actually discovered did know Ruby from that investigation?

Mr. CURRY. I don't have the exact number, but I am guessing it probably would be 25 or 30 men.

Mr. DULLES. Twenty-five men whom you have interrogated with regard to their association with Ruby?

Mr. CURRY. That knew him in some capacity. That knew him in some capacity.

Mr. DULLES. Mr. Rankin, do we have depositions on this point?

Mr. RANKIN. We have inquired of everyone deposed as to what he knew about Jack Ruby, what acquaintance, any prior connections.

Mr. DULLES. You mean all the police officers who were—

Mr. RANKIN. Who were interrogated, but, of course, we didn't cover any 1,200 men.

Mr. DULLES. Did you cover all those that were present that morning?

Mr. CURRY. I believe we asked anyone in the police department who knew Ruby to let us know about it. And then I think anyone that knew him, the names were turned over to these people here. We covered all that such an inquiry would reveal but we didn't purport to cover—well, we covered something like a hundred out of 1,200.

We requested by departmental order any police officer who knew Jack Ruby make it known to us, and then he was interrogated about it.

Mr. RANKIN. Of those interrogated that would probably include all of those present the day of the shooting of Oswald, the morning of the shooting of Oswald at the time of the transfer?

Mr. CURRY. I believe it would.

Mr. RANKIN. All that we knew were present at all, and beyond that, too, have been interrogated.

Mr. CURRY. Yes.

Mr. McCLOY. When Officer 78, that is Tippit was directed to the Oak Cliff area that was simply because the Oak Cliff area was sort of a center of activity at that point?

Mr. CURRY. At that time.

Mr. McCLOY. It wasn't—it wasn't because you were trying to or had any idea that the suspect might have been there?

Mr. CURRY. Not from the Presidential shooting, but we were sure that the suspect in the Officer Tippit shooting was in the central area.

Mr. McCLOY. But Tippit was still alive on the first direction to him to go out there?

Mr. CURRY. That was because some of the squad had been moved out of the Oak Cliff into the Dallas area. You see, this is across the river.

Mr. McCLOY. What is the Oak Cliff area?

Mr. RANKIN. I think that ought to be clarified. Chief Curry, wasn't your testimony that Tippit was in the Oak Cliff area of Dallas?

Mr. CURRY. Yes.

Mr. RANKIN. And then he was directed to move to the central Oak Cliff area?

Mr. CURRY. That is correct.

Mr. RANKIN. Move in closer, and so he was in it, his regular beat, as I understand it, was in the Oak Cliff area, isn't that right?

Mr. CURRY. Yes.

Mr. RANKIN. And is Oak Cliff a suburb or what is it?

Mr. CURRY. It is not exactly a suburb, but it is physically separated. It used to be a separate municipality and some years ago—

Mr. RANKIN. Where does it lie?

Mr. CURRY. It lies west of Dallas proper and across the Trinity River and the only means of going to Oak Cliff, going to and from Oak Cliff is by means of viaduct so there is a physical separation between Oak Cliff and Dallas, and some of the squads had been pulled out of the Oak Cliff area and to come over to the Elm and Houston area to assist in the investigation of this shooting, and it would be normal procedure as squads go out of an area for the squads further out to move in in the event something does happen in this area they would have a squad that wouldn't be so far removed from it.

Mr. DULLES. This direction had nothing to do with any suspicion that you might have had that the assassin might be going into this area?

Mr. CURRY. No, sir; none at all.

Mr. DULLES. It was purely a maneuver to cover an area which had been evacuated or been left uncovered because of the assassination and the reassignment of squads?

Mr. CURRY. The reassignment of squads, that is right.

Mr. McCLOY. Because of the withdrawal of people of the Oak Cliff area into the Houston Street area?

Mr. CURRY. That is correct. So we pulled some of the squads further assigned to the area into the most central area to cover anything that might happen so they would be in position to go out or come in.

Mr. McCLOY. That does clear it up.

Mr. RANKIN. Will you tell us on the record what was normal procedure that you just spoke about?

Mr. CURRY. Normal procedure would be when we have a great number of squads on assignment in an area, in their particular district, as squads go out of service, say they are checking out, to haul prisoners into the jails or they are on calls, it just is automatic they are instructed in school when they go to school if the adjoining squad goes out of service, doesn't stay, say he adjoins you on the east, don't go to the far west side of your district, go to the east side of your district where you could be on the west side of his district, so if something else occurs in his district you would be in a position to answer the call.

Ordinarily it is not necessary for us to, so that squads go to getting out of service, to go and rearrange squads.

In this particular instance, when he asked 81 and 78 if they were in central Oak Cliff they said yes, but they were moving there because this would be a normal thing to do, to move into an area where other squads had gone out of service.

Mr. RANKIN. You told us about your efforts to try to determine whether subversive groups or groups that might have an interest in making trouble for a trip of the President were going to try to do anything. Would you tell us what you did about that in more detail?

Mr. CURRY. I gave you a copy of this, and I would like to read it for the record, if you would like me to.

Mr. RANKIN. We will offer that.

Mr. CURRY. All right.

This is a copy of a report submitted to me by Lieutenant Jack Revill, criminal intelligence section of the special service bureau.

Mr. RANKIN. I will hand you Exhibit No. 710 and ask you if that isn't a copy of what you are referring to.

Mr. CURRY. Yes; it is

Mr. RANKIN. You won't have to read that, Chief, if you will just describe in a general way what was done that you know about and then I will offer that to show what it proves.

Mr. CURRY. In essence, this report says prior to the announcement of the President's visit, there were rumors he would visit Dallas and because of these rumors the intelligence section increased its efforts in attempting to get data concerning not only extremists and subversive groups.

Mr. RANKIN. How do they do that?

Mr. CURRY. They usually have an informant inside the organization. Sometimes it may be one of our own men.

Mr. RANKIN. I see.

That was with regard to the persons listed on that Exhibit 710?

Mr. CURRY. Yes.

Mr. RANKIN. Do you know of any other efforts besides that?

Mr. CURRY. No, sir; these are all that I know of except we did in one instance go to the cities outside of Dallas, towns outside of Dallas to talk to some people that had rumored that they would do something to embarrass the President. These organizations are listed as the Ku Klux Klan, the Indignant White Citizens Council, National States Rights Party, the John Birch Society, Dallas White Citizens Council, Oak Cliff White Citizens Council, General Walker group, American Opinion Forum, Dallas Committee for Full Citizenship, Young Peoples Socialist League, Dallas Civil Liberties Union, Texas White Citizens Council, and Black Muslims.

Mr. RANKIN. I will hand you Exhibit 709 which you have furnished us this morning, and ask you, can you tell us how you got that exhibit?

Mr. CURRY. This exhibit was a report that was submitted to me from Jack Revill, who is a lieutenant, in the criminal intelligence section.

Mr. RANKIN. That is the same man who is referred to in Exhibit 710?

Mr. CURRY. Yes, it is; their assignment is to keep track of these groups that we have talked about, possible subversive or extremist groups and try to know something about their plans, their movements.

Mr. RANKIN. How did you get that information described in Exhibit 709?

Mr. CURRY. It was given to me on November 22d at 2:50 p.m., or shortly thereafter, but I mean the information came to him at that time, and he passed it on to me, later that day.

Mr. RANKIN. Would you tell us how you secured Exhibit 711?

Mr. CURRY. This is a report from Officer V. J. Brian, B-r-i-a-n, who is a detective in the criminal intelligence section, and was present when Lieutenant Revill, when the information submitted was given to Lieutenant Revill.

Mr. RANKIN. I would like to offer Exhibits 709, 710, and 711.

Mr. DULLES. They will be admitted.

(The documents referred to were marked Commission Exhibit Nos. 709, 710, and 711 for identification and received in evidence.)

Mr. RANKIN. Mr. Chairman, I think we should have a recess now until 2 o'clock.

Mr. McCLOY. One more question.

Was there any talk that you heard around before the, after the apprehension of Oswald and his time set for his removal from police headquarters to the jail, was there any talk that you heard in the corridors or elsewhere about lynching or possible lynching?

Mr. CURRY. No, sir. The only information I had was that the FBI, someone from the FBI passed the information to the city hall during the night that they had had a call that said, I believe the FBI sent this call, that there was a group of 100 who would take that prisoner away from us before he got to the county jail.

Mr. McCLOY. But this came from outside the jail?

Mr. CURRY. Yes; outside.

Mr. McCLOY. You never heard any threats uttered within the jail?

Mr. CURRY. No.

Mr. DULLES. Another general question: Have you any comments or anything you would like to say about the cooperation between the Dallas police, the Secret Service, and the FBI during this period immediately following, prior to and immediately following the assassination?

Mr. CURRY. No, sir. We have always had the best of cooperation between both of these Federal units, and all other units of the Federal and State government. I feel sure that they thought this information was important to us, they probably would have given it to us. But we certainly have not had any trouble with the FBI or with the Secret Service in any of our past associations.

Mr. DULLES. I was going a little further. I mean, was the cooperation wholehearted and open and frank as far as you could tell?

Mr. CURRY. Yes, sir; as far as I could tell, it was.

Mr. DULLES. Was there any problem created because of the possible—not conflict of authority, but question as to who had responsibility of particular

areas here as between you as chief of police and the Secret Service and the FBI?

Mr. CURRY. Prior to the President's visit, no; there was nothing there.

Mr. DULLES. Prior to or subsequent to?

Mr. CURRY. Now, subsequent to that, we felt this, that this was a murder that had been committed in the county, city and county of Dallas, and that we had prior, I mean we had jurisdiction over this. The FBI actually had no jurisdiction over it, the Secret Service actually had no jurisdiction over it. But in an effort to cooperate with these agencies we went all out to do whatever they wanted us to do that we could do to let them observe what was taking place, but actually we knew that this was a case that happened in Dallas, Tex., and would have to be tried in Dallas, Tex., and it was our responsibility to gather the evidence and present the evidence.

We kept getting calls from the FBI. They wanted this evidence up in Washington, in the laboratory, and there was some discussion, Fritz told me, he says, "Well, I need the evidence here, I need to get some people to try to identify the gun, to try to identify this pistol and these things, and if it is in Washington how can I do it?"

But we finally, the night, about midnight of Friday night, we agreed to let the FBI have all the evidence and they said they would bring it to their laboratory and they would have an agent stand by and when they were finished with it to return it to us.

Mr. DULLES. An agent of the police force, you mean?

Mr. CURRY. An agent of the FBI.

Mr. DULLES. FBI?

Mr. CURRY. Yes.

Mr. DULLES. There was no agent of the Dallas police that went to Washington with the evidence?

Mr. CURRY. Not to my knowledge.

Mr. RANKIN. Did that work out all right so far?

Mr. CURRY. Well, not exactly, because they were to give us pictures of everything that was brought to Washington, and Fritz tells me that some of these little items that it was very poor reproduction of some of the items on microfilm.

Subsequently they photographed these things in Washington and sent us copies, some 400, I think, 400 copies of different items. So far as I know, we have never received any of that evidence back. It is still in Washington, I guess.

Perhaps the Commission has it.

Mr. RANKIN. Yes; the Commission is still working with it.

Mr. CURRY. Yes.

Mr. RANKIN. But apparently the FBI tried to carry out their agreement with you, didn't they?

Mr. CURRY. Yes; they did.

Mr. RANKIN. And it is a question of whether or not their reproductions were as good as you would like to have?

Mr. CURRY. There were made, some of them, in the office down in Dallas, they were in a tremendous hurry to get all of these items to the laboratory here in Washington, and our only concern was this, that if this case is tried in Dallas, we need the evidence to be presented here in a court in Dallas and we were a little bit apprehensive about it if it gets to Washington will it be available to us when we need it. If we need somebody to identify, attempt to identify the gun or other items will it be here for them to see?

And that was our only concern.

We got several calls insisting we send this, and nobody would tell me exactly who it was that was insisting, "just say I got a call from Washington, and they wanted this evidence up there," insinuated it was someone in high authority that was requesting this, and we finally agreed as a matter of trying to cooperate with them, actually.

Mr. DULLES. Have you any more questions?

Mr. McCLOY. Not at this stage.

Mr. RANKIN. Shall we convene at 2?

Mr. DULLES. Mr. Murray, do you have any?

Mr. MURRAY. No, thank you.

(Whereupon, at 12:45 p.m., the President's Commission recessed.)

TESTIMONY OF JESSE EDWARD CURRY RESUMED

The President's Commission reconvened at 2 p.m.

Mr. McCLOY. (presiding). We are ready.

Mr. RANKIN. Chief Curry, I was asking you just as we closed your examination before lunch about Exhibits 709, 711 particularly, and you will recall those are the documents concerning the conversation between Agent Hosty of the FBI and Jack Revill who is your lieutenant of criminal intelligence section, is that right?

Mr. CURRY. It was reported to me, I was given a report to that effect.

Mr. RANKIN. Do you know anything about the matters described in those letters?

Mr. CURRY. Yes.

Mr. RANKIN. Will you tell us what you know about them? Do you want to see them?

Mr. CURRY. Yes. One of the documents tells me that Lieutenant Revill states that about 2:50 p.m. on the 22d—

Mr. RANKIN. Of what?

Mr. CURRY. November 1963, that he met Special Agent Jim Hosty of the FBI in the basement of the city hall, and at that time Agent Hosty related to Revill that the subject, Oswald, was a member of the Communist Party, and that he was residing in Dallas.

Mr. RANKIN. Did you make any further inquiry after you got that information?

Mr. CURRY. None other than I had a report from V. J. Brian, a detective in criminal intelligence, who was present at the time this conversation took place.

Mr. RANKIN. That later report was as of April 20?

Mr. CURRY. Yes.

Mr. RANKIN. 1964?

Mr. CURRY. The last report.

Mr. RANKIN. What was the occasion for that?

Mr. CURRY. I just asked Revill if anyone was with him at the time, and he recalled that Detective Brian was at the time.

Mr. RANKIN. Otherwise, did you know anything more about that matter?

Mr. CURRY. No, sir; I believe Captain Fritz said that he, he told me he knew they had been out to talk to Mrs. Paine.

Mr. RANKIN. By they, who do you mean?

Mr. CURRY. Some of the FBI agents, and that he did know that Oswald apparently knew Hosty, because Hosty was present in the interrogation room.

Mr. RANKIN. By he there at that point who do you mean?

Mr. CURRY. Oswald.

Mr. RANKIN. Yes; but you say he knew.

Mr. CURRY. That Oswald knew Hosty.

Mr. RANKIN. Yes.

Mr. CURRY. Because according to Fritz he said that he was quite bitter, Oswald was quite bitter toward Hosty because he had made the statement that "you mistreated my wife."

Mr. RANKIN. Do you know how Captain Fritz learned that?

Mr. CURRY. He was in Captain Fritz's office when this statement was made, according to Captain Fritz.

Mr. RANKIN. Now, after the assassination, did you give any orders of your staff, making any reports about anything they knew about either the assassination or the Tippit killing?

Mr. CURRY. Yes, sir; we had all of our officers who knew anything at all about it to submit reports which is a normal procedure in any unusual incident.

Mr. RANKIN. How did you direct that that be done?

Mr. CURRY. Just through my staff.

Mr. RANKIN. Was that in writing?

Mr. CURRY. No, sir.

Mr. RANKIN. You just told them?

Mr. CURRY. Yes, sir.

Mr. RANKIN. And was that direction promptly given?

Mr. CURRY. I am sure it was passed on immediately. All orders are.

Mr. RANKIN. How soon after the assassination?

Mr. CURRY. I would say probably within the next day after we met and we decided that an investigation should be conducted into all phases of this.

Mr. RANKIN. Did you give any directions about furnishing information immediately about what anyone knew about the killing of Oswald?

Mr. CURRY. No specific directions. After Oswald was killed, I called and I talked with Deputy Chief Stevenson of the criminal investigation division the next morning of the next day, I believe this was Monday, and we decided we should appoint an investigative group.

Mr. RANKIN. Who was that?

Mr. CURRY. That was Inspector Sawyer, headed by Inspector Sawyer.

Mr. RANKIN. Who else?

Mr. CURRY. And Captain O. A. Jones, and then I think they had some lieutenants assigned to it and some detectives. Their assignment was to find out every person who was present in or around the city hall at the time that Lee Oswald was killed, and to get a report from them.

I know Lieutenant Revill was also in on this, and then they would also, in addition to getting a report, they would personally interrogate each one of them to see whether or not any information they had knowledge of might be left out of the reports.

And you have a copy of all of these reports, both the reports the officers made, the additional interrogation made by members of this investigating group.

Mr. RANKIN. Do you know whether they inquired as to the knowledge of any of these people about conversations with Ruby immediately after the shooting of Oswald?

Mr. CURRY. I believe they have some reports to that effect.

Mr. RANKIN. Was that a part of their responsibility to get those reports?

Mr. CURRY. Yes; anything that they had, that they could get regarding this.

Mr. RANKIN. And you would expect the police officers to tell anything they knew at once?

Mr. CURRY. Yes, sir.

Mr. RANKIN. So far as you know has all of that information been supplied to the Commission?

Mr. CURRY. So far as I know.

Mr. RANKIN. It has?

Mr. CURRY. So far as I know it has been supplied.

Mr. RANKIN. Did you learn about the claims of some police officers that Ruby had said something about the killing to them shortly after killing Oswald?

Mr. CURRY. Yes.

Mr. RANKIN. When did you first learn that?

Mr. CURRY. I don't recall exactly, the exact date that I learned of this. But I think the first time it came to my knowledge was that Agent Sorrels of the Secret Service, sometime after this told me, he said, "Now Chief, I don't know that they could—that I could testify to this," but he said, "immediately after Oswald was shot, I went to his cell"——

Mr. RANKIN. Whose cell?

Mr. CURRY. To Oswald's—I mean to Ruby's cell, "and I went in and talked to him, told him who I was, and"——

Mr. RANKIN. Was anyone else present?

Mr. CURRY. There was a patrolman and a guard, I think, and perhaps a detective.

Mr. RANKIN. Who were they?

Mr. CURRY. I believe Dean was present, Sergeant Dean, I don't know who these officers were but it is revealed in these reports that have been made.

Mr. RANKIN. Yes.

Mr. CURRY. Sorrels told me, he said, "I asked Ruby why he did it and he said somebody had to kill the son-of-a-bitch and the police department couldn't do it."

I believe he also said, "I couldn't think, stand the thought of having Jacqueline Kennedy having to return to Dallas and go through a trial for him." I told him this was not for the Secret Service or not for publication, I just asked him the question but he said, "I did not warn him against himself, about his constitutional rights, so I don't know that I would be allowed to testify to this."

Mr. RANKIN. When did Sorrels first tell you that?

Mr. CURRY. This was the—it seems to me like several days after this occurred.

Mr. RANKIN. Did you report that to anyone?

Mr. CURRY. I believe I told Chief Stevenson about it or whoever was—or perhaps Captain or Inspector Sawyer or some of them. This information was relayed on to the investigating group.

Mr. RANKIN. Do you know whether they recorded it any place?

Mr. CURRY. No; we called the officers, when I say we, the investigating team did talk with the officers and they recall hearing this testimony.

Mr. RANKIN. Do you know when they first gave you any information that they knew of any such conversation?

Mr. CURRY. I don't recall that; no, sir.

Mr. RANKIN. Do you recall that the officers ever said to you or placed in writing in any memorandum or communication to you that they heard Ruby say anything beyond what you have described Mr. Sorrels to say?

Mr. CURRY. No, sir.

Mr. RANKIN. If your records show that the first time any such information was communicated to you, was around February 18, 1964, would you think that was a correct record?

Mr. CURRY. Perhaps it is. When Sorrels, if that is when he says it is when it was, perhaps that is when it was. But this was prior to Ruby's trial that I know that he came forward with this information and he said, "It is possible they can use this testimony in the trial of Ruby", but he didn't feel like that he could testify to it because he had not warned him of his constitutional rights.

But that these officers were present, and if they overheard it, then he said, "You ought to at least talk to Henry Wade about it and he might be able to get that in his testimony on that basis."

Mr. RANKIN. You think that Dean was one of the officers involved who overheard it?

Mr. CURRY. I believe he was.

Mr. RANKIN. And who else?

Mr. CURRY. I don't recall now. It is in our reports.

Mr. RANKIN. Was the officer Archer?

Mr. CURRY. I believe Officer Archer was there.

Mr. RANKIN. Was it Officer Newcomb?

Mr. CURRY. I believe so.

Mr. RANKIN. Do you believe whether they testified to something like that at the trial?

Mr. CURRY. I was not present during the trial but I understand they did testify.

Mr. RANKIN. Do you know whether or not those officers made a report about what they knew about the killing of Oswald prior to February 18?

Mr. CURRY. I don't believe they did.

Mr. RANKIN. You don't think they made any report to you or to the FBI or anybody else?

Mr. CURRY. Not to my knowledge.

Mr. RANKIN. So if they did not include such information in any report or statement prior to February 18, 1964, you don't know it?

Mr. CURRY. That is correct, I do not know it.

Mr. McCLOY. May I ask, when was, has there been testimony as to when Agent Sorrels told the chief that he had heard this?

Mr. RANKIN. I don't recall the date.

Mr. CURRY. But it was—I don't recall the date but it was sometime after the shooting of Oswald.

Mr. RANKIN. Was it 1 day or 2 days?

Mr. CURRY. It was several days but it was prior to the trial of Jack Ruby.

Mr. RANKIN. Was it a week later?

Mr. CURRY. I would say perhaps it was more than a week later, it was several weeks, I would say, but prior to the trial, Sorrels talked to me and he said that this may be important in a trial of the case.

"Some of the things that Ruby told me immediately following the shooting of Oswald," and he said, "I don't think I can testify to it, but you might talk to Mr. Wade and he might be able to get the testimony entered because these officers were not talking they just overheard the conversation."

Mr. McCLOY. This was a substantial period after the date?

Mr. CURRY. The assassination.

Mr. McCLOY. The date of the assassination?

Mr. CURRY. Yes, sir.

Mr. McCLOY. And the date that Sorrels was alleged to have heard this from Ruby?

Mr. CURRY. Yes, sir.

Mr. RANKIN. Was it before or after Christmas?

Mr. CURRY. I believe it was after Christmas. I just couldn't be sure because I was not—

Mr. RANKIN. Where did the conversation occur?

Mr. CURRY. On the telephone.

Mr. RANKIN. Was anybody present?

Mr. CURRY. No, sir.

Mr. RANKIN. Did you make a written record of the information?

Mr. CURRY. No, sir; I just told Chief Stevenson, who is in charge of criminal investigation, to attempt to determine who was present at that time; that Oswald was—I mean that Ruby was talking to Sorrels, and to see what they heard at that time, which they did, and the officers then made a report.

Mr. RANKIN. Did you tell Chief Stevenson at that time what Sorrels had told you?

Mr. CURRY. Yes, sir.

Mr. RANKIN. Do you know whether he made any record of it?

Mr. CURRY. I doubt that he did.

Mr. RANKIN. You haven't tried to find out?

Mr. CURRY. No, sir; I haven't.

Mr. RANKIN. Do you have any practice in the police force about recording statements by the accused in first-degree murder cases?

Mr. CURRY. No, sir.

Mr. RANKIN. Now changing to another subject, do you recall—you said that you had made some comments upon the evidence in regard to Oswald and to the media—do you recall what you said about that?

Mr. CURRY. I believe I told them it had been reported that we had an FBI report that they had been able to trace that weapon where he had ordered it from Chicago, and it had been picked up under the name of Hidell and that the handwriting was the same on the order blank as Oswald's.

Mr. RANKIN. Was this told to a news conference or over the TV?

Mr. CURRY. Well, the TV was there. It was not a news conference. I was walking down the hall, and they surrounded me.

Mr. RANKIN. Did you tell them anything else about the evidence you had against Oswald?

Mr. CURRY. I only told them I believed that we had some other evidence, but I didn't tell them what it was.

Mr. RANKIN. Did you ever tell them any more about the evidence that you had against Oswald?

Mr. CURRY. I don't believe so; I don't recall it.

Mr. RANKIN. Did you ever tell them about the evidence you had against Oswald concerning the Tippit shooting?

Mr. CURRY. No, sir; I don't believe I made any comment.

Mr. RANKIN. Do you know about when this was made, these statements were made about the evidence?

Mr. CURRY. I believe this was on Friday, the 22d, during the late evening.

Mr. RANKIN. Is it a common practice for you or someone for the police department to tell about the evidence that you had?

Mr. CURRY. It wouldn't be an uncommon practice. There is no law against it.

Mr. RANKIN. Did you often do it then?

Mr. CURRY. Well, I would say this was not really unusual. It might be—this was an exceptional case; ordinarily I am not involved in these investigations or in making statements, but this would not be an unusual thing to say.

Mr. RANKIN. Someone from the police department often does it; is that right?

Mr. CURRY. Well, frequently, if they are asked about it.

Mr. RANKIN. Do you know whether it is possible to monitor conversations between the prisoner and the visitor on the intercom?

Mr. CURRY. Not by intercom. It would be—they are brought into—when a prisoner is brought in to visit with an attorney or a relative he is placed on one side of a wall and the prisoner—I mean the visitor—on the other side, but we don't have any means of recording this. They talk through by telephone. There is a glass that separates them.

Mr. RANKIN. Did you monitor any conversations between Lee Oswald and his brother Robert, or Lee Oswald and Marina at any time?

Mr. CURRY. I did not, and I don't know of any. We don't have any way of doing it. I mean we have no setup for doing this.

Mr. RANKIN. You don't know of any that was done?

Mr. CURRY. No, sir; I do not.

Mr. RANKIN. In regard to arrangements, do you know the Texas law as to how soon after an arrest an arraignment is required?

Mr. CURRY. Excuse me now; I am not an attorney.

Mr. RANKIN. Yes.

Mr. CURRY. It is my understanding that, so far in Texas, being brought immediately before a magistrate would be during the normal course of that court's business.

Mr. RANKIN. Your law—

Mr. CURRY. When they are in session.

Mr. RANKIN. Your law says he shall be brought immediately.

Mr. CURRY. Immediately, but it has been—

Mr. RANKIN. But in interpretation you ordinarily follow a practice of—

Mr. CURRY. During the normal course of the court's business. This was actually unusual because this type of arraignment—because usually it would have been later than this, but we were trying to take whatever precautions we could to see that he was given his—we were not violating his civil rights. That is the reason that we did arraign him in the city hall. Ordinarily we would have taken him before a court.

Mr. RANKIN. I didn't understand you to say that the justice of the peace told him he had a right to counsel or said anything about that.

Mr. CURRY. I don't recall whether he did or whether he did not. He read all this to him.

Mr. RANKIN. That is, he read the complaint to him?

Mr. CURRY. The complaint, and I don't recall what all he said to him.

Mr. RANKIN. So, according to the practice in Texas at the time that he was taken for arraignment would have been the usual practice or a little earlier?

Mr. CURRY. A little earlier, actually.

Mr. McCLOY. Were you present at any investigation or interrogation of Ruby?

Mr. CURRY. No, sir; I was not.

Mr. McCLOY. Did you hear any further elaboration of this charge that Oswald made that Hosty had mistreated his wife; what was the nature of the mistreatment?

Mr. CURRY. I was not present when this happened. This was told to me. I think Captain Fritz told me this, and he seemed to gather that he had more or less sort of browbeat her in interrogating her is what Fritz, the impression that Fritz got.

Mr. McCLOY. When was that? Do you have any reason to know—Captain Fritz will perhaps tell us about it—as to when that interrogation of Hosty and Mrs. Oswald took place?

Mr. CURRY. No, sir.

Mr. McCLOY. You don't take normally any tape recordings of witnesses' examinations?

Mr. CURRY. No, sir.

Mr. McCLOY. I guess that is all, except the general question I have of Chief Curry. Do you know anything else with respect to this whole matter that you think would be of any help to this Commission in getting at the facts?

Mr. CURRY. Not that I know of, except to say we were extremely sorry that, of course, this thing happened in Dallas. We thought we were taking every normal precaution that we could take to insure the safety of the President in cooperating with the Secret Service and all other agencies and we felt like we had done a good job.

After the assassination and the murder of our officer, that our officers had done a good job in making a quick apprehension of the alleged person guilty of this, and that we will have to admit that although we thought that adequate precautions had been taken for the transfer of this prisoner, that one of our officers momentarily stepped away from his post of duty, and that during this moment of negligence on his part, as far as we could determine Ruby went down the ramp, the Main Street ramp, and concealed himself behind some news media and detectives and as Oswald was brought out he stepped forward and shot him.

And if we had it to do over again, and I think this, that some policy should be set up for the news media, whereby if anything of this magnitude ever occurs again, that we would not be plagued by the confusion present that was present at that time, and that the news media should accept some of the responsibility for these things and agree among themselves to have representatives that can report back to them.

Mr. RANKIN. Chief Curry, I am not quite clear about the situation with regard to your practices in the police force, and the news media. I understand what happened, as you described it at the time of the episodes that we have been going into, and I understand that you would, if there was a matter of this magnitude again—you would expect and want a very different change?

Mr. CURRY. Yes.

Mr. RANKIN. And eliminate the interference by the news media?

Mr. CURRY. That is right.

Mr. RANKIN. But what do you do now about the ordinary case? Have you changed your practices about the media at all?

Mr. CURRY. Not the ordinary cases; no.

Mr. RANKIN. And do they use the radio and TV in the police headquarters?

Mr. CURRY. Yes, sir; they do.

Mr. RANKIN. And they, the reporters, come in, and it is just the difference between a great many?

Mr. CURRY. And a few is what made the difference in this.

Mr. McCLOY. Do you permit reporters now to come in and interrogate prisoners as they did in this case by holding a microphone up to their mouth and saying, "How did you do it?"

Mr. CURRY. They do the same as they do here; on the way from the interrogation room to the jail elevator as they pass by they might run along and ask him questions and try to get him to answer.

Mr. RANKIN. That could be done today just the same?

Mr. CURRY. Yes, sir. Because we have no way of keeping them out of the public halls.

Mr. RANKIN. Don't you have jurisdiction as chief of police to exclude them if you thought it was the wise thing to do?

Mr. CURRY. Yes. Now if I had it to do over again, of course, I would exclude it.

Mr. RANKIN. And you could do it today in the ordinary case if you wanted to?

Mr. CURRY. I would probably have my hide taken off by the news media, but I could do it.

Mr. RANKIN. So, it is really a problem of weighing what the media will do to you against other considerations?

Mr. CURRY. And this, too; it seemed like there was a great demand by the general public to know what was going on.

Mr. RANKIN. Yes. And that is what you were trying to satisfy?  
Mr. CURRY. That is what I was trying to do.  
Mr. RANKIN. Those are all the questions.  
Mr. McCLOY. I don't think I have anything else.  
Mr. RANKIN. Thank you very much, Chief, for all of your help.  
Mr. CURRY. Thank you for your consideration.  
Mr. RANKIN. I want to offer the Exhibits 701 through 708, both inclusive.  
Mr. McCLOY. They may be admitted.  
(Commission Exhibits Nos. 701 through 708 were received in evidence.)

### TESTIMONY OF J. W. FRITZ

Mr. McCLOY. You know the purpose of what we are here for, captain?  
Mr. FRITZ. I think so.  
Mr. McCLOY. We have a very broad mandate to look into all the circumstances relating to these unfortunate incidents that occurred in Dallas on November 22 last year, and thereafter.  
Mr. FRITZ. Yes, sir.  
Mr. McCLOY. And we have had Chief Curry on this morning, as I am sure you understand, and we would like to continue our investigation through you. We understand that you were in very direct contact with this problem of investigation, and I will ask you to stand and raise your right hand, sir.  
Do you solemnly swear the testimony you will give in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?  
Mr. FRITZ. Yes, sir.  
Mr. BALL. Will you state your name, please?  
Mr. FRITZ. J. W. Fritz.  
Mr. BALL. Where do you live?  
Mr. FRITZ. I live in Dallas.  
Mr. BALL. Could you tell us something about yourself; tell us where you were born and what your education is and what your training has been as a police officer?

Mr. FRITZ. I was born in Dublin, Tex., and lived there for several years. My father moved to New Mexico, and I grew up at Lake Arthur, N. Mex. And then I came back to Texas, and came to the police department in January of 1921, and have been there ever since.

Mr. BALL. You started as a patrolman, did you, in the Dallas Police Department?

Mr. FRITZ. Yes, sir; I started as a patrolman, worked as a patrolman approximately 2 years, I am not sure of the exact time and I was then moved to the detectives' office and have come up through the ranks there, up and down.

Mr. BALL. You are now a captain of police, are you?

Mr. FRITZ. Captain of homicide and robbery bureau; yes, sir.

Mr. BALL. How long have you held that office?

Mr. FRITZ. Since it was set up, I believe, in 1932 or 1933, I am not sure.

Mr. BALL. You have been head of homicide and robbery detail since 1932 or 1933?

Mr. FRITZ. That is right. I have had other jobs, too. One time I had the whole CID; they didn't call it CID at that time; they called it detectives' office, but I kept the homicide and robbery under my supervision during that time. I later went back with the homicide and robbery, full time.

Mr. BALL. Is there a division of detectives separate from homicide and robbery?

Mr. FRITZ. Well, we call it now the CID. It would be ordinarily called the detective division; yes, sir.

Mr. BALL. Who is in charge of that?

Mr. FRITZ. Who is in charge of it?

Mr. BALL. Yes.

Mr. FRITZ. Of course, we are all directly under the chief, and Chief Stevenson is the head of the CID, M. W. Stevenson.

Mr. BALL. Have you had any special training in police schools or places like that?

Mr. FRITZ. Well, of course, I have had a good many years of experience, and I attempted, I still go to school to our police schools, and I now attend seminars at different places, Oklahoma University and Texas University and go to most any training school that is available.

Mr. BALL. On November 22, 1963, you had been told the President or before November 22, 1963, you had been told that the President was coming to Dallas?

Mr. FRITZ. Yes, sir.

Mr. BALL. And had you taken certain precautions for his safety?

Mr. FRITZ. Well, we had taken some precautions but those were changed. We were told in the beginning that we would be in the parade directly behind it, I don't know whether it was the second or third car, but the Vice President's car, that we would be directly behind that, and we did make preparation for that.

But at 10 o'clock the night before the parade, Chief Stevenson called me at home and told me that had been changed, and I was assigned with two of my officers to the speakers' stand at the Trade Mart.

Mr. BALL. Was most of your work out at the Trade Mart that day?

Mr. FRITZ. Well, we didn't have a great deal of work to do there, other than check the speakers' stand and make a check to see if everything was all right before the President got there. He would have been there in 10 more minutes.

Mr. BALL. Did you check the waiters who had been hired?

Mr. FRITZ. That wasn't my job.

Mr. BALL. Someone else did?

Mr. FRITZ. Someone else did; yes.

Mr. BALL. How many men did you have assigned?

Mr. FRITZ. Where?

Mr. BALL. With you at the Trade Mart.

Mr. FRITZ. Two.

Mr. BALL. Who were they?

Mr. FRITZ. Detectives Sims and Boyd.

Mr. BALL. And they are both homicide?

Mr. FRITZ. Both homicide officers; yes. I had other officers assigned to different places. I had two of my officers assigned to ride in the car that was in front of the parade a half mile, with Chief Lumpkin. That was Senkel and Turner.

Mr. BALL. You were at the Trade Mart when you heard the President had been shot?

Mr. FRITZ. Yes, sir.

Mr. BALL. That was about what time you heard that? You have a little notebook there.

Mr. FRITZ. Yes, sir; I have a notebook.

Mr. BALL. Did you make notes as of that time?

Mr. FRITZ. We made this, not at that time, we made this after the tragedy.

Mr. BALL. How long after?

Mr. FRITZ. We started on it real soon after, and we have been working on it ever since.

Mr. BALL. Did somebody assist you in the preparation of that notebook?

Mr. FRITZ. Yes, sir.

Mr. BALL. Who was that?

Mr. FRITZ. I had several officers assist me with this, and some secretaries, of course, that helped us with it. I had my lieutenant, T. L. Baker, help me to put this book together, this larger book, I think you have a copy of it there, and to make some additional books like this.

Of course, we worked the whole office ever since it happened so it is hard to say just who helped.

Mr. BALL. Now, the book you are talking about is a notebook that you have with you, the book at which you are looking now?

Mr. FRITZ. This is the book I am talking about.

Mr. BALL. You made a formal report, didn't you, to the attorney general of Texas?

Mr. FRITZ. We, we didn't make it for the attorney general of Texas. At the time we made this we were just making, we were told that we would probably

need a report for this investigation, and we started immediately to making this. We didn't know at that time the attorney general would need one of these but when we were told he would need one we, of course, sent him one, too.

Mr. BALL. What I want to do is distinguish between the books you are looking at for this record.

Mr. FRITZ. Yes, sir.

Mr. BALL. You have a book that is of some size there?

Mr. FRITZ. Yes, sir.

Mr. BALL. And you call that what?

Mr. FRITZ. Well, "Investigation of the Assassination of President Kennedy."

Mr. BALL. That is the same as Commission's Document No. 81B. Now, then, you have a smaller book before you, haven't you?

Mr. FRITZ. Yes; a little index book.

Mr. BALL. An index.

Mr. FRITZ. It really is an index book for this larger file but it is kind of a quick reference book.

Mr. BALL. I see. Now, what time did you, what time was it that you heard the President had been shot?

Mr. FRITZ. I show that he was shot at 12:35, and one of the Secret Service men who was assigned the same location where we were assigned, got a little call on his, evidently got a call on his little transistor radio and Chief Stevenson, who was also assigned to some part of the building there, came to me and told me that the President had been hit at the underpass, and asked me to go to the hospital and see what I could do.

Mr. BALL. You say you show he was shot at 12:35?

Mr. FRITZ. Yes, sir.

Mr. BALL. You mean that is the time you heard about it?

Mr. FRITZ. Well, we heard about it immediately after that, and we arrived and we checked——

Mr. BALL. What time did you hear about it?

Mr. FRITZ. Just when Chief Stevenson came to me and told me.

Mr. BALL. Did you make a note of it at the time?

Mr. FRITZ. No, sir; I didn't make a note of it at the time.

Mr. BALL. When you heard of this what did you do?

Mr. FRITZ. Immediately left, and I told the two officers with me, Mr. Sims and Boyd that we would run to our police car that was parked nearby, listened to radio call to see whether it was a hoax or whether it was the truth. It was only 10 minutes' time for the President's arrival, we didn't want to leave unless this was a genuine call, and a true call.

When we got to the radio, of course, we began to get other news. We went to Parkland Hospital as we had been instructed, and as we drove up in front of the hospital, we I suppose intercepted the chief, Chief Curry, between the curb and the hospital, and I told him we had had a call to the hospital but I felt we were going to the wrong place, we should go to the scene of the crime and he said, "Well, go ahead," so I don't think our car ever quit rolling but we went right to the scene of the crime.

Mr. BALL. Did you go directly to a building?

Mr. FRITZ. Directly to the Texas School Book Depository Building.

Mr. BALL. What time did you arrive there?

Mr. FRITZ. Well, sir; we arrived there—we arrived at the hospital at 12:45, if you want that time, and at the scene of the offense at 12:58.

Mr. BALL. 12:58; the Texas School Book Depository Building.

Mr. FRITZ. Yes.

Mr. BALL. Were there any officers there at the time?

Mr. FRITZ. Yes, sir.

Mr. BALL. In the front?

Mr. FRITZ. Several officers; yes, sir.

Mr. BALL. Do you know who they were?

Mr. FRITZ. I couldn't give you the name of all of them.

Mr. BALL. What did you do when you got to this building?

Mr. FRITZ. Some officer told us they thought he was in that building, so we had our guns——

Mr. McCLOY. Thought who was in the building?

Mr. FRITZ. The man who did the shooting was in the building. So, we, of course, took our shotguns and immediately entered the building and searched the building to see if we could find him.

Mr. BALL. Were there guards on the doors of the building at that time?

Mr. FRITZ. I am not sure, but I don't—there has been some question about that, but the reason I don't think that—this may differ with someone else, but I am going to tell you what I know.

Mr. BALL. All right.

Mr. McCLOY. By all means.

Mr. FRITZ. After I arrived one of the officers asked me if I would like to have the building sealed and I told him I would.

Mr. BALL. What officer was that?

Mr. FRITZ. That is a uniformed officer, but I don't know what his name was, he was outside, of course, I went upstairs and I don't know whether he did because I couldn't watch him.

Mr. BALL. Then what did you do?

Mr. FRITZ. We began searching the floors, looking for anyone with a gun or looked suspicious, and we searched through hurriedly through most all the floors.

Mr. McCLOY. Which floor did you start with?

Mr. FRITZ. We started at the bottom; yes, sir. And, of course, and I think we went up probably to the top.

Different people would call me when they would find something that looked like something I should know about and I ran back and forth from floor to floor as we were searching, and it wasn't very long until someone called me and told me they wanted me to come to the front window, the corner window, they had found some empty cartridges.

Mr. BALL. That was on the sixth floor?

Mr. FRITZ. That is right; the sixth floor, corner window.

Mr. BALL. What did you do?

Mr. FRITZ. I told them not to move the cartridges, not to touch anything until we could get the crime lab to take pictures of them just as they were lying there and I left an officer assigned there to see that that was done, and the crime lab came almost immediately, and took pictures, and dusted the shelves for prints.

Mr. BALL. Which officers, which officer did you leave there?

Mr. FRITZ. Carl Day was the man I talked to about taking pictures.

Mr. BALL. Day?

Mr. FRITZ. Lieutenant Day; yes, sir.

Mr. BALL. Do you know whether he took the pictures or not?

Mr. FRITZ. I feel like he did but I don't know because I didn't stay to see whether he could.

Mr. BALL. You didn't know whether he took the pictures?

Mr. FRITZ. I went on searching the building. I just told them to preserve that evidence and I went right ahead.

Mr. BALL. What happened after that?

Mr. FRITZ. A few minutes later some officer called me and said they had found the rifle over near the back stairway and I told them same thing, not to move it, not to touch it, not to move any of the boxes until we could get pictures, and as soon as Lieutenant Day could get over there he made pictures of that.

Mr. BALL. After the pictures had been taken of the rifle what happened then?

Mr. FRITZ. After the pictures had been made then I ejected a live shell, a live cartridge from the rifle.

Mr. BALL. And who did you give that to?

Mr. FRITZ. I believe that I kept that at that time myself. Later I gave it to the crime lab who, in turn, turned it over to the FBI.

Mr. BALL. Did you put any marking of yours on the empty cartridge?

Mr. FRITZ. On that loaded cartridge?

Mr. BALL. On that loaded cartridge.

Mr. FRITZ. I don't know, I am not sure, I don't think so.

Mr. BALL. Was there any conversation you heard that this rifle was a Mauser?

Mr. FRITZ. I heard all kinds of reports about that rifle. They called it most everything.

Mr. BALL. Did you hear any conversation right there that day?

Mr. FRITZ. Right at that time?

Mr. BALL. Yes.

Mr. FRITZ. I just wouldn't be sure because there were so many people talking at the same time, I might have; I am not sure whether I did or not.

Mr. BALL. Did you think it was a Mauser?

Mr. FRITZ. No, sir; I knew—you can read on the rifle what it was and you could also see on the cartridge what caliber it was.

Mr. BALL. Well, did you ever make any—did you ever say that it was a 7.65 Mauser?

Mr. FRITZ. No, sir; I am sure I did not.

Mr. BALL. Or did you think it was such a thing?

Mr. FRITZ. No, sir; I did not. If I did, the Mauser part, I won't be too positive about Mauser because I am not too sure about Mauser rifles myself. But I am certainly sure that I never did give anyone any different caliber than the one that shows on the cartridges.

Mr. BALL. Did you initial the rifle?

Mr. FRITZ. The rifle; no, sir.

Mr. BALL. You didn't. Who did you give the rifle to after you ejected this live cartridge?

Mr. FRITZ. I believe that that rifle, I didn't take the rifle with me, Lieutenant Day took that rifle, I believe, to the city hall, and later I asked him to bring it down—I don't believe I ever carried that rifle to city hall. I believe Lieutenant Day carried it to city hall, anyway if you will ask him he can be more positive than I.

Mr. BALL. While you were there Mr. Truly came up to you?

Mr. FRITZ. Yes, sir; where the rifle was found. That was about the time we finished Mr. Truly came and told me that one of his employees had left the building, and I asked his name and he gave me his name, Lee Harvey Oswald, and I asked his address and he gave me the Irving address.

Mr. BALL. This was after the rifle was found?

Mr. FRITZ. Yes, sir; after the rifle was found.

Mr. BALL. Another witness has testified that the rifle was found at 1:22 p.m., does that about accord with your figures or your memory?

Mr. FRITZ. Let's see, I might have that here. I don't think I have that time.

Mr. BALL. Do you have the time at which the shells were found?

Mr. FRITZ. No, sir; I don't have that time.

Mr. BALL. How long did you stay there at the Texas School Book Depository?

Mr. McCLOY. Can I ask one question there, did you take any precautions as to fingerprints before you ejected this?

Mr. FRITZ. Yes, sir.

Mr. McCLOY. So in your opinion your fingerprints wouldn't show?

Mr. FRITZ. He could have taken mine but I let him dust first before I ejected a shell.

Mr. BALL. How long did you stay at the Texas School Book Depository after you found the rifle?

Mr. FRITZ. After he told me about this man almost, I left immediately after he told me that.

Mr. BALL. You left almost immediately after he told you that?

Mr. FRITZ. Almost after he told me that man, I felt it important to hold that man.

Mr. BALL. Did you give descriptions to Sims and Boyd?

Mr. FRITZ. Yes, sir; I told them to drive me to city hall and see if the man had a criminal record and we picked up two other officers and my intentions were to go to the house at Irving. When I got to the city hall, I asked, because, I will tell you why I asked because while we were in the building we heard that our officer had been killed, someone came in and told me, I asked when I got to my office who shot the officer, and they told me his name was Oswald, and I said, "His full name?" And they told me and I said, "That is the suspect we are looking for in the President's killing."

So, I then called some of my officers to go right quickly, and asked them about how much evidence we had on the officer's killing and they told me they had several eye witnesses, and they had some real good witnesses, and I instructed them to get those witnesses over for identification just as soon as they could, and for us to prepare a real good case on the officer's killing so we would have a case to hold him without bond while we investigated the President's killing where we didn't have so many witnesses.

Mr. BALL. Now, you instructed some other officers to go to Irving, didn't you?

Mr. FRITZ. Yes, sir; I did.

Mr. BALL. And you told Sims and Boyd to stay with you?

Mr. FRITZ. Yes, sir; I don't believe I sent them to Irving, I have the names of the officers I sent to Irving.

Mr. BALL. Who did you send to Irving?

Mr. FRITZ. To Irving, Officer Stovall, Rose, and Adamcik.

Mr. BALL. After you had done that what did you do?

Mr. FRITZ. I sent some officers—you mean right at that time? I also sent officers over to the Beckley address, you know, as soon as we got there, I don't believe we had the Beckley address at this part of this question.

Mr. BALL. You didn't have it at that time, did you?

Mr. FRITZ. Not right at this time, but as soon as I got to that address.

Mr. BALL. Let's come to that a little later and we find out when you got there.

Mr. FRITZ. When I got there?

Mr. BALL. Yes. What did you do after you had sent the officers to Irving?

Mr. FRITZ. When I started to talk to this prisoner or maybe just before I started to talk to him, some officer told me outside of my office that he had a room on Beckley, I don't know who that officer was, I think we can find out, I have—since I have talked to you this morning I have talked to Lieutenant Baker and he says I know maybe who that officer was, but I am not sure yet.

Mr. BALL. Some officer told you that he thought this man had a room on Beckley?

Mr. FRITZ. Yes, sir.

Mr. BALL. Had he been brought into the station by that time?

Mr. FRITZ. He was at the station when we got there, you know.

Mr. BALL. He was?

Mr. FRITZ. Yes, sir; so then I talked to him and I asked him where his room was on Beckley.

Mr. BALL. Then you started to interrogate Oswald, did you?

Mr. FRITZ. Yes, sir.

Mr. BALL. And you called him into your room?

Mr. FRITZ. Yes, sir.

Mr. BALL. Will you describe the interrogation room, what it looks like and where it is located?

Mr. FRITZ. It is on the, room 317, on the third floor of the courts building, and it isn't a large office. I believe it is 9½ feet by 14 feet, I have the exact measurements that I think are correct. Glass all around, and it has a door leading out into a hallway. My secretaries are seated in the front. There is a lieutenant's office and desk across the hall from me. To my right and through the back window out of my office would be the squadroom where the officers write their reports. And at the end of the hall I have an interrogation room and one interrogation in back of the squadroom.

Mr. BALL. Your room opens onto—

Mr. FRITZ. A little hallway.

Mr. BALL. A little hallway?

Mr. FRITZ. Yes, sir.

Mr. BALL. That is not the main hall that goes through the third floor, is it?

Mr. FRITZ. Sir? No, no, a little hallway in the office.

Mr. BALL. The main corridor on the third floor—your office does not open onto the main corridor of the third floor, does it?

Mr. FRITZ. My own office?

Mr. BALL. Yes.

Mr. FRITZ. No, sir; when I say my office, the homicide and robbery office, my office opens onto the main hallway.

But my little office, a private office opens into a smaller hallway.

Mr. BALL. Where was Oswald being kept before you got there, what room was Oswald in?

Mr. FRITZ. When I got there he was in the front interrogation room at the end of the little hall.

Mr. BALL. Here is a map or a diagram drawn by Chief Curry. It is Commission Exhibit 701. Take a look at this, is that a diagram of the floor?

Mr. FRITZ. This would be my office right here.

Mr. BALL. That would be the entry to the homicide and robbery?

Mr. FRITZ. Homicide and robbery bureau.

Mr. BALL. This is your office?

Mr. FRITZ. My office opens right here.

Mr. BALL. Off of the hall?

Mr. FRITZ. Yes, sir.

Mr. BALL. Off the homicide and robbery?

Mr. FRITZ. Yes; there should be another line, wait just a minute. There is a little mistake right here, would it be all right if I correct it?

Mr. BALL. Go ahead and correct it, your office is farther back from the hall, isn't it?

Mr. FRITZ. You see this, coming up from the hall, down at this end the administrative office, the chief's office, and the dispatcher's office over here, and over here is the chief's office back here, here are some assistant chiefs all along here, and in this corner. Now, in coming down this hall, this is open right in here that makes a square that goes into the other building in city hall, and this comes to the elevators, the elevators are right here.

Now then, right here in this little jail office, a little small office for the jail elevators right here, and two toilets right here. Now then, this should have a hallway in here like that, beginning right here.

Mr. BALL. You are adding to Chief Curry's map showing a little hallway?

Mr. FRITZ. That is right. This is the lieutenant's office right here.

Mr. BALL. You are marking "Lieutenant's office."

Mr. FRITZ. Yes, sir; and that is his—that is placed there just like my office is, and right at the end of this hall, right here, using a little part of that probably, but in there is a little conference room right in here which comes clear across here.

Here, I have a desk, a metal desk with all the records, daily record, the working records stacked right on here for the benefit of the officers who work in this squadroom right here with these desks.

Mr. BALL. Where is the door to your office?

Mr. FRITZ. Here is the door to my office right here.

Mr. BALL. Mark that, please. Show me where Oswald was kept.

Mr. FRITZ. In this little place right here.

Mr. BALL. Put a big X there where Oswald was kept.

Mr. FRITZ. At first?

Mr. BALL. At first.

Mr. FRITZ. He was there when I came in. We didn't keep him there long.

Mr. BALL. That was only a few steps from your office?

Mr. FRITZ. Only a few steps. That is where he was when I came into the office.

Mr. BALL. In the room marked "X" on this Exhibit No. 701 is where he was?

Mr. FRITZ. Yes, sir.

Mr. BALL. After a few moments you had him come in, in a little while, to your office?

Mr. FRITZ. Yes, sir.

Mr. BALL. Do you have that in time when he came into your office?

Mr. FRITZ. The chief's map would have been in, I could have made this better if I had used the chief's map and put the lieutenant's office over here.

Mr. BALL. Don't worry about it. That is close enough. We have him from X which is the conference room into your office.

Mr. FRITZ. Yes; my desk is right here and I sit behind it right here and there are some chairs and telephone table right here and I had him sitting in a chair, right here.

Mr. BALL. Right beside you?

Mr. FRITZ. Yes, sir; I have other chairs along here.

Mr. BALL. All right.

Now, Captain, about what time did you first bring him to your office?

Mr. FRITZ. Let's see, I have it right here. Oswald was arrested at 1:40 and I think he was taken to the city hall about 2:15 and I started talking to him probably a little bit after that.

Mr. BALL. About what time?

Don't you have a time marked in your report there?

Mr. FRITZ. I think so.

Mr. BALL. Of 2:25.

Mr. FRITZ. 2:25?

Mr. BALL. On page 237 of your report, your report of Sims and Boyd refers to a time that he was brought to your room, and I believe 165.

Mr. FRITZ. My report, my report should have a report right there that should show it. This shows here 2:15 and I don't think that is right.

Mr. BALL. Mr. Baker's report on 165 gives the time also.

Mr. FRITZ. The nearest that I have here then would be shortly after 2:15 p.m.

Mr. BALL. You will notice that Sims and Boyd make it, state they brought him from the conference room to your office at about 2:20.

Mr. FRITZ. That might be all right because I have 2:15 here but I think 2:15 may be 5 or 10 minutes too early.

Mr. BALL. It was soon after you got there?

Mr. FRITZ. Soon after I got there.

Mr. BALL. That you brought him into your office?

Mr. FRITZ. Yes, sir.

Mr. BALL. Who was present when you talked with him?

Mr. FRITZ. At that time, when I first brought him in there there would be Sims and Boyd and probably one or two officers from the office, I am not sure, just who else might have been there. I know those two, I am sure, I believe those two were there. Just about the time I started talking to him, I had just started to question him, I got a phone call from Mr. Shanklin, Gordon Shanklin, agent in charge of the FBI calling for Mr. Bookhout, and I asked Mr. Bookhout to go to pick up the extension.

Mr. BALL. Was Mr. Bookhout there?

Mr. FRITZ. He had just come into the lieutenant's office and Mr. Shanklin asked that Mr. Hosty be in on that questioning, he said he wanted him in there because of Mr. Hosty knowing these people and he had been talking to them and he wanted him in there right then.

So, I got up from my desk and walked over to the lieutenant's office and asked Mr. Bookhout to come in, the reason I asked both of them to come in and Mr. Bookhout is in my office most of every day and works with us in a lot of cases and asked him to come in with Mr. Hosty.

Mr. BALL. So Bookhout and Hosty came into your office?

Mr. FRITZ. Yes, sir.

Mr. BALL. Was anyone else present?

Mr. FRITZ. I don't remember whether there was anyone else right at that time or not.

Mr. BALL. Do you remember what you said to Oswald and what he said to you?

Mr. FRITZ. I can remember the thing that I said to him and what he said to me, but I will have trouble telling you which period of questioning those questions were in because I kept no notes at the time, and these notes and things that I have made I would have to make several days later, and the questions may be in the wrong place.

Mr. BALL. What is your best memory of what you said to him when he first came in?

Mr. FRITZ. I first asked him as I do of most people something about where he was from, and where he was raised and his education, and I asked him where he went to school and he told me he went to school in New York for a while, he had gone to school in Fort Worth some, that he didn't finish high school, that he went to the Marines, and the Marines, and finished high school training in the Marines.

And I don't remember just what else. I asked him just the general questions for getting acquainted with him, and so I would see about how to talk to him, and Mr. Hosty spoke up and asked him something about Russia, and asked him if he had been to Russia, and he asked him if he had been to Mexico City, and this irritated Oswald a great deal and he beat on the desk and went into a kind of a tantrum.

Mr. BALL. What did he say when he was asked if he had been to Mexico City?

Mr. FRITZ. He said he had not been. He did say he had been to Russia, he was in Russia, I believe he said for some time.

Mr. BALL. He said he had not been in Mexico City?

Mr. FRITZ. At that time he told me he had not been in Mexico City.

Mr. BALL. Who asked the question whether or not he had been to Mexico City?

Mr. FRITZ. Mr. Hosty. I wouldn't have known anything about Mexico City.

Mr. BALL. Was there anything said about Oswald's wife?

Mr. FRITZ. Yes, sir. He said, he told Hosty, he said, "I know you." He said, "You accosted my wife on two occasions," and he was getting pretty irritable and so I wanted to quiet him down a little bit because I noticed if I talked to him in a calm, easy manner it wasn't very hard to get him to settle down, and I asked him what he meant by accosting, I thought maybe he meant some physical abuse or something and he said, "Well, he threatened her." And he said, "He practically told her she would have to go back to Russia." And he said, "He accosted her on two different occasions."

Mr. BALL. Was there anything said about where he lived?

Mr. FRITZ. Where he lived? Right at that time?

Mr. BALL. Yes.

Mr. FRITZ. I am sure I had no way of asking him where he lived but I am not too sure about that—just how quick he told me because he corrected me, I thought he lived in Irving and he told me he didn't live in Irving. He lived on Beckley as the officer had told me outside.

(At this point Mr. Dulles entered the hearing room.)

Mr. FRITZ. And I asked him about that arrangement and I am again, I can't be too sure when this question was asked. I asked him why his wife was living in Irving and why he was living on Beckley and he said she was living with Mrs. Paine. Mrs. Paine was trying to learn to speak Russian and that his wife, Mrs. Oswald, had a small baby and Mrs. Paine helped with the baby and his wife taught Mrs. Paine Russian and it made a good arrangement for both of them and he stayed over in town. I thought it was kind of an awkward arrangement and I questioned him about the arrangement a little bit and I asked him how often he went out there and he said weekends.

I asked him why he didn't stay out there. He said he didn't want to stay out there all the time, Mrs. Paine and her husband didn't get along too well. They were separated a good part of the time and I asked him if he had a car and he said he didn't have a car, he said the Paines had two cars but he didn't use their cars.

Mr. BALL. Did you ask him anything about his address or did he volunteer the address?

Mr. FRITZ. He volunteered the address at Beckley?

Mr. BALL. Yes.

Mr. FRITZ. Well, I will tell you, whether we asked him or told him one, he never did deny it, he never did deny the Beckley Street address at all. The only thing was he didn't know whether it was north or south.

Mr. BALL. Did you ask him whether it was north or south?

Mr. FRITZ. Yes, but he didn't know. But from the description of surroundings we could tell it was North Beckley.

Mr. BALL. Up to that time you hadn't sent any men out to North Beckley, had you?

Mr. FRITZ. Well, I sent them out there real soon and Officer Potts called me back from out there and talked to me on the telephone and gave me a report from out there on the telephone, and I am sure that that is the time that he told me about the way he was registered, and I asked Oswald about why he was registered under this other name.

Mr. BALL. What other name?

Mr. FRITZ. Of O. L. Lee.

Mr. BALL. O. H. Lee?

Mr. FRITZ. O. H. Lee. He said, well, the lady didn't understand him, she put it down there and he just left it that way.

Mr. BALL. Did you ask him whether he had signed his name O. H. Lee?

Mr. FRITZ. No, I hadn't asked him.

Mr. BALL. Did you know that he had personally registered?

Mr. FRITZ. No, sir; I did not.

Mr. BALL. He said the lady didn't understand him?

Mr. FRITZ. He said the lady didn't understand him and he just left it that way.

Mr. BALL. How long did this first questioning take?

Mr. FRITZ. Of course, I talked to him several times during that afternoon. I would have to go out and talk to every officer and give them different assignments and talk to them about these witnesses, and help some in getting the witnesses over there.

I also asked Lieutenant Day to bring the rifle down after I sent after Mrs. Oswald, and had her to look at the rifle. She couldn't identify it positively but she said it looked like the rifle that he had, but she couldn't say for sure. She said she thought he brought it from New Orleans.

Mr. BALL. How long a time did you sit with Oswald and question him this first time?

Mr. FRITZ. The first time, not but a few minutes.

Mr. BALL. That was the time Hosty and Bookhout were there?

Mr. FRITZ. That is right. But sometimes when I would leave the office to do something else, it is hard to imagine how many things we had happening at the one time or how many different officers we had doing different things without seeing it but we were terribly busy.

I had called all my officers back on duty and had every one of them assigned to something, so going back and forth kept me pretty busy running back and forth at the time of questioning.

I don't know when I would leave, I suppose Mr. Bookhout and Mr. Hosty asked him a few questions, but I don't believe they questioned him a great deal while I was gone.

Mr. BALL. You said just a few minutes, what did you mean by that, 15, 20, 25?

Mr. FRITZ. It would be pretty hard to guess at a time like that because we weren't even quitting for lunch so I don't even know, time didn't mean much right at that time. For a few minutes, you would think 30 or 40 minutes the first time.

Mr. BALL. Thirty or forty minutes?

Mr. FRITZ. I am guessing at that time.

Mr. BALL. He hadn't been searched up to that time, had he?

Mr. FRITZ. Yes, sir; he had been searched.

Mr. BALL. Wasn't he searched later in the jail office?

Mr. FRITZ. He was searched, the officers who arrested him made the first search, I am sure. He had another search at the building and I believe that one of my officers, Mr. Boyd, found some cartridges in his pocket in the room after he came to the city hall. I can't tell you the exact time when he searched him.

Mr. BALL. You don't have the record of the time when he was searched?

Mr. FRITZ. No.

Mr. BALL. You remember they found a transfer of Dallas Transit Company?

Mr. FRITZ. Yes, sir; found a transfer.

Mr. BALL. And some bullets?

Mr. FRITZ. Bullets; yes, sir. Cartridges.

Mr. BALL. He had an identification bracelet, too, didn't he?

Mr. FRITZ. I am not sure about that.

Mr. BALL. You don't remember?

Mr. FRITZ. No.

Mr. BALL. You had a showup that afternoon?

Mr. FRITZ. Yes, sir.

Mr. McCLOY. May I ask what kind of bullets these were?

Mr. FRITZ. .38, cartridges for a .38 pistol.

Mr. McCLOY. Pistol?

Mr. FRITZ. Yes, pistol cartridges.

Mr. BALL. You had a showup that afternoon?

Mr. FRITZ. That first showup was for a lady who was an eye witness and we were trying to get that showup as soon as we could because she was beginning to faint and getting sick.

In fact, I had to leave the office and carry some ammonia across the hall, they were about to send her to the hospital or something and we needed that identification real quickly, and she got to feeling all right after using this ammonia.

Mr. BALL. Do you remember her name?

Mr. FRITZ. I have her name here.

Mr. BALL. Was that Mrs. Markham?

Mr. FRITZ. Yes, Helen Markham.

Mr. BALL. That was the first showup, was it?

Mr. FRITZ. Yes, sir.

Mr. BALL. Were you there?

Mr. FRITZ. Yes, sir.

Mr. BALL. With her?

Mr. FRITZ. Yes, sir.

Mr. BALL. Will you tell me what happened there?

Mr. FRITZ. She looked at these people very carefully, and she picked him out and made the positive identification.

Mr. BALL. What did she say?

Mr. FRITZ. She said that is the man that I saw shoot the officer.

Mr. BALL. Who did she point out?

Mr. FRITZ. She pointed out Oswald; yes, sir.

Mr. BALL. In your showup room you have the prisoners separated from the visitors?

Mr. FRITZ. There is a screen. They are on a stage with numbers over their heads for identification, and measurements to show their height, and this is lighted back there so the people can see them plainly, and the people who are looking at them usually sit at desks out some distance, probably as far as here from that window from the showup screen.

Mr. BALL. Near the window, you mean about 15, 20 feet.

Mr. FRITZ. Yes; about that far.

Mr. BALL. And then, now in this showup there were two officers of the vice squad and an officer and a clerk from the jail that were in the showup with Oswald?

Mr. FRITZ. That is true. I borrowed those officers, I was a little bit afraid some prisoner might hurt him, there was a lot of excitement and a lot of feeling right about that time so we didn't have an officer in my office the right size to show with him so I asked two of the special service officers if they would help me and they said they would be glad to, so they took off their coats and neckties and fixed themselves where they would look like prisoners and they were good enough to stand on each side of him in the showup and we used a man who works in the jail office, a civilian employee as a third man.

Mr. BALL. Now, were they dressed a little better than Oswald, do you think, these three people?

Mr. FRITZ. Well, I don't think there was a great deal of difference. They had on their regular working clothes and after they opened their shirts and took off their ties, why they looked very much like anyone else.

Mr. BALL. They were all handcuffed together, were they?

Mr. FRITZ. I am not sure, I don't remember for sure if they were all handcuffed together or not. They probably did. I couldn't be positive about that.

Mr. BALL. Now, after you had had the showup with Helen Markham, did you question Oswald again?

Mr. FRITZ. Yes, sir.

Mr. BALL. In your office?

Mr. FRITZ. Yes, sir.

Mr. BALL. Go directly from the showup room up there?

Mr. FRITZ. Well, I am not sure whether directly, but shortly, there wouldn't be too much time when we talk to him after that.

Mr. BALL. Your records show the showup for Helen Markham was 4:45.

Mr. FRITZ. Yes, sir.

Mr. BALL. Do you think that is about right?

Mr. FRITZ. I think that is about right.

Mr. BALL. All right, now how long after that would you say you went back to your office and talked to him again?

Mr. FRITZ. I would say within, it would take us a few minutes, you know, to get him back from the showup, probably 15 minutes, something like that.

Mr. BALL. Who was present?

Mr. FRITZ. Twenty minutes.

Mr. BALL. Who was present at this questioning?

Mr. FRITZ. This particular questioning?

Mr. BALL. Yes.

Mr. FRITZ. I believe—I don't want to be sure about whether Mr. Hosty stayed at this next time or not because he left at some time. Mr. Bookhout stayed and my officers were there.

Mr. BALL. Now, there was a time when you asked him where he worked and what he did?

Mr. FRITZ. Yes, sir.

Mr. BALL. And was that the first—

Mr. FRITZ. That was the first time.

Mr. BALL. The first question—what did he tell you about that?

Mr. FRITZ. He told me he worked at the Texas School Book Depository.

Mr. BALL. Did he tell you—

Mr. FRITZ. I asked him how he got his job down there, too.

Mr. BALL. What did he say?

Mr. FRITZ. He told me that someone that he knew, a lady that he knew recommended him for that job and he got that job through her. I believe the records show something else but that is what he told me.

Mr. BALL. Did you ask him what happened that day; where he had been?

Mr. FRITZ. Yes, sir.

Mr. BALL. What did he say?

Mr. FRITZ. Well he told me that he was eating lunch with some of the employees when this happened, and that he saw all the excitement and he didn't think—I also asked him why he left the building. He said there was so much excitement there then that "I didn't think there would be any work done that afternoon and we don't punch a clock and they don't keep very close time on our work and I just left."

Mr. BALL. At that time didn't you know that one of your officers, Baker, had seen Oswald on the second floor?

Mr. FRITZ. They told me about that down at the bookstore; I believe Mr. Truly or someone told me about it, told me they had met him—I think he told me, person who told me about, I believe told me that they met him on the stairway, but our investigation shows that he actually saw him in a lunchroom, a little lunchroom where they were eating, and he held his gun on this man and Mr. Truly told him that he worked there, and the officer let him go.

Mr. BALL. Did you question Oswald about that?

Mr. FRITZ. Yes, sir; I asked him about that and he knew that the officer stopped him all right.

Mr. BALL. Did you ask him what he was doing in the lunchroom?

Mr. FRITZ. He said he was having his lunch. He had a cheese sandwich and a Coca-Cola.

Mr. BALL. Did he tell you he was up there to get a Coca-Cola?

Mr. FRITZ. He said he had a Coca-Cola.

Mr. BALL. That same time you also asked him about the rifle.

Mr. FRITZ. I am not sure that is the time I asked him about the rifle. I did ask him about the rifle sometime soon after that occurred, and after the showup; I am not sure which time I asked him about the rifle.

Mr. BALL. Did you bring the rifle down to your office?

Mr. FRITZ. Not to him ; not for him to see.

Mr. BALL. You never showed it to him?

Mr. FRITZ. No, sir. I asked him if he owned a rifle and he said he did not. I asked him if he had ever owned a rifle. He said a good many years ago he owned a small rifle but he hadn't owned one for a long time. I asked him if he owned a rifle in Russia and he said, "You know you can't own a rifle in Russia." He said, "I had a shotgun over there. You can't own a rifle in Russia." And he denied owning a rifle of any kind.

Mr. BALL. Didn't he say that he had seen a rifle at the building?

Mr. FRITZ. Yes, sir ; he told me he had seen a rifle at the building 2 or 3 days before that Mr. Truly and some men were looking at.

Mr. BALL. You asked him why he left the building, didn't you?

Mr. FRITZ. Yes, sir.

Mr. BALL. He told you because he didn't think there would be any work?

Mr. FRITZ. Yes, sir.

Mr. BALL. Did you ask him what he did after he left the building?

Mr. FRITZ. Yes, sir.

Mr. BALL. What did he say?

Mr. FRITZ. He told me he went over and caught a bus and rode the bus to North Beckley near where he lived and went by home and changed clothes and got his pistol and went to the show. I asked him why he took his pistol and he said, "Well, you know about a pistol ; I just carried it." Let's see if I asked him anything else right that minute. That is just about it.

Mr. BALL. Did you ask him if he killed Tippit?

Mr. FRITZ. Sir?

Mr. BALL. Did you ask him if he shot Tippit?

Mr. FRITZ. Oh, yes.

Mr. BALL. What did he say.

Mr. FRITZ. He denied it—that he did not. The only thing he said he had done wrong, "The only law I violated was in the show ; I hit the officer in the show ; he hit me in the eye and I guess I deserved it." He said, "That is the only law I violated." He said, "That is the only thing I have done wrong."

Mr. BALL. Now, in this first conversation he told you that he had lived at 1026 Beckley, didn't he?

Mr. FRITZ. Yes, sir. He didn't know whether it was north or south.

Mr. BALL. And you sent a group of officers out there to search that address?

Mr. FRITZ. Yes, sir ; that is right.

Mr. BALL. Before you talked to him the second time you had talked to Potts on the telephone, had you not?

Mr. FRITZ. Yes, sir ; I had.

Mr. BALL. He told you what he had done?

Mr. FRITZ. Yes, sir. I should have remembered that when I talked to you this morning.

Mr. BALL. Wasn't there some conversation also about what his political beliefs were?

Mr. FRITZ. I believe that is later. I asked him about his political beliefs and he said that he believed in fair play for Cuba. He said he was a member of the Fair Play for Cuba organization. They had headquarters in New York, had an office in New Orleans.

At one time he had been secretary for this organization down there. I asked him if he belonged to any other organizations of any kind, and he said he belonged to the American Civil Liberties Union, and I asked him what dues he paid. He said, "\$5 per month." I believe he said, or for a year. I am not positive about that. I would have to look at my notes.

Mr. BALL. Was that at the first or second questioning?

Mr. FRITZ. I think it was the second or third ; that was later.

Mr. BALL. Later on?

Mr. FRITZ. Yes, sir. I don't think I talked to him about his political beliefs until later.

Mr. BALL. Did you say anything to him about an attorney the first time you talked to him?

Mr. FRITZ. Yes, sir; the first time. He asked about an attorney, and I told him he certainly could have an attorney any time he wanted it. I told him he could have an attorney any time he liked, any attorney he wanted. I told him, I said, we will do it. He said he wanted an attorney in New York. And he gave me his name, Mr. Abt, and he said that is who he wanted, and I told him he could have anyone he liked. He said, well, he knew about a case that he had handled some years ago, where he represented the people who had violated the Smith Act, and he said, "I don't know him personally, but that is the attorney I want."

He said, "If I can't get him then I may get the American Civil Liberties Union to get me an attorney."

Mr. BALL. Was there anything said about calling him on the telephone?

Mr. FRITZ. A little bit later.

Mr. BALL. Not that time?

Mr. FRITZ. Not that minute. A little bit later, he asked something else about an attorney and I said, "Did you call an attorney?" And he said, "You know I can't use the telephone." And I said, "Yes, you can; anybody can use a telephone." So, I told them to be sure to let him use a telephone and the next time I talked to him he thanked me for that, so I presume he called.

Mr. BALL. You don't know whether he called?

Mr. FRITZ. I don't know whether he did or not.

Mr. BALL. When you say a little bit later, you mean another period of questioning?

Mr. FRITZ. Sometime during that talk.

Mr. BALL. You haven't identified these periods of questioning by time.

Mr. FRITZ. I can't identify them positively. I can do the best I can by memory, but I wouldn't want to try to answer any of these questions by time because I might get them in the wrong question and in the wrong—time span.

Mr. BALL. At 6:30 you had another showup, at which time McWatters, Guinyard, and Callaway—do you remember those witnesses? Callaway is the car salesman, and Sam Guinyard is the porter at the used-car lot at the corner of Patton and Jefferson, and McWatters is a cabdriver—no; is a busdriver.

Mr. FRITZ. We have the names; if those names are right, that is true. At that time on this showup we put some officers up on the stage with him; officers stayed on the stage with him during the showup.

Mr. BALL. I point that time out as 6:30 because it appears that you started to question Oswald after you had the Markham showup sometime after 4:35, 4:40, 4:45. Did you question him steadily from then until 6:30, the time of the second showup?

Mr. FRITZ. I don't—I don't believe there was any time when I went through a very long period without having to step to the door, or step outside, to get a report from some pair of officers, or to give them additional assignments.

Mr. BALL. Where did you keep him; in what room?

Mr. FRITZ. In my office there.

Mr. BALL. He was in your office all the time?

Mr. FRITZ. Yes, sir; within there.

Mr. BALL. Between the two showups at 4:35 and 6:30, he was in your office all the time?

Mr. FRITZ. Well, I believe he was there all that time; let's see, 4:30 to 6:30; I don't remember him being carried out there any time.

Mr. BALL. Was he being questioned by somebody all the time, whether you or somebody else?

Mr. FRITZ. I doubt it, because I don't think those officers talked to him very much while I was out of the office. I think they might have asked him a few questions, but didn't ask him much.

Mr. BALL. Were you present at the showup when Callaway and Guinyard and the busdriver were there?

Mr. FRITZ. I don't believe so.

Mr. BALL. Now, your records show that in your office at 6:37 there was an arraignment; do you remember that?

Mr. FRITZ. Yes, sir; I remember that arraignment.

Mr. BALL. Will you tell us what happened then? It doesn't show arraignments.

Mr. FRITZ. Do you show arraignment for 7:30?

Mr. BALL. No; 6:30, 7, you discussed, you met with Alexander, the district attorney's office, didn't you?

Mr. FRITZ. I probably did. I probably talked to him about the evidence.

Mr. BALL. He was arraigned at 7:10.

Mr. FRITZ. He was in our outer office most all the time and I talked to him two, three different times.

Mr. BALL. Did he ever take part in the questioning of Oswald?

Mr. FRITZ. I don't believe so; no, sir.

Mr. BALL. What happened at 7:10?

Mr. FRITZ. 7:10 we had this arraignment with Judge David Johnston, and present, I was present, and Officers Sims, Boyd, Hall, and Mr. Alexander from the district attorney's office, and that was in my office.

Mr. BALL. How was the arraignment conducted?

Mr. FRITZ. Well, the judge gave him a warning, talked to him for a little bit.

Mr. BALL. What warning did he give him?

Mr. FRITZ. He advised him of his rights. I believe he had a form; I couldn't repeat it, of course, but I believe he had some forms that he went over with him.

Mr. BALL. What rights did he advise him of; do you know?

Mr. FRITZ. Of his rights for an attorney, and everything that he told was supposed to be voluntary and things of that kind.

Mr. BALL. He was advised that he had a right to an attorney, was he?

Mr. FRITZ. Yes, sir; I am sure he was; I advised him on that on two or three different occasions.

Mr. BALL. Did—you have a rule in Texas, do you, that whatever a witness, a person in custody, says cannot be used against him unless he is warned?

Mr. FRITZ. We do have; yes, sir. We have to warn them before we can use the testimony. We have to warn them in the beginning before he is questioned.

Mr. BALL. Before he is questioned you must warn him?

Mr. FRITZ. Yes.

Mr. BALL. Before you questioned Oswald the first time, did you warn him?

Mr. FRITZ. Yes, sir.

Mr. BALL. What did you tell him? What were the words you used?

Mr. FRITZ. I told him that any evidence that he gave me would be used against him, and the offense for which the statement was made, that it would have to be voluntary, made of his own accord.

Mr. BALL. Did he reply to that?

Mr. FRITZ. He told me that he didn't want a lawyer and he told me once or twice that he didn't want to answer any questions at all. And once or twice he did quit answering any questions and he told me he did want to talk to his attorney, and I told him each time he didn't have to if he didn't want to. So, later he sometimes would start talking to me again.

Mr. BALL. Do you remember when you warned him again?

Mr. FRITZ. Yes, sir; I warned him two or three different times; yes, sir.

Mr. BALL. Do you remember when those times were?

Mr. FRITZ. No, sir; but during the afternoon.

Mr. BALL. They were—you were more or less continuously questioning through the afternoon, were you?

Mr. FRITZ. Yes, sir.

Mr. BALL. Now, at 7:10, he was arraigned in your office?

Mr. FRITZ. Yes, sir.

Mr. BALL. By arraign you mean he was informed of the charge against him?

Mr. FRITZ. That is right.

Mr. BALL. He wasn't asked to plea.

Mr. FRITZ. Before a judge, before a justice of the peace, a magistrate.

Mr. BALL. It is not your practice to ask for a plea at that stage, is it?

Mr. FRITZ. No, sir; we don't.

Mr. BALL. All you do is advise him of his rights and the charge against him?

Mr. FRITZ. That is right, I am not a lawyer, you might feel—I don't want to leave a bad impression, I am just telling you what we do.

Mr. BALL. What the practice is in Texas.

Mr. FRITZ. Yes, sir.

Mr. BALL. Did Oswald make any reply to Judge Johnston?

Mr. FRITZ. He said a lot of sarcastic things to him.

Mr. BALL. What did he say?

Mr. FRITZ. Irritable, I can't remember all the things that he said. He was that way at each arraignment. He said little sarcastic things, some of the things were a little impudent things.

Mr. BALL. After the arraignment, your records show that there was—he talked to an agent named Clements, do you remember that?

Mr. FRITZ. I believe that during one of the times when I was out, had to leave the office for a minute to attend to something, Mr. Clements asked me if it would be all right for him to take a little personal history.

Mr. BALL. Were you present at that time?

Mr. FRITZ. No.

Mr. BALL. That was in your office?

Mr. FRITZ. In the office.

Mr. BALL. Who was there at the time?

Mr. FRITZ. I don't know. He was there. I know some of my officers were there, they had to watch him all the time.

Mr. BALL. Sims and Boyd?

Mr. FRITZ. If they weren't there, some homicide officers were.

Mr. BALL. You had two officers with him all times?

Mr. FRITZ. Yes, sir; sometimes three.

Mr. BALL. Always with him in the room?

Mr. FRITZ. Yes, sir; all the time. They never questioned him but they stayed in the room.

Mr. BALL. Then your records show another showup at 7:50?

Mr. FRITZ. At what time?

Mr. BALL. 7:50, that is the third showup. Mrs. Davis——

Mr. FRITZ. That would be showup No. 3.

Mr. BALL. That is showup No. 3.

Mr. FRITZ. Showup No. 3 was held for Barbara Jean Davis.

Mr. BALL. And Virginia Davis.

Mr. FRITZ. Virginia Davis.

Mr. BALL. Were you there at the time of the showup?

Mr. FRITZ. No, sir; I don't believe I was there, Mr. Hall, Mr. Sims, Mr. Boyd, and Mr. Moore.

Mr. BALL. Do you know who chose the people for the showup there?

Mr. FRITZ. Who showed the people; yes, sir.

Mr. BALL. Who chose the people. There is a Walter, Richard Walter Borchgardt.

Mr. FRITZ. Are those the people you mean for the showup?

Mr. BALL. Yes.

Mr. FRITZ. No, sir; I don't know who chose those people.

Mr. BALL. Don Braswell and John Abel.

Mr. FRITZ. No, sir; that would be done by my officers.

Mr. BALL. And you don't think you were present at that?

Mr. FRITZ. No, sir; I don't believe so.

Mr. BALL. Did you ever ask him if he had kept a rifle in the garage at Irving?

Mr. FRITZ. Yes, sir; I did. I asked him and I asked him if he had brought one from New Orleans. He said he didn't.

Mr. BALL. He did not.

Mr. FRITZ. That is right.

I told him the people at the Paine residence said he did have a rifle out there, and he kept it out there and he kept it wrapped in a blanket and he said that wasn't true.

Mr. BALL. Do you remember when that was that you asked him?

Mr. FRITZ. No, sir; during some of those questions.

Mr. BALL. It was after Stovall and Adamcik had come back?

Mr. FRITZ. I believe so.

Mr. BALL. Now, during the evening, did you question him some more?

Mr. FRITZ. Well, I am sure that I did. Let me see.

Mr. BALL. It shows he was fingerprinted at 8:55.

Mr. FRITZ. I probably talked to him a little bit more after that. It shows he was fingerprinted at what time?

Mr. BALL. 8:55. Or 9 o'clock, around 9 o'clock. Fingerprinted, at that time there was a paraffin test of the hands and face.

Mr. FRITZ. I don't believe he was fingerprinted. I think we made the paraffin test in my office.

Mr. BALL. There was a paraffin test.

Mr. FRITZ. I allowed them to use my office right there to make a paraffin test.

Mr. BALL. And your records show he was fingerprinted there, too.

Mr. FRITZ. It is possible, I didn't stay there with him. He could have. I don't think they fingerprinted him at that time. I wouldn't see any need for it.

Mr. BALL. Did you ever talk—you remember Wesley Frazier who came into the department and made a statement, do you, the boy who—

Mr. FRITZ. I think I remember some man, I believe that is his correct name, some man who came in with some story about seeing Oswald run from the building.

Mr. BALL. No.

Mr. FRITZ. That is not the one?

Mr. BALL. A boy who lived in Irving who drove Oswald weekends back and forth from Irving.

Mr. FRITZ. Yes.

Mr. BALL. You remember you talked to him that night and he told about a package that Oswald carried into the Texas School Book Depository Building that morning.

Mr. FRITZ. Yes, sir; that is right.

Mr. BALL. Do you remember what that was?

Mr. FRITZ. He said he asked him what it was and he told him it was curtain rods.

Mr. BALL. Did you ever talk to Oswald about that?

Mr. FRITZ. Yes, sir; I did.

Mr. BALL. When?

Mr. FRITZ. I talked to him about that on the last morning before his transfer.

Mr. BALL. That was on Sunday morning?

Mr. FRITZ. Sunday morning, that would be the 24th, wouldn't it?

Mr. BALL. Yes.

Mr. FRITZ. And I asked him about that and he denied having anything to do with any curtain rods. It is possible that I could have asked him that on one of those other times, too, but I know I asked him that question the last morning.

Mr. BALL. Well, you learned about it on Friday night according to your reports here when Mr. Frazier came in and you gave Frazier a polygraph test.

Mr. FRITZ. I hesitated to ask him about those curtain rods and I will tell you why I hesitated, because I wanted to find out more about that package before I got started with the curtain rods because if there were curtain rods I didn't want to mention it to him but we couldn't find—I talked to his wife and asked her if they were going to use any curtain rods, while I was talking to her that afternoon and she didn't know anything about it.

No; I believe I talked to Mrs. Paine, one of them.

Mr. BALL. Do you think you talked to Oswald before Sunday morning about curtain rods?

Mr. FRITZ. It is possible but I know I talked to him Sunday morning.

Mr. BALL. Now, did you tell him what Frazier had told you?

Mr. FRITZ. I don't know that I told him what Frazier had told me but I told him someone had told me.

Mr. BALL. What did you tell him?

Mr. FRITZ. I told him he had a package and put it in the back seat and it was a package about that long and it was curtain rods. He said he didn't have any kind of a package but his lunch. He said he had his lunch and that is all he had, and Mr. Frazier told me that he got out of the car with that package, he saw him go toward the building with this long package.

I asked him, I said, "Did you go toward the building carrying a long package?"

He said, "No. I didn't carry anything but my lunch."

Mr. BALL. Did Frazier ever tell you how long the package was?

Mr. FRITZ. He just measured, told me about that long.

Mr. BALL. Approximately how long?

Mr. FRITZ. I am guessing at this, the way he measured, probably 26 inches, 27 inches, something like that. Too short for the length of that rifle unless he took it down, I presume he took it down if it was in there, and I am sure it was.

Mr. BALL. Do you remember what time you—was it the way Frazier showed it to you—was it the size of a rifle that was broken down?

Mr. FRITZ. Yes, sir; it would be just about right.

Mr. BALL. Later that night you took him down to the showuproom again, didn't you, when you had a press interview?

Mr. FRITZ. No, sir; I didn't have a press conference.

Mr. BALL. You didn't?

Mr. FRITZ. No.

Mr. BALL. Did you give any instructions to the press conference?

Mr. FRITZ. Yes, sir; the chief told me he wanted him brought down for a press conference, and I told my officers to take them down and I asked the chief to let me put it on the stage. I was a little bit afraid something might happen to him in front of that stage, someone in the crowd might hurt him but he said no, he wanted him out there in the front, and I told him I would like to put him on the stage so that the officers could jerk him inside the jail office if anything happened but he said no, he wanted him in front, so I told the officers to take him down.

I went down later to see how everything was going but I couldn't get in. The crowd had jammed clear back out into the hall.

Mr. BALL. Do you know what time you sent him up to the jail?

Mr. FRITZ. I have it here, I think—12:05; yes, sir.

Mr. BALL. 12:05?

Mr. FRITZ. Yes, sir.

Mr. McCLOY. May I ask you a question?

Mr. FRITZ. Yes, sir.

Mr. McCLOY. Where was the—where did you first see the gun that was presumably used in the murder of Tippit?

Mr. FRITZ. Of Tippit?

Mr. McCLOY. Tippit, yes; .38-caliber pistol.

Mr. FRITZ. The officers brought that in, you know, when they brought him in from the arrest at Oak Cliff.

Mr. McCLOY. And they had that, you had seen it at about the time you first saw Oswald?

Mr. FRITZ. Well, a few minutes later.

Mr. McCLOY. A few minutes later?

Mr. FRITZ. Yes, sir.

Mr. McCLOY. It did show signs from your experience of having been recently fired?

Mr. FRITZ. I don't believe you can tell about that too well any more. You know the old style ammunition you could tell if a gun had been fired recently by the residue left in the barrel and smelling the barrel, but with the new ammunition they don't have that.

Mr. McCLOY. And this was new ammunition that he was using?

Mr. FRITZ. Yes, sir; he was using new ammunition.

Mr. McCLOY. Was the gun fully loaded when it was taken from him?

Mr. FRITZ. I didn't see it loaded, of course, it would have been unloaded. I understood it was fully loaded, but I didn't see it.

Mr. DULLES. That is he had replaced the bullets that he had used, is that it?

Mr. FRITZ. Yes, sir; the people told us as he ran across the yard he was reloading the gun as he ran across the yard. Yes; the witnesses told us that.

Mr. McCLOY. If I can take you back a little further also.

Mr. FRITZ. All right, sir.

Mr. McCLOY. Did you see the gun in the position, the rifle I am talking about now.

Mr. FRITZ. Yes, sir.

Mr. McCLOY. Did you see the rifle in the position in which it was found?

Mr. FRITZ. Yes, sir; I did.

Mr. McCLOY. Where was it found?

Mr. FRITZ. It was found back near the stairway in a little—some boxes were stacked about this far apart, about that far apart. The rifle was down on the floor and partially under these boxes back near the stairway in the corner of the building.

Mr. McCLOY. This was on the sixth floor?

Mr. FRITZ. Sixth floor; yes, sir.

Mr. McCLOY. Nobody had touched it by the time you saw it?

Mr. FRITZ. No, sir; nobody touched it. They called me as soon as they saw it and I went back there and I saw it.

Mr. McCLOY. Then you say the rifle was then dusted?

Mr. FRITZ. Yes, sir.

Mr. McCLOY. Does that mean the laboratory people had already come there then?

Mr. FRITZ. He came down from where he had been; he was on the same floor checking the empty cartridges, and he came back.

Mr. McCLOY. Oh, yes.

Mr. FRITZ. To the back, when I called him, and he came back there and checked the rifle; yes, sir.

Mr. McCLOY. When you went up to the sixth floor from which Oswald apparently had fired these shots, what did it look like there, what was the—how were things arranged there? Was there anything in the nature of a gun rest there or anything that could be used as a gun rest?

Mr. FRITZ. You mean up in the corner where he shot from, from the window?

Mr. McCLOY. Yes.

Mr. FRITZ. Yes, sir; there were some boxes stacked there and I believe one box, one small box I believe was in the window, and another box was on the floor. There were some boxes stacked to his right that more or less blinded him from the rest of the floor. If anyone else had been on the floor I doubt if they could have seen where he was sitting.

Mr. McCLOY. Did you see anything other—

Mr. FRITZ. Lieutenant Day, of course, made a detailed description of all of that and he can give it to you much better than I can.

Mr. McCLOY. He is going to be here?

Mr. FRITZ. Yes, sir; and he will give it to you in detail; yes, sir.

Mr. DULLES. When was the paper bag covering that apparently he brought the rifle in, was that discovered in the sixth floor about the same time?

Mr. FRITZ. No, sir; that was recovered a little later. I wasn't down there when that was found.

Mr. DULLES. It was recovered on the sixth floor, was it not?

Mr. FRITZ. Yes, sir; I believe so. We can check here and see. I believe it was. But I wasn't there when that was recovered.

Mr. BALL. Here is a picture of Commission Exhibit 514.

Mr. FRITZ. That is the—do I have it turned around?

Mr. BALL. Do you recognize it?

Mr. FRITZ. That is it.

Mr. BALL. Is that the scene that was photographed by the crime lab group?

Mr. FRITZ. Yes, sir; that is right. But there is one thing that this picture is a little bit deceiving in one way. This picture is taken with a man standing, no doubt, on boxes up high like this, standing down level on the floor. This gun was partially under the end of those boxes right there. You see the camera evidently took a picture under like that, and he got a little more gun than you would see if you were standing on the floor.

Mr. BALL. I want to ask you about a showup.

Mr. FRITZ. Yes, sir.

Mr. BALL. Callaway and Guinyard and McWatters. You—did you say you were present at that showup? That is No. 2.

Mr. FRITZ. No. 2 showup. I show there Leavelle, Brown, and Dougherty. It doesn't show that I was at that showup.

Mr. BALL. You were at that showup?

Mr. FRITZ. No, sir; it doesn't show.

Mr. BALL. Did you talk to Callaway before he went to the showup?

Mr. FRITZ. Callaway—I will have to look there to see. Can you tell me something about what he has testified?

Mr. BALL. Callaway is a tall blond man, he was a used car salesman, used carlot on the corner of Patton and Jefferson.

Mr. FRITZ. I believe Officer Leavelle talked to him. Any of these witnesses when I say I didn't talk to them, that doesn't mean I didn't go out and say something to them but I didn't question them.

Mr. BALL. Did you say to anyone of these witnesses, "We think we have got the man that killed Tippit and he is probably the man who killed the President"? Anything like that?

Mr. FRITZ. I don't remember saying anything like that.

Mr. BALL. Did you say, "I want you to look at him good because we want to make the identification."

Mr. FRITZ. Oh, no. We didn't need to. The first witness that went down with me convinced me on the Tippit killing.

Mr. McCLOY. That is Mrs. Markham?

Mr. FRITZ. Yes; Helen Markham. And she was a real good witness and she identified him positively and picked him out in a manner that you could tell she was honest in her identification.

Mr. BALL. We came up to the time you got him in jail that is at 12:05.

Mr. FRITZ. Yes, sir.

Mr. BALL. Were you through with him at that time?

Mr. FRITZ. No, sir.

Mr. BALL. Did you see him again?

Mr. FRITZ. I believe we had another arraignment, did we not?

Mr. BALL. You had an arraignment charging him with the assassination of President Kennedy, murder of President Kennedy.

Mr. FRITZ. Yes, sir; I went to that arraignment.

Mr. BALL. That was at what time? I believe you showed it at 1:35 a.m. in your records.

Mr. FRITZ. That would be about right.

Mr. BALL. 1:35?

Mr. FRITZ. I will tell you in a minute to be sure. I show 1:35.

Mr. BALL. That was where?

Mr. FRITZ. In the identification bureau.

Mr. BALL. Who was present?

Mr. FRITZ. That is just outside the jail.

Mr. BALL. Who was present at that time?

Mr. FRITZ. Well, I show Bill Alexander of the district attorney's office, Henry Wade. That was before Judge Johnston also, and I was there, and I am sure of three or four other people that I can't name.

I think Chief Curry might have gone to this, I can't answer for him, but I believe he might have.

Mr. BALL. That is one, 1:35 a.m., shortly after midnight was the arraignment.

Mr. FRITZ. Yes, sir.

Mr. BALL. Now, your records show that he was checked in the jail at 1:10 a.m. and it doesn't show a checkout when he was taken to the arraignment.

Mr. FRITZ. To the arraignment. It probably wouldn't show that. Sometimes those cards. I don't usually make cards if the man is still in the custody of the jailers, and sometimes, of course, they might miss a card anyway because we use a lot of civilian employees up there.

Mr. BALL. And the jailer was there with him, wasn't he?

Mr. FRITZ. Yes, sir. He brought him out.

Mr. BALL. Another thing, that day, at sometime during the 22d when you questioned Oswald, didn't you ask him about this card he had in his pocket with the name Alek Hidell?

Mr. FRITZ. I did; yes, sir.

Mr. BALL. What did you ask him about that?

Mr. FRITZ. I believe he had three of those cards if I remember correctly, and he told me that was the name that he picked up in New Orleans that he had used sometimes. One of the cards looked like it might have been altered a little bit and one of them I believe was the Fair Play for Cuba and one looked like a social security card or something.

Mr. BALL. Yes.

Mr. FRITZ. We have pictures of those cards here. You no doubt have them.

Mr. BALL. Yes. We have them. Did he say that he had used that as a name?

Mr. FRITZ. He told me that is a name he picked up in New Orleans.

Mr. BALL. Did he say—

Mr. FRITZ. I presumed by that he had used it by saying he had picked it up in New Orleans.

Mr. BALL. To one officer he said he didn't want to talk about that or he wouldn't talk about that?

Mr. FRITZ. That is right. Very often he would do that. He would tell him some things and tell me some things.

Mr. BALL. I am talking about this card, A. Hidell. Do you recall whether he told you he had picked it up in New Orleans and—or did he tell you he didn't want to talk about it? He wouldn't talk about it?

Mr. FRITZ. He didn't tell me he wouldn't want to talk about it. He told me he had picked it up down there and when I questioned further then he told me he didn't want to talk about it.

Mr. BALL. Now, the next morning or the next day you questioned him again, didn't you?

Mr. FRITZ. Let's see, that would be on the 23d.

Mr. BALL. You had another showup on the 23d in the afternoon, but apparently that morning before the showup you talked to him in your office?

Mr. FRITZ. Yes, sir.

Mr. BALL. What do your records show as to the first time you talked to him on November 23?

Mr. FRITZ. Let's see.

Mr. BALL. I believe if you will look on page 6 of 137B of your formal report that will refresh your memory.

Mr. FRITZ. Which part of this do you want now?

Mr. BALL. I want to know what time you started to question him on November 23.

Mr. FRITZ. I think I can get that time out of the little book.

Mr. BALL. If you look at the top of page 6 there.

Mr. FRITZ. I don't have it.

Mr. BALL. Do you have 137B?

Mr. FRITZ. Yes; I have it. I show 10:25 a.m.

Mr. BALL. 10:35?

Mr. FRITZ. 10:25.

Mr. BALL. 10:25 a.m.?

Mr. FRITZ. Yes, sir.

Mr. BALL. Who was present at this time? Still—look at your notes there.

Mr. FRITZ. I show here Jim Bookhout, Forrest Sorrels, special agent in charge of Secret Service, Robert Nash, who is U.S. marshal there in Dallas, and an officer besides myself.

Mr. BALL. What officer beside yourself?

Mr. FRITZ. I have that in here.

Mr. BALL. Tell me what you talked about this morning on the 23d? You called him down there for a certain purpose, didn't you?

Mr. FRITZ. Let's see if this is the morning of the 24th, is it—is this the 23d or 24th?

Mr. BALL. This is Saturday morning, the 23d.

Mr. FRITZ. Saturday morning.

Mr. BALL. You learned certain things from your investigation of the day before, hadn't you?

Mr. FRITZ. Yes, sir.

Mr. BALL. One of them was you found he had a transfer, didn't you, in his pocket when he was arrested?

Mr. FRITZ. Yes, sir; I sure talked to him about the transfers.

Mr. BALL. All right. What did he say?

Mr. FRITZ. He admitted the transfer.

Mr. BALL. I don't want you to say he admitted the transfer. I want you to tell me what he said about the transfer.

Mr. FRITZ. He told me that was the transfer the busdriver had given him when he caught the bus to go home. But he had told me if you will remember in our previous conversation that he rode the bus or on North Beckley and had walked home but in the meantime, sometime had told me about him riding a cab.

So, when I asked him about a cab ride if he had ridden in a cab he said yes, he had, he told me wrong about the bus, he had rode a cab. He said the reason he changed, that he rode the bus for a short distance, and the crowd was so heavy and traffic was so bad that he got out and caught a cab, and I asked him some other questions about the cab and I asked him what happened there when he caught the cab and he said there was a lady trying to catch a cab and he told the busdriver, the busdriver told him to tell the lady to catch the cab behind him and he said he rode that cab over near his home, he rode home in a cab.

I asked him how much the cabfare was, he said 85 cents.

Mr. BALL. Did you ask him if he went directly to his home?

Mr. FRITZ. Yes, sir; he said he went straight home.

Mr. BALL. Didn't you learn from the cabdriver that he hadn't taken him to 1026 North Beckley?

Mr. FRITZ. I knew he had taken him near there but I am telling you what he told me, he told me he had taken him home.

Mr. BALL. Did you ask him whether he had gone directly home?

Mr. FRITZ. No, sir; I don't think so.

Mr. BALL. Then you found out the day before about the Wesley Frazier package, hadn't you?

Mr. FRITZ. Yes, sir; I found out about the package from Irving.

Mr. BALL. Yes.

Mr. FRITZ. Yes, sir.

Mr. BALL. And also that he usually went home on Friday night and this time he went home on Thursday night.

Mr. FRITZ. I asked him why he had changed nights.

Mr. BALL. Yes, sir.

Mr. FRITZ. And let me see what he told me about why he had changed. The man I talked to told me he usually went out on weekends, on Friday, so I believe he told me, I am not positive why he told me why he went home on this different night but I think he told me because someone else was going to be over there on weekends or something to that effect.

I can look right here and see what he told me.

Mr. BALL. All right, look and see. You also asked him that day about the curtain rods, didn't you?

Mr. FRITZ. Yes, sir.

Mr. BALL. Had you asked him about that the night before, do you know or was this the first time you talked to him about it?

Mr. FRITZ. I don't think I asked him the night before, I am sure I did not. I am sure I did not ask him the night before. I remember I was pretty hesitant about asking him about them at all because I told you I didn't want to tell him—I didn't want him to tell me about curtain rods until I found out a little more about them.

Mr. BALL. But you asked him about them this morning?

Mr. FRITZ. Yes, sir.

Mr. BALL. He had told Frazier that he had curtain rods in the package?

Mr. FRITZ. Yes, sir; he denied having curtain rods or any package other than his lunch.

Mr. BALL. Didn't you also ask him what he had done when he went home, what, when he went to 1026 North Beckley?

Mr. FRITZ. When he went to Beckley?

Mr. BALL. What he did.

Mr. FRITZ. What he did when he went on North Beckley?

Mr. BALL. After the cab ride, what he had done.

Mr. FRITZ. This time he told me a different story about changing the clothing. He told me this time that he had changed his trousers and shirt and I asked him what he did with his dirty clothes and he said, I believe he said, he put them, the dirty clothes, I believe he said he put a shirt in a drawer.

Mr. BALL. And you asked him again, didn't you, what he was doing at the time the President was shot?

Mr. FRITZ. Yes, sir.

Mr. BALL. What did he say?

Mr. FRITZ. Well, he told me about the same story about this lunch.

Mr. BALL. He mentioned who he was having lunch with, did he not?

Mr. FRITZ. Yes, sir; he told me he was having lunch when the President was shot.

Mr. BALL. With whom?

Mr. FRITZ. With someone called Junior, someone he worked with down there, but he didn't remember the other boy's name.

Mr. BALL. Did he tell you what he was eating?

Mr. FRITZ. He told me, I believe, that he had, I am doing this from memory, a cheese sandwich, and he also mentioned he had some fruit, I had forgotten about the fruit until I looked at this report.

Mr. BALL. Did he say that was in the package he had brought from home?

Mr. FRITZ. Yes, sir; there was one reason I asked him about what was in the package, we had had a story that had been circulated around the meantime about some chicken bones, I am sure you heard of that, and I wanted to find for sure what he did have in his lunch and he told me about having—he told me they did not have any chicken out there and I also talked with the Paines and they told me they didn't have any chicken in the icebox, they did have some cheese.

Mr. BALL. But he said he had had lunch with Junior?

Mr. FRITZ. Yes, sir; and with someone else.

Mr. BALL. Did you find out that there was an employee named Junior, a man that was nicknamed Junior at the Texas School Book Depository?

Mr. FRITZ. Probably we have it here, some of the officers probably did, we had all these people checked out. I didn't do it myself probably.

Mr. BALL. That same morning, you asked him also about his affiliations, didn't you ask him if he belonged to the Communist Party?

Mr. FRITZ. Yes, sir; I asked him if he belonged to the Communist Party.

Mr. BALL. What did he say?

Mr. FRITZ. He said he did not. He said he never had a card. He told me again that he did belong to the Fair Play for Cuba organization, that he was in favor of the Castro revolution and I don't remember what else he might have told me.

Mr. BALL. What about the pistol that he had on him when he was arrested, did you question him about that this morning?

Mr. FRITZ. That morning?

Mr. BALL. Your notes show that you did.

Mr. FRITZ. Yes, sir; I talked to him about the pistol and asked him where he got it.

Mr. BALL. What did he say?

Mr. FRITZ. He told me he had got it about 6 or 7 months before in Fort Worth but he wouldn't tell me where he got it. When I asked him a little further about that he told me he didn't want to talk any further about the pistol.

Mr. BALL. Did the FBI, did any FBI agent question him that morning?

Mr. FRITZ. Yes, sir; Mr. Bookhout asked a few questions along, I don't remember just exactly what they asked, but he asked him a few questions.

Mr. BALL. Was there any further questioning about an attorney, whether or not he wanted a lawyer and who he wanted?

Mr. FRITZ. Yes, sir; there probably was because I talked to him about a lawyer a number of times and he said he didn't want the local attorneys, some attorney had been up to see him after one of these questionings, and he said he didn't want him at all. He wanted Mr. Abt. And he couldn't get him and I told you about the ones there in the American Civil Liberties Union.

Mr. BALL. Didn't he tell you at one time he didn't want to answer any questions until he talked to his lawyer?

Mr. FRITZ. Yes, sir; he told me that two or three times.

Mr. BALL. This morning he told you that, didn't he?

Mr. FRITZ. He probably did.

Mr. BALL. Look on your notes there on the page 137D and see whether or not that refreshes your memory? (Commission Document S1B.)

Mr. FRITZ. 137G?

Mr. BALL. 137D.

Mr. FRITZ. I told him—you know he had told me he could not use the telephone because he didn't have the money to pay for a call. I told him he could call collect from the jail to call anyone he wanted to, and I believe at that time he probably thanked me for that.

But I told him that we allowed all prisoners to do that.

Mr. BALL. Did he say he didn't have money enough?

Mr. FRITZ. He told me that but as I said I told him he didn't need the money, he could call him collect, and use the jail phone, telephone.

Mr. BALL. What did he say?

Mr. FRITZ. That seemed to please him all right, because he evidently did because the next time I saw him he thanked me for letting him use the phone, but I told him it wasn't a favor; everyone could do that.

Mr. DULLES. Do you know who he called?

Mr. FRITZ. I don't know, I wasn't there.

Mr. DULLES. Is there any record?

Mr. FRITZ. I don't believe there would be. I think you give him the use of the telephone and they could call when they wanted to. He could have called half a dozen people if he wanted to.

Mr. DULLES. He couldn't make a long distance call, could he? I suppose he could if he called collect.

Mr. FRITZ. Yes.

Mr. BALL. Was Mr. Kelley of the Secret Service present at this time, this morning?

Mr. FRITZ. He was there most of the time after the 22d. He wasn't there on the 22d.

Mr. BALL. This is the morning of the 23d we are talking about.

Mr. FRITZ. Yes, sir; he was there, yes, sir.

Mr. BALL. Did you ever ask him what he thought of President Kennedy or his family?

Mr. FRITZ. Yes, sir; I asked him what he thought of the President.

Mr. BALL. What did he say?

Mr. FRITZ. What he thought about the family—he said he didn't have any particular comment to make about the President.

He said he had a nice family, that he admired his family, something to that effect. At one time, I don't have this in my report, but at one time I told him, I said, "You know you have killed the President, and this is a very serious charge."

He denied it and said he hadn't killed the President.

I said he had been killed. He said people will forget that within a few days and there would be another President.

Mr. DULLES. Did he say anything about Governor Connally?

Mr. FRITZ. No, sir; I don't think I questioned him about the Governor at that time. I might have asked him at one time. I remember telling him at one time he shot the Governor.

Mr. DULLES. Will you give us that?

Mr. FRITZ. He denied shooting any of them.

Mr. DULLES. Did he express any antipathy for or friendship for—

Mr. FRITZ. No, sir; he didn't. He didn't express—during one of Mr. Hosty's

talks with him he had talked to him about Governor Connally, and about some letters but that information I don't have. That is something Mr. Hosty will have to tell you about.

Mr. BALL. Your notes show at 11:33 he went back to the jail and about an hour later at 12:35 he was brought back.

Mr. FRITZ. Yes, sir.

Mr. BALL. In your office for another interview.

Mr. FRITZ. Yes, sir.

Mr. BALL. In which Mr. Kelley of the Secret Service was present?

Mr. FRITZ. Yes, sir.

Mr. DULLES. Are we now on Saturday noon?

Mr. BALL. Yes, sir; this is noon about 12:35.

Mr. FRITZ. Yes, sir.

Mr. BALL. In the meantime your officers had brought back from Irving some pictures that they found in the garage, hadn't they?

Mr. FRITZ. Yes, sir.

Mr. BALL. And you had had them blown up, hadn't you?

Mr. FRITZ. That is right.

Mr. BALL. What pictures—and you showed Oswald a picture at this time?

Mr. FRITZ. A picture of him holding a rifle and wearing the pistol. It showed a picture of him holding a rifle and wearing the pistol. I showed him first an enlarged picture.

Mr. BALL. I will show you Commission Exhibit No. 135.

Mr. FRITZ. That is the picture.

Mr. BALL. That is the picture you showed him?

Mr. FRITZ. Yes, sir; that is a similar picture, that is a copy of the picture I showed him.

Mr. BALL. You had had your laboratory enlarge the picture that your men had brought back from Irving?

Mr. FRITZ. Yes, sir; he said that wasn't his picture, he said, "I have been through that whole deal with all people in the cameras," he said, "One has taken my picture and that is my face and put a different body on it." He said, I know all about photography, I worked with photography for a long time. That is a picture that someone else has made. I never saw that picture in my life."

I said, "Wait just a minute, and I will show you one you have seen probably," and I showed him the little one this one was made from and when I showed him the little one he said, "I never have seen that picture, either." He said, "That is a picture that has been reduced from the big one."

Mr. BALL. I show you Commission No. 133, is that the small picture?

Mr. FRITZ. The small picture; yes, sir.

Mr. BALL. A picture of the small picture?

Mr. FRITZ. A picture of the small picture, I guess this is.

Mr. BALL. There are two pictures on 133. Which one was it?

Mr. FRITZ. On the left.

Mr. BALL. The one on the left?

Mr. FRITZ. Yes, sir; the one holding the two papers.

Mr. BELIN. As you face the picture?

Mr. BALL. As you face the picture the one on the left? [Exhibit No. 133-A.]

Mr. FRITZ. There is a lot of questioning in our mind about the time of this middle day questioning here. We checked it over and over and we can't be sure about the time and I don't want to go on record as not knowing whether this time is correct because it might not be.

Mr. BALL. You mean 12:35?

Mr. FRITZ. 12:35.

Mr. BALL. But you do know this conversation—

Mr. FRITZ. I do know we talked to him a number of times all along, and these questions and answers are right, but the times may be off.

Mr. BALL. You did show him this picture, a picture of Oswald with a rifle and pistol?

Mr. FRITZ. I showed him that at one of those interviews, yes, sir.

Mr. BALL. And he denied that that was a picture of him.

Mr. FRITZ. That is true; yes, sir; that is right.

Mr. BALL. There was another showup that afternoon at 2:15?

Mr. FRITZ. Yes, sir.

Mr. BALL. At which time two cabdrivers, one named Scoggins and one named Whaley were shown Oswald. Were you present at that showup?

Mr. FRITZ. I don't think so. I will look and see right quickly but I don't think I was. That would have been on the 23d.

Mr. BALL. Yes.

Mr. FRITZ. That shows him—M. G. Hall—wait a minute, I am in the wrong one, pardon me. Showup No. 4, shows Officers V. S. Hinkel, Walter Potts, M. G. Hall, C. W. Brown, and J. R. Leavelle who was with the people handling the showup.

Mr. BALL. Your records also show that you were brought—he was brought to your office again at 6 o'clock?

Mr. FRITZ. Yes, sir.

Mr. BALL. Will you look at page 13SB of your notes. (Commission Document 81B) Was that the time you talked to him about the rifle?

Mr. FRITZ. 6 o'clock?

Mr. BALL. Yes.

Mr. FRITZ. That is when I showed an enlarged picture, yes, sir, that is what I show here, yes, sir.

Mr. BALL. In the meantime you had gone out to Neely Street, hadn't you, to try to determine whether or not this was the place for the rifle?

Mr. FRITZ. No, sir; we didn't find that out until some time later.

Mr. BALL. You didn't?

Mr. FRITZ. No, sir; we had heard of the Neely Street address but we didn't know that that was the place where the picture was taken. But later on, Mr. Sorrels and some of the Secret Service men called me and they had found out, I believe from Marina, that that is where the picture was made and they called me and asked me to go with them and we made some other pictures out there to show the place.

Mr. BALL. On this evening at 6 o'clock who was present at the questioning?

Mr. FRITZ. At the questioning, just a minute.

Mr. DULLES. What is the reference to the Marines?

Mr. BALL. Marina.

Mr. DULLES. Marina, I didn't catch it.

Mr. BALL. Who was present at that, do you remember, on 6 o'clock on Saturday evening, the 23d? See page 13SB.

Mr. FRITZ. Yes, sir; I believe Mr. Bookhout, Inspector Kelley, myself, and officers.

Mr. McCLOY. This was an interrogation?

Mr. FRITZ. Yes.

Mr. BALL. Was that the time when he told you, someone superimposed the picture on his face?

Mr. FRITZ. Yes, sir; that is right.

Mr. BALL. After he had talked to you a while he told you he didn't want to talk to you any more, didn't he?

Mr. FRITZ. Yes, sir.

Mr. BALL. Look on the second page, 138C, and tell me what happened. Give me in your own words what occurred there.

Mr. FRITZ. You mean about the picture?

Mr. BALL. Tell me in your own words, yes.

Mr. FRITZ. Yes, sir; at that time he told me that—the first of the page up here is when he told me he didn't want to answer more questions. "I just told you about that but you want to know something else about this other party."

Mr. BALL. You talked to him sometime later.

Mr. FRITZ. Yes, sir; I showed him this map, showed him a map of the city of Dallas that he had, and the map had been brought in from his address on North Beckley, and he told me that those markings, they had several markings on this map, one of them was near—

Mr. BALL. Wait a minute, isn't that the next morning? We are talking

about Saturday night now, you have told us about showing him the enlarged photograph.

Mr. FRITZ. I show 9:30 the morning of the 24th.

Mr. BALL. I am talking about the night.

Mr. FRITZ. All right.

Mr. DULLES. 6:30 at night.

Mr. BALL. 6:30 in the evening.

Mr. FRITZ. Yes, sir.

Mr. BALL. You showed him the photographs?

Mr. FRITZ. Yes, sir; pictures.

Mr. BALL. And he told you they weren't his?

Mr. FRITZ. Yes, sir.

Mr. BALL. What did he tell you then? Didn't he tell you then he didn't want to answer any more questions?

Mr. FRITZ. Let's see if he did.

Mr. BALL. Yes.

Mr. FRITZ. That is the time that he told me about the photography, that he knew all about photography, and then he said, he didn't want to answer any more questions.

Mr. BALL. What time did you put him back in jail?

Mr. FRITZ. 7:15 p.m.

Mr. BALL. And you didn't see him again that night?

Mr. FRITZ. No, sir.

Mr. BALL. Now, the next morning you checked him out of jail?

Mr. FRITZ. Yes, sir; the 24th we had him down in the morning, yes, sir.

Mr. BALL. Who was present that time?

Mr. FRITZ. That time here at 9:30 in the morning, one of the postal inspectors, Mr. Holmes, Mr. Sorrels, Mr. Bookhout, and I am not sure about Mr. Sorrels staying in there all the time. He was in there part of the time, and that is the time that I showed him the map, too, that morning with these markings on it.

Mr. BALL. What did he say?

Mr. FRITZ. Well, he said they didn't mean anything. Those markings were places he had gone looking for work. I asked him at that time, too, more about his religious beliefs, and Inspector Kelley asked him what he thought about religion and he said he didn't think too much of it. I believe he said of the philosophy of religion.

So he asked him two or three other questions and he was a little evasive so I asked him if he believed in a deity. He said he didn't care to discuss that with me.

Mr. BALL. What else was said?

Mr. FRITZ. I asked him, too, I believe on that same morning, I asked him more about his political beliefs and he told me he didn't belong to any political party and he told me he was a Marxist but that he wasn't a Marxist-Leninist, that he was just a Marxist, and that he again told me that he believed in the Castro revolution. That is the morning of the transfer.

Mr. BALL. You asked him about the gun again, didn't you?

Mr. FRITZ. I asked him about a lot of things that morning, I sure did.

Mr. BALL. Tell us about it.

Mr. FRITZ. He denied anything about Alek Hidell, and again about his belief in the Fair Play for Cuba.

Mr. BALL. What about the rifle?

Mr. FRITZ. I asked him about the Neely Street address and he denied that address. He denied having a picture made over there and he even denied living there. I told him he had people who visited him over there and he said they were just wrong about visiting.

Mr. BALL. Did you ask him again about the rifle, did you ask him if that was the picture, that that rifle was his?

Mr. FRITZ. Yes, sir; I am sure I did.

Mr. BALL. Look at your notes.

Mr. FRITZ. All right, sir. Yes, sir; I did. I asked him again if that was his picture holding the rifle and he said it was not.

Mr. BALL. What did he say?

Mr. FRITZ. He denied it. He said he didn't have any knowledge of the picture at all. He said someone else had made it, he didn't know a thing about it or the rifle.

Mr. BALL. Didn't you also that same morning again ask him if he brought a sack with him to work on the morning the President was killed?

Mr. FRITZ. Well, I asked him, I believe that morning I might have asked him that. I believe I asked him about the sack.

Mr. BALL. Without looking at your notes there let me ask you this.

Mr. FRITZ. All right.

Mr. BALL. When you did ask him about the sack, you did ask him about it, a sack at one time bringing a sack to work that morning?

Mr. FRITZ. Yes; I did.

Mr. BALL. And you asked him the size and shape of the sack, didn't you?

Mr. FRITZ. He never admitted bringing the sack. I showed him the size probably in asking him if he brought a sack that size and he denied it. He said he brought his lunch was all he brought.

Mr. BALL. Didn't he say when you asked him the size and shape of the sack that he had with him, he said, "I don't recall, it may have been a small sack or a large sack. You don't always find one that fits your sandwiches," something like that.

Mr. FRITZ. That might be true but he said it was a small sack. He said it was a lunch sack.

Mr. BALL. Didn't you ask him where he usually kept his sacks, how he carried it when he came to work in the car?

Mr. FRITZ. I asked him where he had the sack—his lunch, and he said he had it in the front seat with him.

Mr. BALL. Did you ask him if he put any sack in the back seat?

Mr. FRITZ. He said he did not.

Mr. BALL. Did you tell him that Frazier had told you that he had had a long parcel and placed it in the back seat?

Mr. FRITZ. I am not sure about saying Frazier, I am looking at this note to see if I did.

Mr. BALL. The driver of the car—

Mr. FRITZ. I remember telling him that someone told me that and I might have told him that two people saw him because not only Frazier but Frazier's sister saw that package, you know, and I did question him about that.

Mr. BALL. Did he say anything like this? "He might be mistaken or perhaps thinking about some other time when he picked me up."

Mr. FRITZ. That is probably right.

Mr. BALL. Do you remember that?

Mr. FRITZ. I don't remember it this time but if it is in that note that is probably right.

Mr. BALL. On the curtain rods story, do you remember whether you ever asked him if he told Frazier that he had curtain rods in the package?

Mr. FRITZ. If I asked him what, please, sir?

Mr. BALL. Did you ever ask Oswald whether or not he had told Frazier that he had curtain rods in the package?

Mr. FRITZ. I am sure I did but I can't remember that right now. But I am sure I asked him that because I must have asked him that because I asked him a lot of questions, I asked him if he was fixing his house, I remember asking about that, and he said he was not.

Mr. BALL. He said he was what?

Mr. FRITZ. He was not.

Mr. BALL. He said he was not fixing it?

Mr. FRITZ. Yes.

Mr. BALL. Do you know what he said in reply to your question?

Mr. FRITZ. No, sir; I don't remember what he said about that.

Mr. BALL. Was he questioned about post office boxes that morning?

Mr. FRITZ. Yes, sir; I did, I asked him about those post office boxes, because the postal inspector had told us about those boxes, and Mr. Holmes did most of the talking to him about the boxes, and he knew about the boxes and where

they were, and he said he had, and I asked him too if he had ordered a rifle to be shipped to one of those boxes, and he said he had not, to one of those box numbers.

Mr. BALL. Did you ask him why he had the boxes?

Mr. FRITZ. He told me that he had, one of the boxes, if I remember correctly, he never admitted owning at all. The other box he told me he got his, he kept to get his mail, that he said he got some papers from Russia and correspondence with people from Russia and he used that box for his mail.

Mr. BALL. How long did you talk to him this morning of November 24?

Mr. FRITZ. Morning, well, let's see, I am not sure what time we started talking to him.

Mr. BALL. 9:30.

Mr. FRITZ. 9:30, we talked to him then until about—I have the exact time here.

Mr. BALL. Can we cut it shorter, your records show 11:15 in your office.

Mr. FRITZ. Here it is, 11:15.

Mr. BALL. Is that right?

Mr. FRITZ. Yes, sir.

Mr. BALL. First of all, I am going to go through some generally without identifying the particular place but just the subject matter.

In an interview with him you did ask him about the pistol, didn't you?

Mr. FRITZ. Which pistol, the one he shot Tippit with?

Mr. BALL. The one he had with him when he was arrested.

Mr. FRITZ. Yes, sir; I asked him about it, yes, I did.

Mr. BALL. You asked him when he got it and where he got it?

Mr. FRITZ. He said he bought it in Fort Worth about 6 or 7 months ago.

Mr. BALL. How long ago?

Mr. FRITZ. 6 or 7 months.

Mr. BALL. Did he tell you where in Fort Worth?

Mr. FRITZ. No, sir; he wouldn't tell me.

Mr. BALL. Did you ask him?

Mr. FRITZ. Yes, sir; I asked him.

Mr. BALL. What did he say?

Mr. FRITZ. He just wouldn't tell me.

Mr. BALL. Did you ask him why he had five live .38 caliber bullets in his shirt?

Mr. FRITZ. Yes; in his pocket?

Mr. BALL. Yes.

Mr. FRITZ. No; I didn't ask him that.

Mr. BALL. You didn't ask him that?

Mr. FRITZ. No.

Mr. BALL. Now you did ask him about the photograph, his photograph, the photograph that was found in his garage?

Mr. FRITZ. That is right.

Mr. BALL. That shows him with a rifle and pistol?

Mr. FRITZ. Yes.

Mr. BALL. What did he say?

Mr. FRITZ. He said it was not his picture at all.

Mr. BALL. You did ask him if he had purchased a rifle from Klein's store in Chicago, Ill., didn't you?

Mr. FRITZ. Yes; I did.

Mr. BALL. What did he say?

Mr. FRITZ. He said he did not.

Mr. BALL. You did ask him how he explained the photograph, didn't you?

Mr. FRITZ. How he explained the photograph?

Mr. BALL. Yes.

Mr. FRITZ. I asked him about the photograph and he said someone else took it. It wasn't his picture at all. He said someone in the hall had taken his picture and made that photograph.

Mr. BALL. In other words, he said the face was his face but the picture was made by somebody superimposing his face?

Mr. FRITZ. That is right; yes.

Mr. BALL. He denied ever having lived on Neely Street, did he?

Mr. FRITZ. Yes, sir; he did.

Mr. BALL. And you asked him also if he had ever owned a rifle?

Mr. FRITZ. Yes, sir.

Mr. BALL. What did he say?

Mr. FRITZ. He said he had not. He said a long time ago he owned a small rifle.

Mr. BALL. What size did he say?

Mr. FRITZ. He didn't say. He said small rifle.

Mr. BALL. Did you ask him if he kept a rifle in Mrs. Paine's garage at Irving, Tex.?

Mr. FRITZ. Yes, sir; and I asked him if he brought it from New Orleans and he said no.

Mr. BALL. Did you ask him where he kept, if he did keep a rifle in a blanket?

Mr. FRITZ. I asked him if he kept it in a blanket and he said no.

Mr. BALL. Didn't you tell him someone told you he had kept it there?

Mr. FRITZ. Someone told me he had a rifle and wrapped in a blanket and kept it in the garage and he said he didn't. It wasn't true.

Mr. BALL. Did he at any time tell you when you asked him if he owned a rifle, did he say, "How could I afford to order a rifle on my salary of a dollar and a quarter an hour," something like that?

Mr. FRITZ. I don't remember that.

Mr. BALL. You asked him whether or not he shot President Kennedy, didn't you?

Mr. FRITZ. Yes, sir.

Mr. BALL. What did he say?

Mr. FRITZ. He said he did not.

Mr. BALL. And you asked him if he shot Governor Connally?

Mr. FRITZ. Yes, sir; he said he didn't do that, he said he didn't shoot Tippit.

Mr. BALL. With reference to where he was at the time the President was shot, did he tell you what floor of the building he was on?

Mr. FRITZ. I feel sure that he told me he was on the second floor.

Mr. BALL. Look at 136B.

Mr. FRITZ. All right, sir.

Mr. BALL. The second paragraph down, 136B.

Mr. FRITZ. Yes, sir; second floor; yes, sir. He said he usually worked on the first floor. I asked him what part of the building at the time the President was shot. He said he was having lunch at about this time on the first floor.

Mr. BALL. In his first interview you say that Hosty asked him if he had been to Mexico.

Mr. FRITZ. Yes; he did.

Mr. BALL. He denied it. Did he say he had been at Tijuana once?

Mr. FRITZ. I don't remember him saying he had been at Tijuana.

Mr. BALL. What did you remember him saying?

Mr. FRITZ. I remember him saying he had been to Russia, told me he had been to Russia, and was over there for some time, and he told Hosty that he had a record of that, knew he had been there, told him a number of things so far as that is concerned.

Mr. BALL. What did he say about Mexico?

Mr. FRITZ. Mexico, I don't remember him admitting that he had been to any part of Mexico.

Mr. BALL. What do you remember him saying?

Mr. FRITZ. I remember he said he did not go to Mexico City and I don't remember him saying he ever went to Tijuana.

Mr. BALL. In your report at 138E you have made a statement there of the conditions under which this interrogation proceeded, haven't you?

Mr. FRITZ. Yes; I did.

Mr. BALL. Will you tell us about that. You can describe it either as you state it here in your own words, but tell us what your difficulties were?

Mr. FRITZ. I can tell you in just a minute. My office is small as you know, it is a small office, it doesn't have too much room to begin with.

With all the outer office full of officers who all wanted to help and we were glad to have their assistance and help, and we appreciate it, but in the hallway we had some 200 news reporters and cameramen with big cameras and little cameras

and cables running on the floors to where we could hardly get in and out of the office.

In fact, we had to get two police officers assigned to the front door to keep them out of the office so we could work.

My office is badly arranged for a thing of this kind. We never had anything like this before, of course, I don't have a back door and I don't have a door to the jail elevator without having to go through that hall for 20 feet, and each time we went through that hallway to and from the jail we had to pull him through all those people, and they, of course, would holler at him and say things to him, and some of them were bad things, and some were things that seemed to please him and some seemed to aggravate him, and I don't think that helped at all in questioning him. I think that all of that had a tendency to keep him upset.

Mr. BALL. What about the interview itself?

Mr. FRITZ. Now the interview itself inside, of course, we did have a lot of people in the office there to be interviewing a man. It is much better, and you can keep a man's attention and his thoughts on what you are talking to him about better I think if there are not more than two or three people.

But in a case of this nature as bad as this case was, we certainly couldn't tell the Secret Service and the FBI we didn't want them to work on it because they would have the same interest we would have, they would want to do anything they could do, so we, of course, invited them in too but it did make a pretty big crowd.

Mr. BALL. Did you have any tape recorder?

Mr. FRITZ. No, sir; I don't have a tape recorder. We need one, if we had one at this time we could have handled these conversations far better.

Mr. BALL. The Dallas Police Department doesn't have one?

Mr. FRITZ. No, sir; I have requested one several times but so far they haven't gotten me one.

Mr. BALL. And you had quite a few interruptions, too, during the questioning, didn't you?

Mr. FRITZ. Yes, sir; we had quite a lot of interruptions. I wish we had had—under the circumstances, I don't think there is much that could have been done because I saw it as it was there and I don't think there was a lot that could have been done other than move that crowd out of there, but I think it would have been more apt to get a confession out of it or get more true facts from him if I could have got him to sit down and quietly talked with him.

Mr. BALL. While he was in your custody up to this time at 11:15, when he left your office what precautions did you take for his safety in custody?

Mr. FRITZ. In custody. We took all kinds of precautions to keep him, anyone from hurting him. We had an officer go with the jailer and back and we did everything we thought we could do.

As I told you a while ago we even put officers on the stage with him and when we couldn't do that put officers at the end of the stage with him so they could get quickly to him if anybody tried to hurt him or molest him.

Mr. BALL. In your office you always had officers with him?

Mr. FRITZ. Always, right near him.

Mr. BALL. When you went down this crowded hallway, how did you protect him?

Mr. FRITZ. There were officers went with him each time.

Mr. BALL. How many?

Mr. FRITZ. From three to six.

Mr. BALL. And in the jail, what did you do?

Mr. FRITZ. In the jail, I don't know. I didn't handle the jail.

Mr. BALL. You didn't handle the jail?

Mr. FRITZ. No, sir; I don't handle the jail. I am sure though they used more than average precautions up there.

Mr. BALL. When you left at 11:15, what was your purpose in leaving at 11:15?

Mr. FRITZ. To transfer him to the—you are talking about the 24th?

Mr. BALL. On the 24th, yes.

Mr. FRITZ. To transfer him to the county jail.

Mr. BALL. Had you been requested by Sheriff Decker to transfer him there before?

Mr. FRITZ. No, sir. I had talked to the chief about transferring him down there. The chief had called me on the 23d, on the 23d, I can't give you the exact minute, probably a little after noon, he had called me and asked me when we would be ready to transfer him and I told him we were still questioning him. We didn't want to transfer him yet. He said, "Can he be ready by about 4 o'clock? Can he be transferred by 4 o'clock?" I told him I didn't think we could.

Mr. BALL. That would be Saturday afternoon?

Mr. FRITZ. That would be the 23d, would be Saturday, yes, sir. Then he asked me could he be ready by 10 o'clock in the morning, so I could tell these people something definitely, and I felt sure we would be ready by then. However, we didn't, we ran overtime as you can see by this report, an hour and a half over, when they come over to transfer him.

Mr. BALL. Why did you say you would not be ready by 4 o'clock on Saturday?

Mr. FRITZ. We wanted to ask him some more questions, to get more information.

Mr. BALL. Did you consider transferring him at night?

Mr. FRITZ. At night?

Mr. BALL. Yes.

Mr. FRITZ. During the night on Saturday night, I had a call at my home from uniformed captain, Captain Frazier, I believe is his name, he called me out at home and told me they had had some threats and he had to transfer Oswald.

And I said, well, I don't know. I said there has been no security setup, and the chief having something to do with this transfer and you had better call him, because—so he told me he would.

Mr. BALL. Did you think—

Mr. FRITZ. He called me back then in a few minutes and he told me he couldn't get the chief and told me to leave him where he was. I don't think that transferring him at night would have been any safer than transferring, may I say this?

Mr. BALL. Yes.

Mr. FRITZ. Any safer than transferring him during the day. I have always felt that that was Ruby who made that call, I may be wrong, but he was out late that night and I have always felt he might have made that call, if two or three of those officers had started out with him they may have had the same trouble they had the next morning.

I don't know whether we had been transferring him ourselves, I don't know that we would have used this same method but we certainly would have used security of some kind.

Mr. BALL. Now weren't you transferring him?

Mr. FRITZ. Sir, yes, sir.

Mr. BALL. What do you mean if we were transferring him ourselves?

Mr. FRITZ. I mean transferring like I was told to transfer him.

Mr. BALL. I beg your pardon?

Mr. FRITZ. I was transferring him like the chief told me to transfer him.

Mr. BALL. How would you have transferred him?

Mr. FRITZ. I did do one thing here, I should tell you about. When the chief came back and asked me if I was ready to transfer him, I told him I had already complained to the chief about the big cameras set up in the jail office and I was afraid we couldn't get out of the jail with him with all those cameras and all those people in the jail office.

So when the chief came back he asked if we were ready to transfer and I said, "We are ready if the security is ready," and he said, "It is all set up." He said, "The people are across the street, and the newsmen are all well back in the garage," and he said "It is all set."

And at that time he told me, he said, "We have got the money wagon up there to transfer him in," and I said, "Well, I don't like the idea, chief, of transferring him in a money wagon." We, of course, didn't know the driver, nor who he was, nor anything about the money wagon, and he said, "Well, that is all right. Transfer him in your car like you want to, and we will use the money wagon

for a decoy, and I will have a squad to lead it up to the central expressway and across to the left on Elm Street and the money wagon can turn down Elm Street and you can turn down Main Street, when you get to Main Street, going to the county jail," and he told me he and Chief Stevenson would meet me at the county jail, that is when we started out.

Mr. BALL. How would you have done it if you were going to do it?

Mr. FRITZ. Well, I hesitate to say because it didn't work good this way. If I had done it like I would do it or usually do it or something and it hadn't worked I would be just in the same shape you know, and it would be just as bad, so I don't like to be critical of something because it turned out real bad.

You can kind of understand my—I know that our chief didn't know anything was going to happen or he surely wouldn't have told me to transfer it that way.

Mr. BALL. How would you have done it?

Mr. FRITZ. Well, we transferred Ruby the next day at about the same time, and I had two of the officers from my office to pick me up away from the office. We drove by the county jail, saw that the driveway was open. We had about the same threats on him that we did with Oswald. We saw that the driveway was open. I went back to the bus station and I called one of my officers upstairs, gave him the names of two other officers, told him to get those two officers and not tell anyone even in the office where they were going, mark Ruby transferred temporarily, which means coming to the office or going for some fingerprints or anything, mark him transferred temporarily, bring him down to the jail elevator at the bottom of the jail, put two of them to stay in the jail elevator with him. For the other one to come to the outside door and when he saw our car flush with the door, bring that man right through those cameras and put him in the back seat, and they did, they shot him right through those people and they didn't even get pictures and we had him lie down on the back seat and two officers lean back over him and we drove him straight up that same street, turned to the left down Main Street, ran him into the jail entrance, didn't even tell the jailer we were coming and put him in the jail. It worked all right.

But now if it hadn't worked, you know, I don't want to be saying that I know more about transferring than someone else, because this could happen to me. I could see if it happened to Ruby, I would have had all the blame.

Mr. BALL. Now, if on that morning at 11:15 you planned to transfer him, didn't you, according to the chief's orders?

Mr. FRITZ. Yes, sir; I did.

Mr. BALL. And you were through questioning him, weren't you?

Mr. FRITZ. Sir?

Mr. BALL. You were all through questioning him?

Mr. FRITZ. Yes, sir; we had everything that we could do at that time. I would have talked to him later in the county jail but we didn't need to hold the man any longer.

Mr. BALL. Had he been handcuffed?

Mr. FRITZ. Yes, sir; and I told—he was already handcuffed, and I told one of the officers to handcuff his left hand to Oswald's right hand, and to keep him right with him.

Mr. BALL. That was Leavelle?

Mr. FRITZ. Leavelle, yes, sir. He first started the other hand on the other side, and I told Officer Graves to get on the other side and Montgomery to follow him, and I would go down and an officer by the name of Swain who works across the hall from us came over and offered to help us, he went down the jail elevator and he went out ahead of me and I went out in back of him and I was approaching our car to open the back door to put him in, they were having a terrible time to get the car in through the people—they were crowding all over the car—and I heard the shot and I turned just in time to see the officers push Ruby to the pavement.

Mr. BALL. When you came out of the jail door were the lights on?

Mr. FRITZ. Yes, sir; the lights were on. I don't believe they were on as we came to the door, but they came out immediately as we were coming out of the door, and I asked one of the officers, two of them answered me if everything was secure and they said everything was all right. So we came out.

Mr. BALL. What about the lights?

Mr. FRITZ. The lights were almost blinding.

Mr. BALL. Did you see the people in the crowd?

Mr. FRITZ. I could see the people but I could hardly tell who they were, because of the lights. I have been wearing glasses this year and with glasses those lights don't help you facing a bright light like that, the lights were glaring.

Mr. BALL. How far ahead of Ruby were you?

Mr. FRITZ. Well. I thought they were right behind me almost but I noticed from the picture they were a little further back than I actually thought they were, probably where Mr. Baker is to this gentleman. I believe maybe a little bit farther than that, maybe about—

Mr. BALL. How far behind Oswald were you, how far behind Oswald. Oswald was behind you?

Mr. FRITZ. Behind me.

Mr. BALL. How many feet would you say?

Mr. FRITZ. In feet I would say probably 8 feet.

Mr. BALL. Did you ever know of Jack Ruby?

Mr. FRITZ. No, sir; I never did know him. I never knew him at all. Some of the officers knew him. But I never knew him.

Mr. BALL. Were there any flashbulbs or were they just steady beams of light?

Mr. FRITZ. I didn't see any flashing lights. These were steady blinding lights that I saw. That I couldn't see, you might say.

Mr. DULLES. These were television cameras?

(Discussion off the record.)

Mr. BALL. Did you hear of Warren Reynolds?

Mr. FRITZ. Warren Reynolds?

Mr. BALL. Who was shot sometime afterwards?

Mr. FRITZ. Used car lot man?

Mr. BALL. Used car lot?

Mr. FRITZ. Yes, sir; I talked to him. He was shot through the head.

Mr. BALL. Yes.

Mr. FRITZ. I didn't talk to him very long because I didn't have to talk to him long or I didn't have to talk to him very long but he told me two or three different stories and I could tell he was a sick man and he had no doubt brain damage from that bullet and he is apt to say anything.

Mr. BALL. What did he say?

Mr. FRITZ. He told me that—he told me two or three stories, one story he told me when they first brought him into me, for me to talk to him, he told me that he saw this Ruby coming down there and he told him—he said he followed him up and saw which way he went.

Mr. BALL. Ruby?

Mr. FRITZ. Saw Oswald.

Mr. BALL. Oswald?

Mr. FRITZ. Yes, Oswald, and I questioned him further and I asked him, how far, how close was the closest you were ever to him, how far were you from him? He said, well, from that car lot across the street there. Well, of course, if he had been at a car lot across the street it would be difficult to follow him on the sidewalk. It would be quite difficult so I talked to him for just a short time and I didn't bother with him any more.

I already had some history on him because the other bureau, the forgery bureau had been handling him and they had already told me a lot about him. They discounted anything that he told.

Mr. BALL. Did you find out who shot him and why he was shot?

Mr. FRITZ. This man on the car lot?

Mr. BALL. Yes.

Mr. FRITZ. They think it might have been over a car deal but they are not positive and I don't know that he will ever tell them.

Mr. BALL. Have you ever discovered any connection between the shooting of Warren Reynolds and the killing?

Mr. FRITZ. Never.

Mr. BALL. The assassination of the President?

Mr. FRITZ. None at all.

Mr. BALL. The killing of Tippit?

Mr. FRITZ. No; we found nothing. We checked it.

Mr. BALL. Any connection between Oswald and Warren Reynolds or Ruby and Warren Reynolds?

Mr. FRITZ. We found no connection. We had all kinds of rumors, of course, that they were connected, and we didn't find anything.

Mr. BALL. Did you investigate it?

Mr. FRITZ. Yes, sir; I had some officers investigate it, and the forgery bureau investigated him because they were already working on the shooting case. They handled all the shootings where people are not killed.

Mr. BALL. I see.

Had you originally planned to be in the motorcade, had you been ordered to be?

Mr. FRITZ. At first?

Mr. BALL. Yes, sir.

Mr. FRITZ. I had been; yes, sir.

Mr. BALL. Then it was changed, what day?

Mr. FRITZ. Ten o'clock the night before the parade, I got a call at home telling me that my assignment had been changed and told me to go to the speaker's tent.

Mr. BALL. Who called you?

Mr. FRITZ. Chief Stevenson.

Mr. BALL. Do you think that made any difference?

Mr. FRITZ. I don't know. I wouldn't want to say because it is like telling about those transfers, where we would have been in that parade we would have been pretty close under that window we might have had a man shot or have good luck or bad luck.

Mr. DULLES. I didn't quite get you where were you to be in the motorcade if you had been?

Mr. FRITZ. Right behind the Vice President's car.

Mr. DULLES. Behind the Vice President's car?

Mr. FRITZ. Yes, sir.

Mr. DULLES. Had there been a plan for a car in front of the President's car?

Mr. FRITZ. I don't know, I didn't make the arrangements for the parade. That was only—those were the only instructions I had—was that one assignment.

Mr. BALL. Did you—do you feel any resentment toward the Secret Service or the FBI men because they were in your office?

Mr. FRITZ. Oh, no, no, because I work with them all the time.

Mr. BALL. You do?

Mr. FRITZ. Mr. Bookhout is in my office with the FBI. My books are all on the outside and they check my books as often as I do.

Mr. BALL. Well, do you think you could have done a better job perhaps if there hadn't been some investigators?

Mr. FRITZ. I don't know, that would be kind of a bad question.

Mr. BALL. I mean questioning Oswald.

Mr. FRITZ. Maybe they would have done better if I hadn't been there.

Mr. DULLES. How was the cooperation, was it pretty good between the Secret Service and the FBI?

Mr. FRITZ. We got along fine with the Secret Service and FBI a hundred percent.

Mr. McCLOY. Captain Fritz, did you have charge of the attempted shooting of General Walker?

Mr. FRITZ. No; that wasn't homicide, it would be handled by Captain Jones, it would have been the other bureau.

Mr. McCLOY. Captain Jones. Have we examined Captain Jones?

Mr. HUBERT. A deposition has been taken.

Mr. DULLES. You had nothing to do with the investigation of the Walker case?

Mr. FRITZ. Not at all. That happened to be Captain Jones and Lieutenant Cunningham.

Mr. DULLES. Did that case come up at all in any of your interrogations of

Oswald? Did you ever ask him whether he was involved or anything of that sort?

Mr. FRITZ. I don't think that I ever asked him about that. If I did, I don't remember it. I don't remember asking about that, asking him about that at all. We had a little information on it but I didn't want to mix it up in that other case and I didn't want to mix it up.

Mr. McCLOY. I would like to go back some distance. When you first went into the building there.

Mr. FRITZ. Yes, sir.

Mr. McCLOY. And as of your knowledge, when did the first broadcast go out of a description of Oswald, according to what information you had on the subject?

Mr. FRITZ. I wouldn't have that because I hadn't heard a broadcast of a description when I went into the building. So if one went out it probably was after I went in.

Mr. McCLOY. When Mr. Truly told you that one of his men was missing?

Mr. FRITZ. Yes, sir; then he gave me a description of him.

Mr. McCLOY. And he gave you a description at that time?

Mr. FRITZ. Yes; home address.

Mr. McCLOY. That was his home address and also a description?

Mr. FRITZ. His home address and a description, what he looked like, his age, and so forth.

Mr. McCLOY. Now that description, to whom was that description given?

Mr. FRITZ. Well, I never did give it any anyone because when I got to the office he was there.

Mr. McCLOY. He was there when you got to the office?

Mr. FRITZ. Yes.

Mr. McCLOY. I understand——

Mr. FRITZ. I think I could help you a minute about that description that went out over the radio but I didn't hear it. When I got to the building, some officer there told me, said we think the man who did the shooting out of the window is a tall, white man, that is all I had. That didn't mean much you know because you can't tell five or six floors up whether a man is tall or short.

Mr. McCLOY. Did you question the colored men that were on the fifth floor?

Mr. FRITZ. I talked to part of them. Most of them were questioned by the other officers, investigating officers I had assigned there; yes, sir. I talked to very few of them. I did do this. I did assign an officer to take affidavits from all of those people.

Mr. McCLOY. Were you present at the showup at which Brennan was the witness?

Mr. FRITZ. Brennan?

Mr. McCLOY. Brennan was the alleged——

Mr. FRITZ. Is that the man that the Secret Service brought over there, Mr. Sorrels brought over?

Mr. McCLOY. I don't know whether Mr. Sorrels——

Mr. FRITZ. I don't think I was present but I will tell you what, I helped Mr. Sorrels find the time that that man—we didn't show that he was shown at all on our records, but Mr. Sorrels called me and said he did show him and he wanted me to give him the time of the showup. I asked him to find out from his officers who were with Mr. Brennan the names of the people that we had there, and he gave me those two Davis sisters, and he said, when he told me that, of course, I could tell what showup it was and then I gave him the time.

Mr. McCLOY. But you were not present to the best of your recollection when Brennan was in the showup?

Mr. FRITZ. I don't believe I was there, I doubt it.

Mr. McCLOY. Did you ever inspect these premises on Neely Street?

Mr. FRITZ. Yes, sir; I did. With the Secret Service. We went over there and we searched that apartment thoroughly. It was vacant. The man came over that owned it, opened the house for us, we searched it thoroughly and went through the yard and made some pictures in the backyard exactly like that with another man, of course, holding the papers.

Mr. McCLOY. Are the pictures in the record?

Mr. FRITZ. Yes, sir; we have them in the record, the ones we made over there. I suppose you have them here.

Mr. McCLOY. Do we have the pictures?

Mr. BALL. I don't believe we have any pictures that you made.

Mr. FRITZ. Of the one we made over in the backyard.

Mr. McCLOY. I think it is important we get those because of the charge this picture was doctored. Have a picture of the premises which these pictures were taken.

Mr. BALL. Maybe Lieutenant Day has them.

Mr. FRITZ. No, sir; those pictures were made with—we have them, I am sure of that, our men made the pictures. I believe we have them right here. Maybe we didn't bring them, but we have them.

Mr. BALL. Could you send them to us?

Mr. FRITZ. Yes; Lieutenant Day may have some with him. His men have them.

Mr. BALL. Maybe Lieutenant Day has them. I have a few questions here. You mentioned that Hosty, the first day he was there you said that he said he knows these people. Did he tell you that he knew Oswald?

Mr. FRITZ. Well, I will tell you, he wasn't talking to me really.

Mr. BALL. What did he say to Oswald?

Mr. FRITZ. That was the agent—what did Hosty say to Oswald?

Mr. BALL. Yes.

Mr. FRITZ. Or what did——

Mr. BALL. Did Hosty say?

Mr. FRITZ. I thought you meant what about Shanklin said to Hosty.

Mr. BALL. Did Hosty say to you that he knew Oswald?

Mr. FRITZ. I heard Mr. Shanklin tell Mr. Hosty on the telephone. I had Mr. Bookhout pick up the telephone and I had an extension.

Mr. BALL. What did he hear?

Mr. FRITZ. He said is Hosty in that investigation, Bookhout said no. He said, "I want him in that investigation right now because he knows those people he has been talking to," and he said some other things that I don't want to repeat, about what to do if he didn't do it right quick. So I didn't tell them that I even knew what Mr. Shanklin said. I walked out there and called them in.

Mr. BALL. Was Oswald handcuffed at all times during the interrogation?

Mr. FRITZ. I believe he was; yes, sir, I believe we kept him handcuffed at all times. The first time we brought him in he was handcuffed with his hands behind him and he was uncomfortable and I had the officers change them and put his hands up front.

Mr. BALL. Was he fed any time during that day?

Mr. FRITZ. Yes, sir; he was. I don't remember buying him something to eat. I usually do, if they are hard up in jail at the time I buy something to eat but some of the other officers remember me buying him food but the only thing he would drink was I believe some milk and ate a little package of those crackers sandwiches and one of the other officers bought him a cup of coffee and that is all he would either eat or drink, that is all he wanted.

Mr. BALL. Now he talked to his wife and——

Mr. FRITZ. And his mother.

Mr. BALL. And his brother, Robert?

Mr. FRITZ. Yes, sir; I am pretty sure he did.

Mr. BALL. Where did he talk to them?

Mr. FRITZ. I believe that would be up in the jail. He didn't want them in my office.

Mr. BALL. Do you have that jail——

Mr. FRITZ. Wait just one second. No, sir; that was in the jail.

Mr. BALL. Is the jail wired so that you can listen to conversations?

Mr. FRITZ. No, sir; it isn't. Sometimes I wish I could hear some of the things they say but we don't.

Mr. BALL. In other words, you don't monitor conversations?

Mr. FRITZ. No, sir; we let them talk to anyone they want to. If they are allowed to use the telephone, of course, they are allowed free use of it. Sometimes they do a little better than that. Sometimes they place a long distance call and charge it to the city.

Mr. McCLOY. When you went in, Captain Fritz, and you saw the site which Oswald is alleged to have fired the shot from—

Mr. FRITZ. Yes, sir.

Mr. McCLOY. Did you see any signs of a lunch there, a chicken there?

Mr. FRITZ. No, sir; I will tell you where that story about the chicken comes from. At the other window above there, where people in days past, you know had eaten their lunches, they left chicken bones and pieces of bread, all kinds of things up and down there. That isn't where he was at all. He was in a different window, so I don't think those things have anything to do with it. Someone wrote a story about it in the papers, and we have got all kinds of bad publicity from it and they wrote in telling us how to check those chicken bones and how to get them from the stomach and everything.

Mr. DULLES. What was Oswald's attitude toward the police and police authority?

Mr. FRITZ. You know I didn't have trouble with him. If we would just talk to him quietly like we are talking right now, we talked all right until I asked him a question that meant something, every time I asked him a question that meant something, that would produce evidence he immediately told me he wouldn't tell me about it and he seemed to anticipate what I was going to ask. In fact, he got so good at it one time, I asked him if he had had any training, if he hadn't been questioned before.

Mr. DULLES. Questioned before?

Mr. FRITZ. Questioned before, and he said that he had, he said yes, the FBI questioned him when he came back from Russia from a long time and they tried different methods. He said they tried the buddy boy method and thorough method, and let me see some other method he told me and he said, "I understand that."

Mr. DULLES. Did you ask him whether he had had any communist training or indoctrination or anything of that kind?

Mr. FRITZ. I asked him some questions about that and I asked him where he was in Russia. He told me he was in Russia, first I believe he told me, first I believe he said in Moscow, and then he said he went to Minsk, Russia, and I asked him what did you do, get some training, go to school? I suspected he had some training in sabotage from the way he talked and acted, and he said "no, I worked in a radio factory." He acted like a person who was prepared for what he was doing.

Mr. DULLES. Have you any views of your own as to motive from your talks with him? Did you get any clues as to possible motive in assassinating the President?

Mr. FRITZ. I can only tell you what little I know now. I am sure that we have people in Washington here that can tell far more than I can.

Mr. DULLES. Well, you saw the man and the others didn't see the man.

Mr. FRITZ. I got the impression, I got the impression that he was doing it because of his feeling about the Castro revolution, and I think that he felt, he had a lot of feeling about that revolution.

(At this point the Chief Justice entered the hearing room.)

Mr. FRITZ. I think that was the reason. I noticed another thing. I noticed a little before when Walker was shot, he had come out with some statements about Castro and about Cuba and a lot of things and if you will remember the President had some stories a few weeks before his death about Cuba and about Castro and some things, and I wondered if that didn't have some bearing. I have no way of knowing that other than just watching him and talking to him. I think it was his feeling about his belief in being a Marxist, I think he had—he told me he had debated in New Orleans, and that he tried to get converts to this Fair Play for Cuba organization, so I think that was his motive. I think he was doing it because of that.

Mr. DULLES. Did he express any animosity against anyone, the President or the Governor or Walker or anybody?

Mr. FRITZ. No, sir; he did not. Not with me he didn't.

Mr. DULLES. Not with you?

Mr. FRITZ. No, sir. He just, the fact he just didn't talk about them much. He just didn't say hardly anything. When I asked him he didn't say much about them.

Mr. McCLOY. You knew Officer Tippit?

Mr. FRITZ. I wanted to tell you one thing before I forget. One time I asked him something about whether or not, either I asked him or someone else in there asked him, if he thought he would be better off, if he thought the country would be better off with the President killed and he said, "Well, I think that the Vice President has about the same views as the President has." He says he will probably do about the same thing that President Kennedy will do.

Mr. DULLES. Oswald said that to you?

Mr. FRITZ. Either to me or someone, it could be one of the other officers who asked that question while they were talking about him.

Mr. McCLOY. Of course, you knew Officer Tippit?

Mr. FRITZ. I didn't know him. I didn't know him. No, sir.

Mr. McCLOY. He didn't work directly under you?

Mr. FRITZ. I looked at his record and saw that the chief of the personnel file and I looked at the personnel file and I talked to a number of officers who did know him and they speak very highly.

Mr. DULLES. Have you ever reviewed his record since these events?

Mr. FRITZ. I didn't exactly review it but I read a good part of it and the chief read a good part of it to me.

Mr. DULLES. The record is good?

Mr. FRITZ. The record is good. It was average, it looked better than a lot of them do. It is all right. It had the same little things that happen to most officers, maybe some little complaint about something minor, nothing of any consequence.

Mr. McCLOY. So far as you know he had no connection with Ruby?

Mr. FRITZ. I am sure he did not. I think I know what you people have probably heard. We hear all kinds of rumors down our way and I am not trying to volunteer a lot of things here. I know you have a lot of business to do, have you heard something about some connection between Oswald and Ruby and Tippit, and some fourth person, I heard some story, we didn't find any ground for it at all. We didn't find any connection of any kind that would connect them together. I can't even find a connection between Ruby and Oswald and I can't place them in the same building at the same time nor place them in the same building together, YMCA, one of them lived there and one of them was taking some kind of an athletic course there.

Mr. McCLOY. But not at the same time?

Mr. FRITZ. Well, I can't place them there at the same time; no, sir.

Mr. DULLES. Have you discovered any connection between any of your officers and Ruby?

Mr. FRITZ. Well, I think a lot of the officers knew Ruby. I think about two or three officers in my office knew him, and I think practically all of the special service officers who handle the vice and the clubs and the liquor violations, I think nearly all of them knew him and, of course, the officer knew him who had arrested him carrying pistols a time or two, two or three times, uniformed officer mostly. He seemed to be well known. It seems a lot of people in town knew him. But I never was in his place and I didn't know him. Twenty years ago I might have been in his place.

Mr. BALL. Captain Fritz, from being with Oswald for a couple of days what were your impressions about him? Was he afraid, scared?

Mr. FRITZ. Was he afraid?

Mr. BALL. Yes.

Mr. FRITZ. No, sir; I don't believe he was afraid at all. I think he was a person who had his mind made up what to do and I think he was like a person just dedicated to a cause. And I think he was above average for intelligence.

I know a lot of people call him a nut all the time but he didn't talk like a nut. He knew exactly when to quit talking. He knew the kind of questions, I could talk to him as long as I wanted to if I just talked about a lot of things that

didn't amount to anything. But any time I asked him a question that meant something he answered quick.

Mr. BALL. Did you ever hear of a lawyer in Chicago that called up and offered to help Ruby?

Mr. FRITZ. Some lawyer from Chicago sent him a wire.

Mr. BALL. Did you see the wire?

Mr. FRITZ. I saw the wire; yes.

Mr. BALL. Do you know who the lawyer was?

Mr. FRITZ. No, sir; I don't remember his name. I believe he probably had it delivered to the jail.

Mr. BALL. To Oswald, a lawyer from Chicago offered his services to Oswald?

Mr. FRITZ. Yes; Ruby too. But I am talking about the one to Oswald. I don't know that I would even know his name if I heard it.

Mr. BALL. We have some pictures here from the crime laboratory as we have marked Exhibits 712, 713, and 714. The witness has already identified a picture of Oswald. I show you this, Captain, can you tell me which one of these pictures on Exhibit 714 that you showed to Oswald the day when you interrogated him, asked him if that was his picture?

Mr. FRITZ. It is the one with the two papers in his hand.

Mr. BALL. The one to the right. Did you ever show him the one to the left?

Mr. FRITZ. I don't think so.

Mr. BALL. We offer 713, 712, and 714 as two pictures taken.

Mr. FRITZ. These are the pictures I told about a while ago.

Mr. BALL. They were taken by your crime lab?

Mr. FRITZ. Our crime lab took these pictures when I went over there with Mr. Sorrels.

Mr. BALL. Where were they taken?

Mr. FRITZ. In the backyard of the Neely Street address. If you will note, you will see in this picture, you notice that top right there of this shed. Of course, this picture is taken up closer, but if you step back further you can see about where the height comes to on that shed right there. Not exactly in the same position.

Mr. BALL. I offered these. (Commission Exhibits Nos. 712, 713, and 714 were admitted.)

Mr. FRITZ. It shows the gate.

Mr. BALL. Indicating the location of the picture taken—this set will indicate the pictures were all taken at the Neely Street backyard.

Mr. DULLES. You recall the date of these pictures, in April?

Mr. FRITZ. I believe they will be dated on the back of them.

Mr. DULLES. April, so the trees would be about the same.

Mr. BALL. When were the pictures taken by your crime lab?

Mr. FRITZ. I am not sure but I believe the date will be on the back of the picture. November 29, 1963. Picture made by Officer Brown who works in the crime lab.

Mr. BALL. Captain, I would like to ask you some more questions about your prisoner.

Mr. FRITZ. All right, sir.

Mr. BALL. The first day that you had Oswald in custody, did you get a notice from the FBI, any of the FBI officers that there had been a communication from Washington suggesting that you take extra precautions for the safety of Oswald?

Mr. FRITZ. No, sir; there was not.

Mr. BALL. Do you recall whether or not on Friday—

The CHAIRMAN. What was your answer to that?

Mr. FRITZ. I did not, I got no such instructions. In fact, we couldn't—we would have taken the precautions without the notice but we did not get the notice, I never heard of that.

Mr. BALL. Do you recall that on Friday, November 22, Wade asked you or did he or didn't District Attorney Wade ask you to transfer Oswald to the county jail for security?

Mr. FRITZ. That would be on the night of the 22d?

Mr. BALL. On the night of the 22d.

Mr. FRITZ. Yes, sir; he asked me if I would transfer him that night.

Mr. BALL. What did you tell him?

Mr. FRITZ. I told him we didn't want to transfer him yet. We wanted to talk to him some more. We talked a little bit. He didn't actually want him transferred. He just was more or less talking about whether or not we wanted to transfer him.

Mr. BALL. Now on Saturday Decker called you and asked you to transfer him?

Mr. FRITZ. On Saturday did he call me and ask me to transfer him?

Mr. BALL. Yes, that would be the 23d.

Mr. FRITZ. No, sir; he did not.

Mr. BALL. Did Chief Curry tell you that Decker had called or anything of that sort?

Mr. FRITZ. Yes, sir; when I was talking to Chief Curry on one of those conversations, I don't think it is the conversation now when he told me about the hours, I think it is another conversation, I told him, I said, "I don't know whether we were going to transfer him or Decker was going to transfer him," and Chief Curry said, "We are going to transfer him, I have talked to Decker, we are going to transfer him."

Mr. BALL. When were the plans for the transfer made?

Mr. FRITZ. When were the plans made?

Mr. BALL. Yes; do you know?

Mr. FRITZ. I don't know about that. The only thing I know is what I told you about when the chief told me about would he be ready by 10 o'clock that morning, and I told him I thought we could.

Mr. BALL. You didn't make the plans yourself?

Mr. FRITZ. No, sir.

Mr. BALL. They were made by the chief?

Mr. FRITZ. Yes, sir; they were made by the chief.

Mr. BALL. When did the chief first tell you what the plans were?

Mr. FRITZ. That was on the 23d. He didn't tell me about all the plans, of course, at that time because I told you when he came up to tell us about that, when he asked when we were ready to go he told me about the armored car, that is the first I had ever heard of that.

Mr. BALL. Did you ever tell any of the press the time that Oswald would be moved?

Mr. FRITZ. No, sir; I don't believe I did. I was interrogated by a bunch of them as I started to leave the office on the night of the 23d. As we started to the elevator, a group of us from my office, and some of the FBI officers, we started to the elevator some 10 or 20 reporters came up and said the chief said we were going to transfer him at 10 o'clock the next morning and if we were and I didn't talk to them so I don't think I ever said much if anything to them because I know one of them followed me almost to my parking lot, I know, asking me questions about the transfer.

Mr. BALL. At 11:15 when they left your office, do you know whether or not there was any broadcast over your radio as to your movements?

Mr. FRITZ. On our radio?

Mr. BALL. Yes.

Mr. FRITZ. I wouldn't know.

Mr. BALL. Or on any radio, were there any radio broadcasters on your floor at that time?

Mr. FRITZ. Any of those newsmen?

Mr. BALL. Newsmen?

Mr. FRITZ. Oh, yes; they might not have been on the floor but they were all down in the basement. You are talking about the morning of the 24th?

Mr. BALL. On the morning of the 24th when you were moving?

Mr. FRITZ. Any number of them downstairs. I don't remember whether there were any upstairs or not. There probably was maybe a few of them because I don't think there was any time when there wasn't a few of them up there, but we didn't leave through that hall and go through the elevator. We went through the mail elevator.

Mr. BALL. On the 22d and 23d, the third floor was full of newspapermen and photographers?

Mr. FRITZ. Yes, sir; all the time, completely full.

Mr. BALL. Had they left the third floor on the 24th?

Mr. FRITZ. A lot of them had; yes, sir. A lot of them had, and were downstairs in the basement.

Mr. BALL. How about the television cameras?

Mr. FRITZ. I noticed—television cameras, they were downstairs too.

Mr. BALL. They weren't up on the third floor?

Mr. FRITZ. I don't believe—there could have been one or two of them left up there, I don't think many of them were still up there.

Mr. BALL. Most of them were downstairs?

Mr. FRITZ. Most of them were downstairs. I wouldn't say there weren't any up there because I don't think there was any time when there wasn't at least a few of them up there.

Mr. BALL. Now, when you went down the jail elevator and you said you got out and went forward to see if everything was secure. What did you mean by that?

Mr. FRITZ. Well, I meant if everything, it was all right for us to go to our car with him. We didn't want to leave the jail office with him unless everything was all right because as long as we were in the jail office we could put him back in the elevator and if everything wasn't all right, I didn't want to come out with him.

Mr. BALL. And you went ahead, didn't you?

Mr. FRITZ. Yes, sir; first Lieutenant Swain and then I went out and then the other officers followed me with the prisoner.

Mr. BALL. Was the car there you were going to get in?

Mr. FRITZ. Yes, sir.

Mr. BALL. Had you reached the car yet?

Mr. FRITZ. I was just in the act of reaching for the door to open the back door, I looked at that picture, and it doesn't show the exact distance I was from the car but I couldn't have been any further than reaching distance.

Mr. BALL. When you left, or after Ruby shot Oswald, he was taken upstairs, wasn't he?

Mr. FRITZ. Yes, sir; he was. He was first carried into the jail office, you mean Ruby?

Mr. BALL. Ruby, when Ruby shot Oswald?

Mr. FRITZ. Oswald was carried into the jail office and put on the floor there. Ruby was brought into the jail office. Now I believe that Ruby was brought into the jail office after Oswald, I believe Oswald was already on the floor or behind there because I know the officers had taken Ruby upstairs went behind me and I saw them pass behind me with him to the jail.

Mr. BALL. Did you talk to Ruby?

Mr. FRITZ. Did I talk to him; no, sir; I talked to him later.

Mr. McCLOY. I wonder if at this time you would want a little recess?

Mr. FRITZ. No, sir; I am comfortable.

Mr. McCLOY. I think we kept the chief on a little bit too long this morning.

Mr. FRITZ. If it is all right with you.

Mr. BALL. Did you talk to Ruby at that time?

Mr. FRITZ. No, sir; not at that time.

Mr. BALL. Later?

Mr. FRITZ. I talked to him later, probably an hour later. I guess I have the exact time here if you need it.

Mr. BALL. What did Ruby say to you, do you have the exact time?

Mr. FRITZ. Well, he told me, I told him, I, of course, wanted to know something about premeditation because I was thinking about the trial too and I told him I wanted to ask him some questions and he said, well, he first said, "I don't want to talk to you. I want to talk to my lawyers," and he said, I believe he told me too that he had been advised by a lawyer, and I asked him some other question and he said, "Now if you will level with me and you won't make me look like a fool in front of my lawyers I will talk to you."

I didn't ask him one way or the other, but I did ask him some questions and he told me that he shot him, told me that he was all torn up about the Presidential killing, that he felt terribly sorry for Mrs. Kennedy. He didn't want to see her to have to come back to Dallas for a trial, and a lot of other things like that.

Mr. BALL. Did you ask him how he got down to the jail?

Mr. FRITZ. Yes; I did.

Mr. BALL. What did he say?

Mr. FRITZ. He told me he came down that ramp from the outside. So I told him, I said, "No, you couldn't have come down that ramp because there would be an officer at the top and an officer at the bottom and you couldn't come down that ramp." He said, "I am not going to talk to you any more, I am not going to get into trouble," and he never talked to me any more about it.

Mr. BALL. Did you ever talk to him again?

Mr. FRITZ. I don't think I ever talked to him after that. I talked to him a little while then and I don't believe I ever talked to him after that. I asked him when he first decided to kill Oswald, and he didn't tell me that. He told me something else, talked about something else.

Mr. BALL. What was that time, you said you could give us the time?

Mr. FRITZ. Yes, sir; I can give you the time. 3:05.

Mr. BALL. What time?

Mr. FRITZ. 3:05.

Mr. BALL. 3:05 in the afternoon?

Mr. FRITZ. Yes, sir.

Mr. BALL. Did you know that Archer or Dean or Newman had talked to Ruby?

Mr. FRITZ. I didn't know that they had talked to him. I knew that some officers had talked to him but I didn't know who they were.

Mr. BALL. Were there any reports given you by any one of these three men, Dean—

Mr. FRITZ. They weren't given to me. Those reports were given to the investigative team that the chief setup headed by Captain Jones and some of the inspectors and they gave me a copy. I have copies of it.

Mr. BALL. You have copies of those reports?

Mr. FRITZ. Yes, sir; I do.

Mr. BALL. Do you know, did you know prior to the trial of Ruby that either Dean or Archer or Newman, either one, had claimed to have talked to Ruby about his premeditation in the killing of Oswald?

Mr. FRITZ. Well, sir, I didn't know, I wouldn't have known that. They never told me about that. I wouldn't have known. I think that maybe the chief had taken some report from Dean, but I didn't see that until, I think I put it in this book a few days ago.

Mr. BALL. Well now, did you have charge of the investigation of the Oswald killing?

Mr. FRITZ. Yes, sir.

Mr. BALL. You were in charge of that?

Mr. FRITZ. Yes, sir.

Mr. BALL. Then all the reports would come to you?

Mr. FRITZ. Come here; yes, sir. With one exception. The reports from all those officers in the security in the basement. You see, I had nothing to do with setting up the security in the basement, that was under the security division and the chief might have given that assignment to, those are in a different book, they are in a report made to this investigative team appointed by the chief. We have their copies, too.

Mr. BALL. Well, but you had charge of the investigation of the homicide?

Mr. FRITZ. The homicide but I didn't have charge of the investigation of the basement incident.

Mr. BALL. Well, the reason for my question is that there has been some question raised as to testimony in the Ruby trial of these men, Dean, Archer, and Newman.

Mr. FRITZ. Yes, sir; I heard that.

Mr. BALL. And they have testified to certain statements made that they heard from Ruby afterward, and the question is whether or not these men have reported to you that they had heard that.

Mr. FRITZ. They didn't report it to me; no, sir.

Mr. BALL. Or reported it in writing to their department?

Mr. FRITZ. They didn't report it to me, if they reported to anyone I didn't

get it. But I understand that Dean had made some kind of special report to the chief but that wasn't to me.

Mr. BALL. Did you ever know a man named Roger Craig, a deputy sheriff?

Mr. FRITZ. Roger Craig, I might if I knew which one he was. Do we have it here?

Mr. BALL. He was a witness from whom you took a statement in your office or some of your men.

Mr. FRITZ. Some of my officers.

Mr. BALL. He is a deputy sheriff.

Mr. FRITZ. One deputy sheriff who started to talk to me but he was telling me some things that I knew wouldn't help us and I didn't talk to him but someone else took an affidavit from him. His story that he was telling didn't fit with what we knew to be true.

Mr. BALL. Roger Craig stated that about 15 minutes after the shooting he saw a man, a white man, leave the Texas State Book Depository Building, run across a lawn, and get into a white Rambler driven by a colored man.

Mr. FRITZ. I don't think that is true.

Mr. BALL. I am stating this. You remember the witness now?

Mr. FRITZ. I remember the witness; yes, sir.

Mr. BALL. Did that man ever come into your office and talk to you in the presence of Oswald?

Mr. FRITZ. In the presence of Oswald?

Mr. BALL. Yes.

Mr. FRITZ. No, sir; I am sure he did not. I believe that man did come to my office in that little hallway, you know outside my office, and I believe I stepped outside the door and talked to him for a minute and I let someone else take an affidavit from him. We should have that affidavit from him if it would help.

Mr. BALL. Now this man states that, has stated, that he came to your office and Oswald was in your office, and you asked him to look at Oswald and tell you whether or not this was the man he saw, and he says that in your presence he identified Oswald as the man that he had seen run across this lawn and get into the white Rambler sedan. Do you remember that?

Mr. FRITZ. I think it was taken, I think it was one of my officers, and I think if he saw him he looked through that glass and saw him from the outside because I am sure of one thing that I didn't bring him in the office with Oswald.

Mr. BALL. You are sure you didn't?

Mr. FRITZ. I am sure of that. I feel positive of that. I would remember that I am sure.

Mr. BALL. He also says that in that office——

Mr. FRITZ. Yes, sir.

Mr. BALL. After he had said, "That is the man," that Oswald got up from his chair and slammed his hand on the table and said, "Now everybody will know who I am." Did that ever occur in your presence?

Mr. FRITZ. If it did I never saw anything like that; no, sir.

Mr. BALL. That didn't occur?

Mr. FRITZ. No, sir; it didn't. That man is not telling a true story if that is what he said. Do you have any—could I ask a question, is it all right if I ask a question?

Mr. McCLOY. All right, go ahead.

Mr. BALL. Go ahead.

Mr. FRITZ. I was going to ask if we had any affidavits from any of our officers that would back that up? If they did I never heard of it.

Mr. BALL. If you are here tomorrow.

Mr. FRITZ. It is something I don't know anything about.

Mr. BALL. If you are here tomorrow I would like to show you the deposition of the man for you to read it.

Mr. FRITZ. I am sure I would know that. The only time I saw the man hit the desk was when Mr. Hosty talked to him and he really got upset about that.

Mr. DULLES. Is that in the testimony, have you testified about that?

Mr. FRITZ. Yes, sir.

Mr. McCLOY. That shows his agitation over the alleged——

Mr. FRITZ. Questioning.

Mr. McCLOY. Questioning of his wife.

Mr. FRITZ. That is right.

Mr. BALL. In the light of your experience in this case, do you think you should alter your regulations with the press, have a little more discipline when the press are around?

Mr. FRITZ. We can with the local press. We can't do much with those people that we don't know from those foreign countries, and from distant States, they don't ask us. They just write what they hear of and we read it.

Mr. BALL. No; but I mean in the physical control of your plant there?

Mr. FRITZ. There at city hall?

Mr. BALL. Do you think you should alter your policy?

Mr. FRITZ. We think we can control it normally, because those officers, those people from the press there wouldn't come in and start taking pictures without permission. They wouldn't do that without asking, and then usually I ask a prisoner because some prisoners don't want their pictures taken and sometimes they do, if they want it taken why it is all right. Sometimes we don't let them take them at all, depending on circumstances.

Mr. BALL. Do you permit television interrogation of your prisoners in jail?

Mr. FRITZ. No, sir.

Mr. BALL. Or in the—

Mr. FRITZ. In the jail I don't have charge of the jail but I am sure they don't because I haven't heard of that. We don't have it in the office either.

Mr. McCLOY. But—

Mr. FRITZ. I don't think it is a good idea at all because I don't know what that man might say.

Mr. BALL. I agree.

Mr. McCLOY. You would have jurisdiction to keep out foreign correspondents if you wanted to?

Mr. FRITZ. Keep them out of the office; yes, sir.

Mr. McCLOY. Keep them out of the building?

Mr. FRITZ. Yes, sir; I wouldn't have charge of the building but I can keep them out of my office, up to that door, I can have enough officers I can take care of that fine. Out in that building, that is more or less a job for the uniform division.

Mr. DULLES. A job for the uniform division, the police?

Mr. FRITZ. A job for the uniform division, they can take charge of it and they have uniforms.

Mr. DULLES. Who establishes the policy?

Mr. FRITZ. The chief of police establishes the policy. He has assistants, of course.

Mr. McCLOY. You have testified that you were really hampered in your investigation, in your interrogation of Oswald by reason of the confusion.

Mr. FRITZ. I think so.

Mr. McCLOY. By reason of too many people being around, isn't that right?

Mr. FRITZ. I think so, but I am not sure that could have been avoided under these circumstances.

Mr. McCLOY. Well, couldn't you—

Mr. FRITZ. I think that—

Mr. McCLOY. Couldn't you have demanded that your office be cleared so that you could have a quiet investigation?

Mr. FRITZ. I could hardly tell the Secret Service and the FBI or any other Federal agency—I had the outer office had Texas Rangers out there, several of them, and you could understand why they would be in there because the Governor had been shot and they work directly for the Governor out of Austin, so you could hardly tell people like that that you don't want them to help.

Now, if this were just an average case, just an average hijacking case we have, we could easily, we could handle it with all ease but where the President of the United States is killed it would be hard to tell the Secret Service and the FBI that they couldn't come in.

Mr. McCLOY. But you could have told the newspaper people, the media people that they couldn't come in.

Mr. FRITZ. I didn't let them come in my office or in my part of the office.

Mr. McCLOY. They never were in your office when you were examining Oswald?

Mr. FRITZ. Never. I think one of them got inside of the outer office but someone immediately put him out.

Mr. DULLES. What is the jurisdiction of the city manager as compared to the chief of police, does he have authority over the chief of police?

Mr. FRITZ. The city manager is our big boss, he is over all of us. He is over the chief of police and he operates the city. He is responsible only to the mayor and city council. And I think that they give him a pretty free hand.

We have got a city manager and he tells, he sets the policies, of course, maybe I made a mistake when I told you that the chief of police sets the policies of our police department, but the city manager would set the policies for the city as a whole.

Mr. BALL. I have no further questions.

Mr. McCLOY. Do you have anything else that you think that is on your mind that might help us in getting at the rockbottom of either the Oswald murder or the President's murder?

Mr. FRITZ. I believe that you people know about everything that we know. We have tried to get everything in this book. We have tried not to withhold anything, and I will tell you something about this case that I told some people in the beginning.

I don't know of anything about this case that we can't tell all about, the truth about it from start to finish now. I think the truth fits it better than anything we can do to it. I hope I have gotten this story to you correctly. I hope I haven't made some mistakes in some of my testimony about time and the dates and things because if I have—

Mr. McCLOY. Are there any further leads that you would like to follow up or do you feel that the case is from your point of view closed in terms of—

Mr. FRITZ. We won't ever close it. We never close any murder case and we won't ever close it. I will tell you what, if anything came up about this case that we thought we could do to help on it, and it came up 10 years from now we would work on it. We would work on it regardless of what time it came up. I do think this, that there have been a lot of things about this case that we won't be able to handle. If we get any information about anything that involves foreign relations we will pass that on to the people who know what to do with it. We won't try to handle anything like that because we might do a very wrong thing. We would give that to either the FBI or the Secret Service, depending on the type of information it was, and they would pass it on to wherever they wanted to.

Mr. McCLOY. Are there any pending leads in this case that you feel that you would like to follow up beyond?

Mr. FRITZ. Right now?

Mr. McCLOY. Right now.

Mr. FRITZ. I don't believe we have one. Do you think of any lead to follow up? I can't think of one. If I thought of one we would sure start on it. But I don't think we have.

Mr. BALL. There is one problem here in your records that we asked about. Where was Oswald between 12:35 a.m., and 1:10 a.m., on Saturday, November 23, that is right after midnight?

Mr. FRITZ. Right after midnight.

Mr. BALL. The jailer's records show he was checked out.

Mr. FRITZ. I think I know where he was right after midnight. I think he went to the identification bureau to be fingerprinted and have his picture made.

Mr. BALL. You know. You can probably advise him and he can tell us. What is it?

Mr. FRITZ. I think that, if it is the time that I am thinking about, if it is the time that after he was, after he had his arraignment, I think from what we found out since then that he went there for picture and fingerprints.

Mr. BALL. I have no further questions.

Mr. FRITZ. Maybe you should ask Lieutenant Baker here something that I don't know anything about, that he knows, that might help to clarify that question you asked me just then. I thought he went for the picture, but tell him.

## TESTIMONY OF T. L. BAKER

Mr. McCLOY. Lieutenant, will you be sworn, please?

Raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BAKER. I do.

Mr. BALL. State your name.

Mr. BAKER. T. L. Baker.

Mr. BALL. What is your occupation?

Mr. BAKER. Lieutenant, police department, Dallas, Tex.

Mr. BALL. You are up here with Captain Fritz?

Mr. BAKER. Yes, sir.

Mr. BALL. And you are the man who prepared Commission Document 81-B; is that correct?

Mr. BAKER. I assisted in it, sir.

Mr. BALL. You were sort of the editor, is that right?

Mr. BAKER. Something like that.

Mr. BALL. The question we addressed to Captain Fritz was where was Oswald between the 12:35 and, I believe, 1:10 in the evening, 1:10 a.m., on Saturday, November 23, that is, right after midnight?

Mr. BAKER. Yes, sir; at 12:35 a.m., Lieutenant Knight of the I.D. bureau took him out of the jail on the fifth floor and with the assistance of Sergeant Warren and one of the jailers brought him to the fourth floor where the I.D. bureau was located.

Mr. McCLOY. The I.D. bureau is the identification bureau?

Mr. BAKER. Yes, sir. There in the presence of Sergeant Warren and this jailer, one of his assistants, he was processed through the I.D. bureau, which consists of taking his pictures and fingerprints and making up the different circulars that go to the FBI, and so forth. When they had finished processing him, he returned him to the jail. Lieutenant Knight released him. He was placed back in the jail at 1:10. Approximately 1:30 Sergeant Warren received a call from Chief Curry, advising him to bring him back to the identification bureau the same place, for arraignment. Sergeant Warren and the same jailer returned him to the I.D. bureau, where he was arraigned by Judge Johnston at approximately 1:35 a.m. This arraignment took approximately 10 minutes, and he was returned to the fifth-floor jail by Sergeant Warren at approximately 1:45 a.m.

Mr. BALL. That is all.

Mr. McCLOY. Thank you very much.

## TESTIMONY OF J. W. FRITZ RESUMED

Mr. DULLES. Could I ask just one question?

Mr. FRITZ. Yes, sir.

Mr. DULLES. Had you or your office, to your knowledge, ever heard of Oswald prior to November 22, 1963?

Mr. FRITZ. No, sir; I never heard of him, and I don't believe anyone in my office had ever heard of him, because none of them knew him when we got him. That was our first—

Mr. DULLES. There are no reports; you found no reports in your files?

Mr. FRITZ. No, sir.

Mr. DULLES. About him that antedated November 22, 1963?

Mr. FRITZ. We had no reports on him at all.

Mr. McCLOY. Did you ever hear of a man named Weissman? Does that mean anything to you, Bernard Weissman?

Mr. FRITZ. The name sounds familiar. I don't know him. I saw that ad that he had in the paper, and had his name signed to it at the bottom.

Mr. McCLOY. But that is all you know about him?

Mr. FRITZ. That is all I know about him.

Mr. McCLOY. Any other questions?

Mr. DULLES. I have no other questions.  
Mr. McCLOY. We are through. We thank you very much for your cooperation, Captain.

### TESTIMONY OF J. C. DAY

Mr. McCLOY. Do you solemnly swear the testimony you give at this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DAY. I do.

Mr. BELIN. State your name for the Commission.

Mr. DAY. J. C. Day.

Mr. BELIN. What is your occupation?

Mr. DAY. Lieutenant, Dallas Police Department assigned to the crime scene search section of the identification bureau.

Mr. BELIN. How old are you?

Mr. DAY. Fifty.

Mr. BELIN. How long have you been associated with the Dallas Police Department?

Mr. DAY. Twenty-three years.

Mr. BELIN. Did you go to school in Texas?

Mr. DAY. Yes, sir.

Mr. BELIN. How far did you get through school?

Mr. DAY. Through high school.

Mr. BELIN. And then what did you do?

Mr. DAY. I went to work for a machinery company there in Dallas for about 9 years before I went with the city.

Mr. BELIN. Then you went there directly to the city?

Mr. DAY. Yes, sir.

Mr. BELIN. Were you on duty on November 22, 1963?

Mr. DAY. Yes, sir.

Mr. BELIN. Could you describe your activities from about noon on of that day?

Mr. DAY. I was in the identification bureau at the city hall. About a quarter of one I was in the basement of the city hall, which is three floors under me—actually I am on the fourth floor—and a rumor swept through there that the President had been shot.

I returned to my office to get on the radio and wait for the developments. Shortly before 1 o'clock I received a call from the police dispatcher to go to 411 Elm Street, Dallas.

Mr. BELIN. Is there any particular building at that particular location?

Mr. DAY. The Texas School Book Depository, I believe is the correct name on it.

Mr. BELIN. Did you go there?

Mr. DAY. Yes, sir; I went out of my office almost straight up 1 o'clock. I arrived at the location on Elm about 1:12.

Mr. BELIN. What did you do when you got there?

Mr. DAY. I was directed to the sixth floor by the police inspector who was at the front door when I arrived.

Mr. BELIN. Do you know who that was?

Mr. DAY. Inspector Sawyer.

Mr. BELIN. What did you do when you got to the sixth floor?

Mr. DAY. I had to go up the stairs. The elevator—we couldn't figure out how to run it. When I got to the head of the stairs, I believe it was the patrolman standing there, I am not sure, stated they had found some hulls over in the northeast corner of the building, and I proceeded to that area—excuse me, southeast corner of the building.

Mr. BELIN. Now, in your 23 years of work for the Dallas Police Department, have you had occasion to spend a good number of these years in crime-scene matters?

Mr. DAY. Yes, sir.

Mr. BELIN. How long, about?

Mr. DAY. The past 7 years I have been—I have had immediate supervision of the crime-scene search section. It is our responsibility to go to the scene of the crime, take photographs, check for fingerprints, collect any other evidence that might be available, and primarily we are to assist the investigators with certain technical parts of the investigation.

Mr. BELIN. Do you carry any equipment of any kind with you when you go there?

Mr. DAY. Yes, sir. We have a station wagon equipped with fingerprint equipment, cameras, containers, various other articles that might be needed at the scene of the crime.

Mr. BELIN. Have you had any special education or training or background insofar as your crime-scene work is concerned?

Mr. DAY. In the matter of fingerprints, I have been assigned to the identification bureau 15 years. During that time I have attended schools, the Texas Department of Public Safety, on fingerprinting; also an advanced latent-print school conducted in Dallas by the Federal Bureau of Investigation. I have also had other schooling with the Texas Department of Public Safety and in the local department on crime-scene search and general investigative work.

Mr. BELIN. Now, I believe you said that you were informed when you got there that they had located some hulls?

Mr. DAY. Yes, sir.

Mr. BELIN. What did you do then?

Mr. DAY. I went to the northeast corner—southeast corner of the building, and first made photographs of the three hulls.

Mr. McCLOY. What floor was this?

Mr. DAY. On the sixth floor. I took photographs of the three hulls as they were found before they were moved.

Mr. BELIN. I am going to hand you some pictures here and ask you to say if these pictures are the photographs you took. First, I will hand you a picture marked "Commission Exhibit 715," and ask you to state, if you know, what this is.

Mr. DAY. Yes, sir. That is one of the photographs we made of the hulls on the floor.

Mr. BELIN. Now, who took the actual picture?

Mr. DAY. Detective Studebaker; R. L. Studebaker.

Mr. BELIN. Who is he?

Mr. DAY. At my direction.

Mr. BELIN. Who is he?

Mr. DAY. He is one of the officers who took this under my supervision, and he accompanied me from the office to this building.

Mr. BELIN. Can you see in this picture the location of the hulls?

Mr. DAY. Yes, sir.

Mr. BELIN. I wonder if you could take this pen and circle the hulls that you see there.

Mr. McCLOY. I only see two.

Mr. DAY. The other one doesn't show in this picture, I don't believe.

Mr. BELIN. You have circled two hulls that appear to be resting near what would be the south wall of the building; is that correct?

Mr. DAY. Yes, sir.

Mr. BELIN. Can you see the third hull in that picture?

Mr. DAY. I think you can barely see the tip end of it sticking out there. I believe that is it.

Mr. BELIN. Do you want to circle where you think you can see the third tip sticking out? I am now going to hand you what is marked "Commission Exhibit No. 716," and ask you to state, if you know, what this is.

Mr. DAY. This is another view taken from a different angle of the same location. All three hulls are clearly visible here.

Mr. BELIN. Would you circle the three hulls on Exhibit 716? Do you know whether or not Exhibit 716 and Exhibit 715 were taken before these hulls were moved?

Mr. DAY. They were taken before anything was moved, to the best of my knowledge. I was advised when I got there nothing had been moved.

Mr. BELIN. Who so advised you?

Mr. DAY. I believe it was Detective Sims standing there, but I could be wrong about that.

Mr. BELIN. Now, turning again to Exhibit 715, I notice that there is a box in a window which is partially open. I am going to first ask you to state what window this is.

Mr. DAY. This is the south window closest to Houston Street or, in other words, it is the easternmost window on the south side of the building on the sixth floor.

Mr. BELIN. Was this window in about the same location with respect to how far it was open at the time you got there?

Mr. DAY. That is the position it was in when I got there.

Mr. BELIN. All right. I notice boxes throughout the picture, including the box in the window. To the best of your knowledge, had any of those boxes been moved prior to the time the picture, Exhibit 715, was taken?

Mr. DAY. No, sir; they had not.

Mr. BELIN. Now, I am going to show you a picture which has been identified previously in Commission testimony as Commission Exhibit 482, which purports to have been a picture taken by a newspaper photographer shortly after the assassination, showing the easternmost windows on the south side of the fifth and the sixth floor of the Texas School Book Depository Building.

You will notice there are two Negro males looking out of the lower pair of windows, which would be the fifth-floor windows, and above that there is one window which appears to be open with a box or boxes in it.

I am going to first ask you to state whether or not the boxes in that picture, Exhibit 482, appear to be in the same location as you saw them when you first got on the crime scene.

Mr. DAY. Yes, sir; I believe they are.

Mr. BELIN. Now, as you face the picture, the box to the right, which would be to the east, has a corner sticking out, or just a corner of the box shows. Is that the same box that appears to be resting on the window ledge in Exhibit 715?

Mr. DAY. In my opinion, it is.

Mr. BELIN. I also note there is another box that appears to be in the window on Exhibit 482. Is this box shown at all on either Exhibit 715 or 716, if you know?

Mr. DAY. No; I don't think it is.

Mr. BELIN. What do you think happened to this other box in the window on Exhibit 482?

Mr. DAY. I think the box you see through the window is to the west of the box you see here.

Mr. BELIN. You are pointing out that the box you see in the window, and you are now pointing to Exhibit 482—

Mr. DAY. I think that is east of the four boxes shown in your No. 715. Well, there are—

Mr. BELIN. Let me give you another question. On Exhibit 715 there is only one box shown in the window actually resting on the ledge, which is the box that you identified the corner out of in the eastern part of the window shown on 482.

Now, what is the fact as to whether or not this other box on 482 would have been resting on the ledge, or is it a pictorial view of something that actually was in back of the window?

Mr. DAY. I think this is one of the boxes 2 feet 11 inches back from the wall. There were two stacks of them, one behind the window sill that you see here.

Mr. BELIN. You are pointing to the window sill between the pair of windows on Exhibit 482?

Mr. DAY. That you can't see in this picture. This one is the other one I am trying to say, this stack here—there are two stacks of boxes here. This one is behind here. You can't see it.

Mr. BELIN. What you are pointing is, as you point to Exhibit 715, you are saying that the tier of boxes which is in the left foreground, if you were standing outside taking a picture, would be hidden by the heavy beam between the windows, but beyond that, to the east of that, there is another tier of boxes of which you think this other box in Exhibit 482 is one; am I correct? Is this correct?

Mr. DAY. That is correct.

Mr. BELIN. Handing you Exhibit 716, will you see this at all on Exhibit 716?

Mr. DAY. This is the box, I think, showing here.

Mr. BELIN. Do you want to make an X on the box on Exhibit 716 that you think is the other box showing in the window on Exhibit 482?

Mr. DAY. The corner that is showing I don't believe shows in the picture.

Mr. BELIN. All right. You put an X on a box which I would say, looking at this picture, appears to be the fourth box starting from the bottom count, and you believe that is the picture or—that is the box that is shown in the window?

Mr. DAY. Yes, sir.

Mr. BELIN. All right.

Mr. DAY. I don't know what time this was taken. Do you?

Mr. BELIN. Well, you are asking with regard to Exhibit 482? We know it was taken, I would say, not more than a minute after the shooting. This is our best recollection based on testimony of the two people in the window below, because this was their position as they saw the shooting, and the photographer himself says that after the shots were fired, he jumped out of the motorcade and took two shots of the building. This could have been the first or the second shot he took. He used two different cameras, so I don't imagine it would have been very long after the actual shots were fired.

For the record, I should add one other thing at this point. There is testimony by the deputy sheriff that found the shells, that after he found them he leaned out of the window to call down to try and tell someone that he found something, and it is conceivable that he moved a box, although he did not so testify. In other words, I don't want you to take this as the testimony of anyone—

Mr. DAY. What I am getting at, this box doesn't jibe with my picture of the inside.

Mr. BELIN. You are pointing now to the other box on Exhibit 482. You say that does not jibe with the chart that you have here that you brought with you of boxes that you had inside.

Let me ask you this: When did you prepare your chart of boxes inside?

Mr. DAY. This chart here was prepared on the 25th. However, pictures were made immediately after my arrival.

Mr. BELIN. You are talking now about Exhibit 715 and Exhibit 716?

Mr. DAY. Yes, sir; don't jibe with that box there.

Mr. BELIN. What I am asking you then is this: Is it possible that the box that is shown on Exhibit 482 is not shown on Exhibit 715 and Exhibit 716? By that I mean not the box that you see a corner of, but I am talking about the other box that is clear to the west of the easternmost window.

Mr. DAY. I just don't know. I can't explain that box there depicted from the outside as related to the pictures that I took inside.

Mr. BELIN. In other words, what you are saying is that on the sixth floor window the westernmost box on Exhibit 482, you cannot then relate to any of the boxes shown on Exhibits 715 or 716?

Mr. DAY. That is correct.

Mr. BELIN. Do you wish to correct your testimony with regard to the X you placed on the fourth box on the stack in Exhibit 716?

Mr. DAY. Yes; that is just not the same box. It is not the same box. This is the first time I have seen No. 482.

Mr. BELIN. All right. We will substitute for 716 then a copy of the picture without the X mark on it.

Mr. McCLOY. 482 was taken by the news photographer?

Mr. BELIN. Yes, sir.

Mr. McCLOY. Immediately after the shooting?

Mr. BELIN. Yes, sir.

Mr. McCLOY. The two colored men were still in the position where they were?

Mr. BELIN. Yes, sir. He actually took two pictures. He took one of the building—that showed most of the south side of the building, and another with a different kind of lens that was aimed up to that particular corner. I will check to see if I can find the other picture, Mr. McCloy. Commission Exhibit 480 is the first picture that he took, or I shouldn't say the first—one of the two pictures he took.

You can see the southeast corner window on the sixth floor, and I will show you, Lieutenant Day, that you can still see two of those boxes there, and you can see on the window below, at least you can see, one of the Negro men. The other picture was Exhibit 481, and I believe 482 was actually an enlargement of 481.

Mr. DAY. I still don't quite understand that one in relation to pictures here unless something was moved after this was taken before I got there.

Mr. BELIN. What you are saying is on that southeast corner window, on the sixth floor, you do not understand the box that is the westernmost box of the two boxes in the window unless it was moved by someone before you got there to take the pictures?

Mr. DAY. Yes, sir.

Mr. BELIN. What about the other box as shown on Exhibit 482, does that appear to be in substantially the same position as the box in the window shown on your Exhibit 715?

Mr. DAY. Yes, sir; it appears to be the same.

Mr. BELIN. Now, on Exhibit 715, that box appears to be almost resting against the east part of the window where it does not so appear on Exhibit 482. Is this an optical illusion on 715?

Mr. DAY. Yes, sir; I don't think it was up against the window sill. It was over as indicated on 482.

Mr. BELIN. Lieutenant Day, you took some two pictures of those shell casings. Let me first get you through all the pictures you took.

Where did you next take pictures on the sixth floor after you took the pictures of the shell casing; what did you do then?

Mr. DAY. I went, after these were taken—after your number—

Mr. BELIN. 715 and 716.

Mr. DAY. Were taken, I processed these three hulls for fingerprints, using a powder. Mr. Sims picked them up by the ends and handed them to me. I processed each of the three; did not find fingerprints. As I had finished that, Captain Fritz sent word for me to come to the northwest part of the building, the rifle had been found, and he wanted photographs.

Mr. BELIN. All right. You have mentioned these three hulls. Did you put any initials on those at all, any means of identification?

Mr. DAY. At that time they were placed in an envelope and the envelope marked. The three hulls were not marked at that time. Mr. Sims took possession of them.

Mr. BELIN. Well, did you at any time put any mark on the shells?

Mr. DAY. Yes, sir.

Mr. BELIN. All right. Let me first hand you what has been marked as "Commission Exhibit," part of "Commission Exhibit 543-544," and ask you to state if you know what that is.

Mr. DAY. This is the envelope the shells were placed in.

Mr. BELIN. How many shells were placed in that envelope?

Mr. DAY. Three.

Mr. BELIN. It says here that, it is written on here, "Two of the three spent hulls under window on sixth floor."

Mr. DAY. Yes, sir.

Mr. BELIN. Did you put all three there?

Mr. DAY. Three were in there when they were turned over to Detective Sims at that time. The only writing on it was, "Lieut. J. C. Day." Down here at the bottom.

Mr. BELIN. I see.

Mr. DAY. "Dallas Police Department," and the date.

Mr. BELIN. In other words, you didn't put the writing in that says, "Two of the three spent hulls."

Mr. DAY. Not then. About 10 o'clock in the evening this envelope came back to me with two hulls in it. I say it came to me, it was in a group of stuff, a group of evidence, we were getting ready to release to the FBI. I don't know who brought them back. Vince Drain, FBI, was present with the stuff, the first I noticed it. At that time there were two hulls inside.

I was advised the homicide division was retaining the third for their use. At that time I marked the two hulls inside of this, still inside this envelope.

Mr. BELIN. That envelope, which is a part of Commission Exhibits 543 and 544?

Mr. DAY. Yes, sir; I put the additional marking on at that time.

Mr. BELIN. I see.

Mr. DAY. You will notice there is a little difference in the ink writing.

Mr. BELIN. But all of the writing there is yours?

Mr. DAY. Yes, sir.

Mr. BELIN. Now, at what time did you put any initials, if you did put any such initials, on the hull itself?

Mr. DAY. At about 10 o'clock when I noticed it back in the identification bureau in this envelope.

Mr. BELIN. Had the envelope been opened yet or not?

Mr. DAY. Yes, sir; it had been opened.

Mr. BELIN. Had the shells been out of your possession then?

Mr. DAY. Mr. Sims had the shells from the time they were moved from the building or he took them from me at that time, and the shells I did not see again until around 10 o'clock.

Mr. BELIN. Who gave them to you at 10 o'clock?

Mr. DAY. They were in this group of evidence being collected to turn over to the FBI. I don't know who brought them back.

Mr. BELIN. Was the envelope sealed?

Mr. DAY. No, sir.

Mr. BELIN. Had it been sealed when you gave it to Mr. Sims?

Mr. DAY. No, sir; no.

Mr. BELIN. Handing you what has been marked "Exhibit 545," I will ask you to state if you know what this is.

Mr. DAY. This is one of the hulls in the envelope which I opened at 10 o'clock. It has my name written on the end of it.

Mr. BELIN. When you say, on the end of it, where on the end of it?

Mr. DAY. On the small end where the slug would go.

Mr. BELIN. And it has "Day" on it?

Mr. DAY. Scratched on there; yes, sir.

Mr. BELIN. With what instrument did you scratch it on?

Mr. DAY. A diamond point pencil.

Mr. BELIN. Did anyone else scratch any initials on it that you know of?

Mr. DAY. I didn't see them. I didn't examine it too close at that time.

Mr. BELIN. Do you know what kind of a cartridge case that is?

Mr. DAY. It is a 6.5.

Mr. BELIN. Is that the same kind of a cartridge case that you saw when you first saw these cartridge cases?

Mr. DAY. Yes.

Mr. BELIN. Is there any other testimony you have with regard to the chain of possession of this shell from the time it was first found until the time it got back to your office?

Mr. DAY. No, sir; I told you in our conversation in Dallas that I marked those at the scene. After reviewing my records, I didn't think I was on all three of those hulls that you have, indicating I did not mark them at the scene, then I remembered putting them in the envelope, and Sims taking them.

It was further confirmed today when I noticed that the third hull, which I did not give you, or come to me through you, does not have my mark on it.

Mr. BELIN. Now, I did interview you approximately 2 weeks ago in Dallas, more or less?

Mr. DAY. Yes, sir.

Mr. BELIN. At that time what is the fact as to whether or not I went into

extended questions and answers as contrasted with just asking you to tell me about certain areas as to what happened? I mean, I questioned you, of course, but was it more along the lines of just asking you to tell me what happened, or more along the lines of interrogation, the interrogation we are doing now?

Mr. DAY. Yes, sir.

Mr. BELIN. Which one?

Mr. DAY. Wait a minute now. Say that again. I am at a loss.

Mr. BELIN. Maybe it would be easier if I just struck the question and started all over again.

Mr. DAY. I remember you asking me if I marked them.

Mr. BELIN. Yes.

Mr. DAY. I remember I told you I did.

Mr. BELIN. All right.

Mr. DAY. I got to reviewing this, and I got to wondering about whether I did mark those at the scene.

Mr. BELIN. Your testimony now is that you did not mark any of the hulls at the scene?

Mr. DAY. Those three; no, sir.

Mr. BELIN. I believe you said that you examined the three shells today?

Mr. DAY. Yes, sir.

Mr. BELIN. While you were waiting to have your testimony taken here?

Mr. DAY. Yes, sir; that is what confirmed my thinking on this. The envelope now was marked.

Mr. BELIN. And the shells were in the same envelope that it was marked?

Mr. DAY. Yes.

Mr. BELIN. Now, I am going to ask you to state if you know what Commission Exhibit 543 is?

Mr. DAY. That is a hull that does not have my marking on it.

Mr. BELIN. Do you know whether or not this was one of the hulls that was found at the School Book Depository Building?

Mr. DAY. I think it is.

Mr. BELIN. What makes you think it is?

Mr. DAY. It has the initials "G. D." on it, which is George Doughty, the captain that I worked under.

Mr. BELIN. Was he there at the scene?

Mr. DAY. No, sir; this hull came up, this hull that is not marked came up, later. I didn't send that.

Mr. BELIN. This was—

Mr. DAY. That was retained. That is the hull that was retained by homicide division when the other two were originally sent in with the gun.

Mr. BELIN. You are referring now to Commission Exhibit 543 as being the one that was retained in your possession for a while?

Mr. DAY. It is the one that I did not see again.

Mr. BELIN. It appears to be flattened out here. Do you know or have you any independent recollection as to whether or not it was flattened out at the small end when you saw it?

Mr. DAY. No, sir; I don't.

Mr. BELIN. Now, handing you what has been marked as Commission Exhibit 544, I will ask you to state if you know what this is.

Mr. DAY. This is the second hull that was in the envelope when I marked the two hulls that night on November 22.

Mr. BELIN. I have now marked this envelope, which was formerly a part of Commission Exhibits 543 and 544 with a separate Commission Exhibit No. 717, and I believe you testify now that Commission Exhibit 544 was the other shell that was in the envelope which has now been marked as Commission Exhibit No. 717.

Mr. DAY. Yes.

Mr. BELIN. Does that cartridge case, Exhibit 544, have your name on it again?

Mr. DAY. It has my name on the small end where the slug would go into the shell.

Mr. BELIN. Are all of the three shells of the same caliber?

Mr. DAY. Yes, sir.

Mr. BELIN. Is there any other testimony you have with regard to the cartridge cases themselves?

Mr. DAY. No, sir.

Mr. BELIN. Can you explain how you processed these shells for fingerprints?

Mr. DAY. With black fingerprint—

Mr. McCLOY. May I ask before you get to that, is this all your handwriting?

Mr. DAY. Yes, sir.

Mr. McCLOY. The narrative as well as the signature?

Mr. DAY. Yes, sir; this and this. That is not, this is not.

Mr. McCLOY. Who is that, what is that initial, do you know?

Mr. DAY. I think that is Vince Drain, the FBI agent it was released to. It looks like a "V. D." I don't know whether his initial is "E" or not.

Mr. McCLOY. Can you identify those marks up there, what they are?

Mr. DAY. Those "Q" numbers, I believe, are FBI numbers affixed here in Washington.

Mr. BELIN. Returning to Exhibit 717—

Mr. McCLOY. Not returning. That is what that last question was about.

Mr. BELIN. I believe the last questions were the initials on the cartridge cases. Strike the question then.

We will start all over again. On Commission Exhibit No. 717 I see some initials with the notation "11-22-63" in the upper left-hand corner as you take a look at the side which has all of your writing on it here. Do you know whose initials those are?

Mr. DAY. I think it is Vince Drain, FBI, but I am not sure.

Mr. BELIN. You think it is the initials of Vincent E. Drain?

Mr. DAY. Yes, sir; I am not sure if his middle initial is "E". I know it is Vince Drain.

Mr. BELIN. Now, on the other side I see some other initials on here with some date and time. Do you know whose initials those are?

Mr. DAY. "R. M. S." stands for R. M. Sims, the detective whom I turned it over to. That is the date and the time that he took it from me.

Mr. BELIN. What date and time does it show?

Mr. DAY. November 22, 1963, 1 :23 p.m.

Mr. BELIN. Now, I believe you originally stated that you had all three of these cartridge hulls put in Exhibit 717, is that correct?

Mr. DAY. Yes, sir.

Mr. BELIN. And then you turned it over to Detective Sims?

Mr. DAY. Yes, sir.

Mr. BELIN. Was the envelope sealed when you turned it over to Detective Sims?

Mr. DAY. No, sir; I don't think so.

Mr. BELIN. Did you seal it?

Mr. DAY. No, sir.

Mr. BELIN. When you got the envelope back later that night was the envelope sealed?

Mr. DAY. I don't think so.

Mr. BELIN. To the best of your knowledge, had it been sealed and reopened or was it just unsealed?

Mr. DAY. To the best of my knowledge it was not sealed. It is possible I could be wrong on that, but I don't think it was sealed.

Mr. McCLOY. In order to make the record perfectly clear, at least my understanding perfectly clear, did I understand that you testified that your initial which appears on that exhibit was—not your initial but your signature which appears on that exhibit was—put on there before the other writing, namely to the effect that there were two of the three hulls enclosed, that was put on the envelope?

Mr. BELIN. You are referring, Mr. McCloy, to the signature on the bottom of Commission Exhibit 717, "Lieutenant J. C. Day."

Mr. McCLOY. That is what I am referring to.

Mr. DAY. That was put on there before.

Mr. McCLOY. That was put on there—

Mr. DAY. At 1 :23 p.m.

Mr. BELIN. And the remainder of the writing was put on that night at the Dallas Police Department, is that right?

Mr. DAY. Yes, sir; about the same time that I marked those two hulls.

Mr. BELIN. Could you tell us what exactly you did in testing those hulls for fingerprints?

Mr. DAY. I used fingerprint powder, dusted them with the powder, a dark powder. No legible prints were found.

Mr. BELIN. After you did this, you dusted the prints and you put them in the envelope, 717, and then what did you do?

Mr. DAY. I released them to Detective Sims or rather he took them.

Mr. BELIN. And then what did you do?

Mr. DAY. At that time I was summoned to the northwest corner of the building.

Mr. BELIN. Then what did you do?

Mr. DAY. Sir?

Mr. BELIN. Then what did you do?

Mr. DAY. I met Captain Fritz. He wanted photographs of the rifle before it was moved.

Mr. BELIN. Do you remember if Captain Fritz told you that the rifle had not been moved?

Mr. DAY. He told me he wanted photographs before it was moved, if I remember correctly. He definitely told me it had not been moved, and the reason for the photographs he wanted it photographed before it was moved.

Mr. BELIN. I am going to hand you what the reporter has marked or what has been marked as Commission Exhibit 718, and ask you to state, if you know, what this is.

Mr. DAY. This is a photograph made by me of the rifle where it was found in the northwest portion of the sixth floor, 411 Elm Street, Dallas.

Mr. BELIN. I am going to hand you what has been marked as Commission Exhibit 719 and ask you to state if you know what that is.

Mr. DAY. It is a picture of the portion of the northwest floor where the rifle was found. This is a distance shot showing the stack of boxes.

Mr. BELIN. Is Commission Exhibit 718 a print from the same negative as Commission Exhibit 514?

Mr. DAY. The same negative?

Mr. BELIN. Yes, sir.

Mr. DAY. No, I don't think so. This is a copy of this picture.

Mr. BELIN. You are saying 514 was made, I assume, as a copy of 718. By that you mean a negative, a second negative, was made of 718 from which 514 was taken?

Mr. DAY. Yes, sir.

Mr. BELIN. Otherwise it is the same?

Mr. DAY. Yes, sir.

Mr. BELIN. 718 appears to be a little clearer and sharper.

Mr. DAY. You can tell from looking at the two pictures which is the copy.

Mr. BELIN. Was any other picture of that rifle made in that position?

Mr. DAY. Nos. 22 and 23 were both made.

Mr. BELIN. Your pictures which you have marked No. 22 and No. 23 were both made, one was made by you, is that Commission Exhibit 718—

Mr. DAY. Yes, sir.

Mr. BELIN. And the other was made by—

Mr. DAY. Detective Studebaker.

Mr. BELIN. Whose knee appears?

Mr. DAY. Yes, sir; showing. Identical shots, we just made both to be sure that one of us made it, and it would be in focus.

Mr. BELIN. For this reason I am introducing only 718, if that is satisfactory.

Mr. McCLOY. Very well.

Mr. BELIN. How did you stand to take the picture, Exhibit 718?

Mr. DAY. I was on top of a stack of boxes to the south of where the gun was found.

Mr. BELIN. I wonder if you could put on Exhibit 719 the location with an "X" where you stood to take the picture, 718.

Mr. DAY. I was in that position looking this way, but you can't tell which box I was on looking from that angle.

Mr. BELIN. I mean, you have placed an "X" on Exhibit 719. Were you sitting or standing on top of a stack of boxes in that general area?

Mr. DAY. Kneeling.

Mr. BELIN. Kneeling?

Mr. DAY. Yes, sir.

Mr. BELIN. In what direction would your face have been?

Mr. DAY. Facing north and down.

Mr. BELIN. Facing north and looking down?

Mr. DAY. Yes, sir; to the floor.

Mr. BELIN. Can you see the rifle at all in Exhibit 719?

Mr. DAY. No, sir.

Mr. BELIN. Had the rifle been removed when 719 was taken, if you know?

Mr. DAY. I don't remember.

Mr. BELIN. Could you locate with an arrow on Exhibit 719 the place where the rifle would have been?

Mr. DAY. Here.

Mr. BELIN. You have so noted with an arrow on 719. Was the rifle resting on the floor or not?

Mr. DAY. Yes, sir.

Mr. BELIN. It was?

Mr. DAY. The rifle was resting on the floor.

Mr. BELIN. What else did you do in connection with the rifle at that particular time?

Mr. DAY. Captain Fritz was present. After we got the photographs I asked him if he was ready for me to pick it up, and he said, yes. I picked the gun up by the wooden stock. I noted that the stock was too rough apparently to take fingerprints, so I picked it up, and Captain Fritz opened the bolt as I held the gun. A live round fell to the floor.

Mr. BELIN. Did you initial that live round at all?

Mr. DAY. Yes, sir; my name is on it.

Mr. BELIN. When did you place your name on this live round, if you remember?

Mr. DAY. How?

Mr. BELIN. When?

Mr. DAY. At the time, that was marked at the scene.

Mr. BELIN. Handing you Commission Exhibit No. 141, I will ask you to state if you know what this is.

Mr. DAY. It has "Day" on it where I scratched it on the small end where the slug goes into the shell.

Mr. BELIN. What is this, what is Exhibit 141?

Mr. DAY. That is the live round that fell from the rifle when Captain Fritz opened the bolt.

Mr. BELIN. What did you do with this after you put your name on it?

Mr. DAY. Captain Fritz took possession of it. I retained possession of the rifle.

Mr. BELIN. Did you process this live round at all for prints?

Mr. DAY. Yes, sir; I did. I did not find any prints.

Mr. McCLOY. Before Captain Fritz ejected the live cartridge, did you dust the rifle for fingerprints?

Mr. DAY. Not before.

Mr. BELIN. Did you dust the bolt for fingerprints?

Mr. DAY. Yes, sir.

Mr. BELIN. Before the live round was ejected?

Mr. DAY. No, no; the only part that Captain Fritz touched was the round nob. I looked at it through a glass and decided there was not a print there, and it would be safe for him to open the bolt.

Mr. BELIN. You did this before it was ejected, before the live round was ejected?

Mr. DAY. Yes, sir.

Mr. BELIN. Who held the rifle while you looked at it with the glass?

Mr. DAY. I held it.

Mr. BELIN. In one hand?

Mr. DAY. One hand, using the glass with the other.

Mr. BELIN. How did you try to process the live round for prints?

Mr. DAY. With black fingerprint powder.

Mr. BELIN. Let me ask you this in an effort, perhaps, to save time. In all of your processing of prints did you use anything other than this black powder at the scene that day?

Mr. DAY. No, sir.

Mr. BELIN. So whenever you say you processed for prints you used black powder, is that correct?

Mr. DAY. Yes, sir.

Mr. McCLOY. When was the rifle as such dusted with fingerprint powder?

Mr. DAY. After ejecting the live round, then I gave my attention to the rifle. I put fingerprint powder on the side of the rifle over the magazine housing. I noticed it was rather rough.

I also noticed there were traces of two prints visible. I told Captain Fritz it was too rough to do there. It should go to the office where I would have better facilities for trying to work with the fingerprints.

Mr. McCLOY. But you could note with your naked eye or with a magnifying glass the remnants of fingerprints on the stock?

Mr. DAY. Yes, sir; I could see traces of ridges, fingerprint ridges, on the side of the housing.

Mr. BELIN. Lieutenant Day, as I understand it, you held the stock of the rifle when Captain Fritz operated the bolt?

Mr. DAY. Yes, sir.

Mr. BELIN. Now, when you first came over to see the rifle, was it easily visible or not?

Mr. DAY. I beg pardon?

Mr. BELIN. When you first came over to see the rifle, when you were first called there, what is the fact as to whether or not it was easily visible?

Mr. DAY. No, sir; you had to look over the box and down to see it. You could not see it ordinarily walking down the aisle.

Mr. BELIN. Was anything resting on top of it?

Mr. DAY. On top of the gun?

Mr. BELIN. Yes.

Mr. DAY. No, sir.

Mr. BELIN. Do you have any estimate as to how wide or what the width was of that particular area in which the rifle was placed? In other words, the area between the boxes, how much space was there?

Mr. DAY. It was just wide enough to accommodate that rifle and hold it in an upright position.

Mr. BELIN. Was the location at which you found the rifle completely surrounded by boxes or was it kind of like two parallel rows of boxes without boxes at either end of it?

Mr. DAY. There was three or four rows of boxes there.

Mr. BELIN. What I mean is this: If you can visualize a narrow squared "O," was it more like a narrow squared "O" so far as the boxes were concerned, with sort of an island of space in the center or was it more like just two basic rows of boxes with nothing at either end?

Mr. DAY. I don't quite follow you there.

Mr. BELIN. I will restate the question this way.

Mr. DAY. There were four parallel lines of boxes. The second line from the north side was not completely filled. In other words, there was vacant places in this particular line.

Mr. BELIN. I am going to hand you what has been marked Commission Exhibit 139 and ask you to state if you know what this is.

Mr. DAY. This is the rifle found on the sixth floor of the Texas Book Store at 411 Elm Street, November 23, 1963.

Mr. BELIN. What date?

Mr. DAY. November 22, 1963.

Mr. BELIN. Does it have any identification mark of yours on it?

Mr. DAY. It has my name "J. C. Day" scratched on the stock.

Mr. BELIN. And on the stock you are pointing to your name which is scratched as you would hold the rifle and rest it on the stock, approximately an inch or so from the bottom of the stock on the sling side of the stock, is that correct?

Mr. DAY. Yes, sir.

Mr. BELIN. Do you have any recollection as to what the serial number was of that?

Mr. DAY. Yes, sir; I recorded it at the time, C-2566.

Mr. BELIN. Before you say that—

Mr. DAY. C-2766, excuse me.

Mr. BELIN. Do you have any record of that with you or not?

Mr. DAY. Yes, sir; this is the record I made of the gun when I took it back to the office. Now, the gun did not leave my possession.

Mr. BELIN. From the time it was found at the School Book Depository Building?

Mr. DAY. Yes, sir; I took the gun myself and retained possession, took it to the office where I dictated—

Mr. BELIN. Could you just read into the record what you dictated.

Mr. DAY. To my secretary. She wrote on the typewriter: "4 x 18, coated, Ordinance Optics, Inc., Hollywood, California, 010 Japan. OSC inside a cloverleaf design."

Mr. BELIN. What did that have reference to?

Mr. DAY. That was stamped on the scopic sight on top of the gun. On the gun itself, "6.5 caliber C-2766, 1940 made in Italy." That was what was on the gun.

I dictated certain other stuff, other information, for her to type for me.

Mr. BELIN. Well, you might just as well dictate the rest there.

Mr. DAY. "When bolt opened one live round was in the barrel. No prints are on the live round. Captain Fritz and Lieutenant Day opened the barrel. Captain Fritz has the live round. Three spent hulls were found under the window. They were picked up by Detective Sims and witnessed by Lieutenant Day and Studebaker. The clip is stamped 'SMI, 9 x 2.'"

Mr. BELIN. Could you tell us what other processing you did with this particular rifle?

Mr. DAY. Beg pardon?

Mr. BELIN. What other processing did you do with this particular rifle?

Mr. DAY. I took it to the office and tried to bring out the two prints I had seen on the side of the gun at the bookstore. They still were rather unclear. Due to the roughness of the metal, I photographed them rather than try to lift them.

I could also see a trace of a print on the side of the barrel that extended under the woodstock. I started to take the woodstock off and noted traces of a palmprint near the firing end of the barrel about 3 inches under the woodstock when I took the woodstock loose.

Mr. BELIN. You mean 3 inches from the small end of the woodstock?

Mr. DAY. Right—yes, sir.

Mr. McCLOY. From the firing end of the barrel, you mean the muzzle?

Mr. DAY. The muzzle; yes, sir.

Mr. BELIN. Let me clarify the record. By that you mean you found it on the metal or you mean you found it on the wood?

Mr. DAY. On the metal, after removing the wood.

Mr. BELIN. The wood. You removed the wood, and then underneath the wood is where you found the print?

Mr. DAY. On the bottom side of the barrel which was covered by the wood, I found traces of a palmprint. I dusted these and tried lifting them, the prints, with scotch tape in the usual manner. A faint palmprint came off.

I could still see traces of the print under the barrel and was going to try to use photography to bring off or bring out a better print. About this time I received instructions from the chief's office to go no further with the processing, it was to be released to the FBI for them to complete. I did not process the underside of the barrel under the scopic sight, did not get to this area of the gun.

Mr. BELIN. Do you know what Commission Exhibit No. 637 is?

Mr. DAY. This is the trace of palmprint I lifted off of the barrel of the gun after I had removed the wood.

Mr. BELIN. Does it have your name on it or your handwriting?

Mr. DAY. It has the name "J. C. Day," and also "11/22/63" written on it in my writing off the underside gun barrel near the end of foregrip, C-2766.

Mr. BELIN. When you lift a print is it then harder to make a photograph of that print after it is lifted or doesn't it make any difference?

Mr. DAY. It depends. If it is a fresh print, and by fresh I mean hadn't been there very long and dried, practically all the print will come off and there will be nothing left. If it is an old print, that is pretty well dried, many times you can still see it after the lift. In this case I could still see traces of print on that barrel.

Mr. BELIN. Did you do anything with the other prints or partial prints that you said you thought you saw?

Mr. DAY. I photographed them only. I did not try to lift them.

Mr. BELIN. Do you have those photographs, sir? I will mark the two photographs which you have just produced Commission Exhibits 720 and 721. I will ask you to state what these are.

Mr. DAY. These are prints or pictures, I should say, of the latent—of the traces of prints on the side of the magazine housing of the gun No. C-2766.

Mr. BELIN. Were those prints in such condition as to be identifiable, if you know?

Mr. DAY. No, sir; I could not make positive identification of these prints.

Mr. BELIN. Did you have enough opportunity to work and get these pictures or not?

Mr. DAY. I worked with them, yes. I could not exclude all possibility as to identification. I thought I knew which they were, but I could not positively identify them.

Mr. BELIN. What was your opinion so far as it went as to whose they were?

Mr. DAY. They appeared to be the right middle and right ring finger of Harvey Lee Oswald, Lee Harvey Oswald.

Mr. BELIN. At the time you had this did you have any comparison fingerprints to make with the actual prints of Lee Harvey Oswald?

Mr. DAY. Yes, sir; we had sets in Captain Fritz' office. Oswald was in his custody, we had made palmprints and fingerprints of him.

Mr. BELIN. Is there any other processing that you did with the rifle?

Mr. DAY. No, sir.

Mr. BELIN. At what time, if you know, did you release the rifle to the FBI?

Mr. DAY. 11:45 p.m. the rifle was released or picked up by them and taken from the office.

Mr. BELIN. Was that on November 22?

Mr. DAY. November 22, 1963.

Mr. BELIN. At what time did these same photographs which are the same as Commission Exhibit 720 and 721 of this print—

Mr. DAY. About 8 o'clock, somewhere around 8 o'clock, in that neighborhood.

Mr. BELIN. Of what date?

Mr. DAY. November 22, 1963.

Mr. BELIN. What about the lift which has previously been marked as Commission Exhibit 637?

Mr. DAY. About what?

Mr. BELIN. When did you turn that over to the FBI?

Mr. DAY. I released that to them on November 26, 1963. I did not release this—

Mr. BELIN. You are referring now—

Mr. DAY. On November 22.

Mr. BELIN. You are referring to Commission Exhibit 637?

Mr. DAY. Yes.

Mr. BELIN. Is there any particular reason why this was not released on the 22d?

Mr. DAY. The gun was being sent in to them for process of prints. Actually I thought the print on the gun was their best bet, still remained on there, and,

too, there was another print, I thought possibly under the wood part up near the trigger housing.

Mr. BELIN. You mean the remaining traces of the powder you had when you got the lift, Exhibit 637, is that what you mean by the lift of the remaining print on the gun?

Mr. DAY. Yes, sir. Actually it was dried ridges on there. There were traces of ridges still on the gun barrel.

Mr. BELIN. Can you tell the circumstances under which you sent Exhibit 637 to the FBI?

Mr. DAY. We released certain evidence to the FBI, including the gun, on November 22. It was returned to us on November 24. Then on November 26 we received instructions to send back to the FBI everything that we had.

Mr. BELIN. Did you do that?

Mr. DAY. Yes, sir; and at that time I sent the lift marked—

Mr. BELIN. 637.

Mr. DAY. Yes. The gun was sent back again, and all of the other evidence that I had, including cartons from Texas Bookstore, and various other items, a rather lengthy list.

Mr. BELIN. Had the FBI in the interim returned the gun to you then after you sent it to them on November 22?

Mr. DAY. Yes, sir.

Mr. BELIN. When the rifle was photographed, as I understand it, you were the one who lifted it out of there, is that correct?

Mr. DAY. Yes, sir.

Mr. BELIN. Was it wedged in very tight or could you readily lift it up without moving any boxes?

Mr. DAY. It came out without moving any boxes. It wasn't wedged in.

Mr. McCLOY. Am I to understand your testimony, Lieutenant, about the fingerprints to be you said you were positive—you couldn't make a positive identification, but it was your opinion that these were the fingerprints of Lee Oswald?

Mr. DAY. Well, actually in fingerprinting it either is or is not the man. So I wouldn't say those were his prints. They appeared similar to these two, certainly bore further investigation to see if I could bring them out better. But from what I had I could not make a positive identification as being his prints.

Mr. McCLOY. How about the palmprint?

Mr. DAY. The palmprint again that I lifted appeared to be his right palm, but I didn't get to work enough on that to fully satisfy myself it was his palm. With a little more work I would have come up with the identification there.

Mr. BELIN. Lieutenant Day, what is the fact as to whether or not palmprints are a sound means of identification of an individual?

Mr. DAY. You have the same characteristics of the palms that you do the fingers, also on the soles of feet. They are just as good for identification purposes.

Mr. BELIN. Is there anything else you did in connection with the rifle, the cartridges, the live cartridge, or the taking of prints from any of these metallic objects that you haven't talked about yet?

Mr. DAY. No, sir; I believe that is the extent of the prints on any of those articles.

Mr. BELIN. Did you make a positive identification of any palmprint or fingerprint?

Mr. DAY. Not off the rifle or slug at that time.

Mr. BELIN. At any other time did you off the rifle or the slugs?

Mr. DAY. After I have been looking at that thing again here today, that is his right palm. But at that time I had not no—

Mr. BELIN. When you are saying you looked at that thing today, to what are you referring?

Mr. DAY. Your No. 637 is the right palm of Oswald.

Mr. BELIN. Handing you what has been marked "Exhibit 629" I ask you to state if you know what this is.

Mr. DAY. That is the right palm of Lee Harvey Oswald.

Mr. BELIN. Do you know where this print was taken?

Mr. DAY. Yes, sir; it was taken by Detective J. B. Hicks in Captain Fritz' office on November 22, 1963.

Mr. BELIN. Did you take more than one right palmprint on that day, if you know?

Mr. DAY. Yes, sir; we took two, actually we took three. Two of them were taken in Captain Fritz' office, and one set which I witnessed taking myself in the identification bureau.

Mr. BELIN. Any particular reason why you took more than one?

Mr. DAY. In most cases, when making comparisons, we will take at least two to insure we have a good clear print of the entire palm.

Mr. BELIN. Now, based—

Mr. DAY. One might be smeared where the other would not.

Mr. BELIN. Based on your experience, I will ask you now for a definitive statement as to whether or not you can positively identify the print shown on Commission Exhibit 637 as being from the right palm of Lee Harvey Oswald as shown on Commission Exhibit 629?

Mr. DAY. Maybe I shouldn't absolutely make a positive statement without further checking that. I think it is his, but I would have to sit down and take two glasses to make an additional comparison before I would say absolutely, excluding all possibility, it is. I think it is, but I would have to do some more work on that.

Mr. BELIN. Could you do that here in Washington before you go back, sir, or would this necessitate going back to Dallas?

Mr. DAY. If I had the proper equipment I think I could do it here. I don't have very good equipment for making comparisons here. I need two fingerprint glasses.

It was my understanding the prints had been identified by the FBI. I don't have official word on it.

Mr. BELIN. Is there any other thing that you did with regard to the rifle that you haven't discussed this far that you can remember right now?

Mr. DAY. No, sir; I released it to the FBI then, and they took possession of it.

Mr. BELIN. Did you ever hear this rifle referred to as a 7.65 Mauser or as any type of a Mauser?

Mr. DAY. Yes, sir; it wasn't referred to as that. Some of the newsmen, when I first carried the rifle out, asked me if it was a .30-06, and at another time they asked me if it was a Mauser. I did not give them an answer.

Mr. BELIN. Were there newsmen on the sixth floor at the time the rifle was found, if you know?

Mr. DAY. I think there was.

Mr. BELIN. Did you ever describe the rifle as anything but a 6.5-caliber with regard to the rifle itself?

Mr. DAY. I didn't describe the rifle to anyone other than police officers.

Mr. BELIN. Is the description that you used with the police officers the same that you dictated here into the record from your notes?

Mr. DAY. Yes, sir.

Mr. BELIN. Anything else with regard to the rifle?

Mr. DAY. I can't think of anything else that I did with it at the time.

I don't know whether you are interested in this or not, but about, it must have been about 8:30 I was processing the gun on the fourth floor—

Mr. BELIN. Of the police department there?

Mr. DAY. Of the police department where my office is. The identification bureau. And Captain Fritz came up and said he had Mrs. Oswald in his office on the third floor, but the place was so jammed with news cameramen and newsmen he did not want to bring her out into it.

Mr. BELIN. Was this the wife or the mother of Lee Harvey Oswald?

Mr. DAY. That was Marina, Oswald's wife. She had her baby with her, or babies, and there was an interpreter down there. He wanted her to look at the gun to see if she could identify it, didn't want to bring her in through the crowd, and wanted to know if we could carry it down. He said, "There is an awful mob down there."

I explained to him that I was still working with the prints, but I thought I could carry it down without disturbing the prints, which I did.

We waded through the mob with me holding the gun up high. No one touched it. Several of the newsmen asked me various questions about what the gun was at that time. I did not give them an answer.

When I went back to the office after Marina Oswald viewed the gun, they still were hounding me for it. I told them to check with the chief's office, he would have to give them the information, and as soon as I got back to my office I gave a complete description, and so forth, to Captain King on the gun.

Mr. BELIN. Were you there when Marina Oswald was asked whether or not she could identify it?

Mr. DAY. Yes, sir. But I didn't understand what she said. I was standing across the room from her where I couldn't understand. The interpreter said something to her and said something to Captain Fritz. I didn't catch what was said. I mentioned that because there was some talk about a Mauser and .30-06 at the time and various other things, that is the reason I mentioned it.

Mr. BELIN. You just refused to answer all questions on that, is that correct?

Mr. DAY. Yes, sir. It wasn't my place to give them that information. I didn't know whether they wanted it out yet or not.

Mr. McCLOY. There was never any doubt in your mind what the rifle was from the minute you saw it?

Mr. DAY. No, sir; It was stamped right on there, 6.5, and when en route to the office with Mr. Odum, the FBI agent who drove me in, he radioed it in, he radioed in what it was to the FBI over the air.

Mr. BELIN. What else did you do, or what was the next thing you did after you completed photographing and inspecting the rifle on the sixth floor of the Texas School Book Depository Building for whatever prints you could find, what did you do next?

Mr. DAY. I took the gun at the time to the office and locked it up in a box in my office at Captain Fritz' direction.

Mr. BELIN. Then what did you do?

Mr. DAY. I went back to the School Book Depository and stayed there. It was around three that I got back, and I was in that building until about 6, directing the other officers as to what we needed in the way of photographs and some drawing, and so forth.

Mr. BELIN. What did you do when you got back, what photographs did you take?

Mr. DAY. We went, made the outside photographs of the street, we made more photographs inside, and did further checking for prints by using dust on the boxes around the window.

Mr. BELIN. I hand you what has been marked as "Commission Exhibit 722" and ask you to state if you know what this is.

Mr. DAY. Yes, sir. This is a view of Houston Street looking south from the sixth floor of the Texas School Book Depository Building.

Mr. BELIN. Do you know when that was taken?

Mr. DAY. About 3 or 3:15, somewhere along there, on November 22, 1963.

Mr. McCLOY. You say from the sixth floor; was it from the farthest east window?

Mr. DAY. The south window on the east end of the building.

Mr. BELIN. You don't mean that. State that again. What side of the building was the window on?

Mr. DAY. It was on the south side of the building, the easternmost window.

Mr. BELIN. At the time you took Exhibit 722 had any boxes been moved at all?

Mr. DAY. Yes, sir.

Mr. BELIN. Here is Exhibit 724, and I will ask you to state if you know what that is.

Mr. DAY. This is a view from the same window looking southwest down Elm Street. Actually this is the direction the shots were fired. When this picture was made—

Mr. BELIN. When you say this picture you are referring to—I think I have skipped a number here.

Mr. McCLOY. This is 722.

Mr. BELIN. All right. When 722 was made, you——

Mr. DAY. I did not know the direction the shots had been fired.

Mr. BELIN. All right. I'm going to hand you what I have already marked as 724. What about that one?

Mr. DAY. This was made, 724 was made, some 15 to 20 minutes after 722 when I received information that the shooting actually occurred on Elm rather than Houston Street. The boxes had been moved at that time.

Mr. BELIN. In 724 there are boxes in the window. Were those boxes in the window the way you saw them, or had they been replaced in the window to reconstruct it?

Mr. DAY. They had simply been moved in the processing for prints. They weren't put back in any particular order.

Mr. BELIN. So 724 does not represent, so far as the boxes are concerned, the crime scene when you first came to the sixth floor; is that correct?

Mr. DAY. That is correct.

Mr. BELIN. Let me ask you this: Had all of the boxes of the stack in 724 been replaced there or had any of the boxes been in a position they were at the time you first arrived at the building, if you know?

Mr. DAY. No, sir; they had not been placed in the proper position or approximate position at the time we arrived.

Mr. BELIN. Now, I am going to hand you what I will mark as "723" and ask you to state if you know what this is.

Mr. DAY. 726——

Mr. BELIN. No; 723.

Mr. DAY. 723 is the southeast corner of the sixth floor of the Texas School Book Depository Building.

Mr. BELIN. Who took that picture, if you know?

Mr. DAY. Detective Studebaker.

Mr. BELIN. Was it taken under your direction and supervision, Mr. Day?

Mr. DAY. Yes, sir; I was present. The two metal boxes you will note to the left, are our fingerprint equipment that inadvertently got into the picture with a wide-angle lens camera.

Mr. BELIN. When you say to the left——

Mr. DAY. To the right.

Mr. BELIN. You mean as you face the picture to the right.

Mr. DAY. Yes.

Mr. BELIN. Do you want to circle on Exhibit 723 your fingerprint equipment?

Mr. DAY. Yes.

Mr. BELIN. Now, I will ask you to state if you know if this picture was taken before any of the boxes shown on 723 were moved.

Mr. DAY. To the best of my knowledge they had not been moved.

Mr. BELIN. And straight ahead the camera is pointed toward it?

Mr. DAY. To the south.

Mr. BELIN. At which window?

Mr. DAY. Toward the window where the hulls were found.

Mr. BELIN. I'm going to hand you what has been marked as "725," and ask you to state if you know what this is.

Mr. DAY. That is a view of the same window as 723 except it shows the full length of the aisle.

Mr. BELIN. Was 725 taken before the boxes were moved, if you know?

Mr. DAY. I beg your pardon?

Mr. BELIN. Was Commission Exhibit 725 taken before any boxes were moved, if you know?

Mr. DAY. To the best of my knowledge, nothing had been moved.

Mr. BELIN. I'm going to hand you what has been marked as 726 and ask you to state if you know what this is.

Mr. DAY. This is the next aisle over, or the next aisle west of the aisle shown in 723. Actually, this was taken on November 25. Some movement had been made of the boxes as shown in 723.

Mr. BELIN. All right. So you now are saying Commission Exhibit 726 was taken on November 25——

Mr. DAY. Yes, sir.

Mr. BELIN. And there had been some movement of the boxes?

Mr. DAY. Yes, sir.

Mr. BELIN. Generally did it depict the area as you saw it on November 22?

Mr. DAY. Yes, sir.

Mr. BELIN. I am handing you Commission Exhibit 727 and ask you to state if you know what that is.

Mr. DAY. 727 is the sixth floor of the Texas School Book Depository, taken looking east along the inside of the south wall.

Mr. BELIN. When was that taken?

Mr. DAY. November 25, 1963.

Mr. BELIN. Just by general means of identification, perhaps it might help to see when some pictures were taken and some pictures were not taken. I think you can see on Exhibit 727 that the shadows show that the sun would not as yet have reached a due south position. Is that correct?

Mr. DAY. That is correct. It was taken in the morning. This is the morning shadow.

Mr. BELIN. Handing you what has been marked 728, would you state if you know what this is?

Mr. DAY. This is the third aisle from the east side of the building, sixth floor, Texas School Book Depository.

Mr. BELIN. Was that taken on November 22 or November 25?

Mr. DAY. It was taken on November 22, 1963.

Mr. BELIN. Again you can note the shadows at this time, and it would appear as a southwesterly sun.

Mr. DAY. Yes, sir.

Mr. BELIN. I notice a pop bottle there. Do you know whether or not that pop bottle was there at the time you got to the scene?

Mr. DAY. It was, sir.

Mr. BELIN. Was it in the same relation as that two-wheeler cart, if you know?

Mr. DAY. To the best of my knowledge nothing had been moved there.

Mr. BELIN. Did you see anything else with the pop bottle when you were in that area?

Mr. DAY. There was a brown-paper sack, like a lunch sack.

Mr. BELIN. About how large?

Mr. DAY. It does not show in the picture.

Mr. BELIN. Where would the sack have been located?

Mr. DAY. Sir?

Mr. BELIN. Where would that sack have been located, if you know?

Mr. DAY. I don't remember.

Mr. BELIN. Would this have been at the third pair of windows counting from the east; when you meant the third aisle, did you mean the third set of windows also?

Mr. DAY. Yes, sir.

Mr. BELIN. You mentioned a sack that would have been at that third aisle. Was any kind of a sack found on the sixth floor, if you know?

Mr. DAY. Yes, sir.

Mr. BELIN. What other kind of a sack was found?

Mr. DAY. A homemade sack, brown paper with 3-inch tape found right in the corner, the southeast corner of the building near where the slugs were found.

Mr. McCLOY. Near where the hulls were found?

Mr. DAY. Near where the hulls. What did I say?

Mr. McCLOY. Slugs.

Mr. DAY. Hulls.

Mr. BELIN. I'm going to hand you what has been marked as Commission Exhibit 729 and ask you to state if you know what this is.

Mr. DAY. 729 is a photograph of the inside wall, south and east walls, right at the corner of the building at the sixth floor of the Texas Book Depository.

Mr. BELIN. I notice some pipes on the right portion of this picture as you face it, and I also notice a box.

I will first ask you to state if this picture was taken before or after anything was removed from the area.

Mr. DAY. The sack had been removed.

Mr. BELIN. Had any change been made of the position of that box that is set off by itself in the center of the picture?

Mr. DAY. I don't think the box—well, it is possible the box had been moved. This is an approximate position of it. The box had been dusted for powder and—dusted for prints. The black powder is visible on it. It is possible the box may have been moved a tiny bit.

Mr. BELIN. Where was the sack found with relation to the pipes and that box?

Mr. DAY. Between the sack and the south wall, which would be the wall at the top of the picture as shown here.

Mr. BELIN. You mean between—you said the sack.

Mr. DAY. I mean the pipe. The sack was between the pipe and the wall at the top of the picture.

Mr. BELIN. That wall at the top of the picture would be the east wall, would it not?

Mr. DAY. Yes, sir; laying parallel to the south wall.

Mr. BELIN. Did the sack—was it folded over in any way or just lying flat, if you remember?

Mr. DAY. It was folded over with the fold next to the pipe, to the best of my knowledge.

Mr. BELIN. I will now hand you what has been marked as Commission Exhibit 626 and ask you to state if you know what this is, and also appears to be marked as Commission Exhibit 142.

Mr. DAY. This is the sack found on the sixth floor in the southeast corner of the building on November 22, 1963.

Mr. BELIN. Do you have any identification on that to so indicate?

Mr. DAY. It has my name on it, and it also has other writing that I put on there for the information of the FBI.

Mr. BELIN. Could you read what you wrote on there?

Mr. DAY. "Found next to the sixth floor window gun fired from. May have been used to carry gun. Lieutenant J. C. Day."

Mr. BELIN. When did you write that?

Mr. DAY. I wrote that at the time the sack was found before it left our possession.

Mr. BELIN. All right, anything else that you wrote on there?

Mr. DAY. When the sack was released on November 22 to the FBI about 11:45 p.m., I put further information to the FBI reading as follows: "FBI: Has been dusted with metallic magnetic powder on outside only. Inside has not been processed. Lieut. J. C. Day."

Mr. BELIN. Did you find anything, any print of any kind, in connection with the processing of this?

Mr. DAY. No legible prints were found with the powder, no.

Mr. BELIN. Do you know whether any legible prints were found by any other means or any other place?

Mr. DAY. There is a legible print on it now. They were on there when it was returned to me from the FBI on November 24.

Mr. BELIN. Do you know by what means they found these?

Mr. DAY. It is apparently silver nitrate. It could be another compound they have used. The sack had an orange color indicating it was silver nitrate.

Mr. BELIN. You mean the sack when it came back from the FBI had a—

Mr. DAY. Orange color. It is another method of processing paper for fingerprints.

Mr. BELIN. Was there anything inside the bag, if you know, when you found it?

Mr. DAY. I did not open the bag. I did not look inside of the bag at all.

Mr. BELIN. What did you do with the bag after you found it and you put this writing on after you dusted it?

Mr. DAY. I released it to the FBI agent.

Mr. BELIN. Did you take it down to the station with you?

Mr. DAY. I didn't take it with me. I left it with the men when I left. I left Detectives Hicks and Studebaker to bring this in with them when they brought other equipment in.

Mr. BELIN. By this you are referring to the bag itself?

Mr. DAY. Yes, sir.

Mr. BELIN. Did you ever get the kind of sample used at the School Book Depository?

Mr. DAY. Yes, sir; on the afternoon of November 22, 1963, I had the bag listed as—

Mr. BELIN. Commission Exhibit 626 or 142.

Mr. DAY. On the first floor of the Texas School Book Depository, and I noticed from their wrapping bench there was paper and tape of a similar—the tape was of the same width as this. I took the bag over and tried it, and I noticed that the tape was the same width as on the bag.

Mr. BELIN. Did it appear to have the same color?

Mr. DAY. Yes, sir.

Mr. BELIN. All right. Then what did you do?

Mr. DAY. Sir?

Mr. BELIN. Then what did you do?

Mr. DAY. I directed one of the officers standing by me, I don't know which, to get a piece of the tape and a piece of the paper from the wrapping bench.

Mr. BELIN. Handing you what has been marked as Commission Exhibit 677, I will ask you to state if you know what this is.

Mr. DAY. This is the tape and paper collected from the first floor in the shipping department of the Texas School Book Depository on November 22, 1963.

Mr. BELIN. Does this have any identification marks on it?

Mr. DAY. It has my name, "J. C. Day, Dallas Police Department," and also in my writing, "Shipping Department."

Mr. BELIN. Any other writing on there that you recognize?

Mr. DAY. Yes, sir; Detective Studebaker, who was with me, and in his writing it says, "Paper sample from first floor, Texas School Book Depository, Studebaker, 11-22-63."

The tape also has Studebaker's writing on it, "Tape sample from first floor."

Mr. BELIN. I will ask you to state if you know what are Exhibits 730, 731 and 732?

Mr. DAY. These are photographs of the wrapping bench on the first floor, Texas School Book Depository, taken by me on April 13, 1964, after I had talked to you when I was back in the building. I didn't have a previous picture of this wrapping bench.

Mr. BELIN. Does that represent the location on the first floor of the School Book Depository Building where you got the tape sample, Commission Exhibit 677?

Mr. DAY. Yes, sir; it is approximately the same. I do not think the benches had been changed since the November shooting.

Mr. BELIN. Do you recognize at any point on any of the exhibits the actual tape machine that was used?

Mr. DAY. The one that we removed this from was the north roll and tape on the east side of the bench.

Mr. BELIN. You are now pointing at Exhibit 730. I notice a roll of paper underneath the bench in the center of the picture. Is that where you got the big paper, the main paper on Commission Exhibit 677?

Mr. DAY. Yes, sir. To the best of my knowledge that is the roll we tore the paper off of.

Mr. BELIN. What about tape itself?

Mr. DAY. The tape was from the machine immediately above that roll of paper on top of the bench.

Mr. BELIN. Were there other tape machines there also?

Mr. DAY. Yes; but I didn't notice them at the time.

Mr. BELIN. How did you get the tape from out of the machine, if you remember?

Mr. DAY. Just pulled the tape off and tear it out and tear it off.

Mr. BELIN. Was there a lever at all that you used, if you remember if there is such a lever?

Mr. DAY. I don't remember. I don't think we used the lever.

Mr. BELIN. What did you do with Commission Exhibit 677?

Mr. DAY. I released this, I released 677 to Vince Drain of the FBI, 11:45 p.m., November 22, 1963.

Mr. BELIN. I am going to hand you what has been marked as Commission Exhibit 733 and ask you to state if you know what this is.

Mr. DAY. This is the southeast corner of the sixth floor at the window where the shooting apparently occurred. The boxes in front of the window, to the best of our knowledge, in the position they were in when we arrived there on November 22, 1963.

Mr. BELIN. So 733 represents a reconstruction in that sense, is that correct?

Mr. DAY. Yes, sir.

Mr. BELIN. What about Exhibit—

Mr. DAY. This, by the way, was taken on November 25, 1963.

Mr. BELIN. All right. What about 734?

Mr. DAY. That is another view of the same boxes shown in 733.

Mr. BELIN. In 734 you can also see this juncture of the south and east walls of the sixth floor where you say the bag was found; is that correct?

Mr. DAY. Yes, sir.

Mr. BELIN. I want to turn for the moment to 729. I notice that the box on 729 appears to have a portion of it torn off and then replaced again. Is this correct or not?

Mr. DAY. Yes, sir.

Mr. BELIN. I am going to hand you what has been marked as Commission Exhibit 649 and ask you to state if you know what this is.

Mr. DAY. Yes, sir. This is a portion torn from the box shown in 729.

Mr. BELIN. While you are holding that I'm going to hand you Commission Exhibit 648 and ask you to state if you know what this is.

Mr. DAY. That is the box shown in 729 at the center of the picture.

Mr. BELIN. Is that the box, 648, from which 649 was torn?

Mr. DAY. Yes, sir; it is.

Mr. BELIN. Could you relate what transpired to cause 649 to be torn from 648?

Mr. DAY. After I returned to the sixth floor of the Texas School Book Depository after delivering the gun to my office, we processed the boxes in that area, in the area of the window where the shooting apparently occurred, with powder. This particular box was processed and a palmprint, a legible palmprint, developed on the northwest corner of the box, on the top of the box as it was sitting on the floor.

Mr. BELIN. Then what did you do when you developed this print?

Mr. DAY. I placed a piece of transparent tape, ordinary Scotch tape, which we use for fingerprint work, over the developed palmprint.

Mr. BELIN. And then what did you do?

Mr. DAY. I tore the cardboard from the box that contained the palmprint.

Mr. BELIN. Then what did you do?

Mr. DAY. The box was left in its position, but the palmprint was taken by me to the identification bureau.

Mr. BELIN. Did you make any identification of it?

Mr. DAY. Yes, sir. Later that night when I had a chance to get palmprints from Lee Harvey Oswald. I made a comparison with the palmprint off of the box, your 729, and determined that the palmprint on the box was made by the right palm of Lee Harvey Oswald.

Mr. BELIN. Did you make any identification on Exhibit 649 which would indicate that this is the palmprint you took?

Mr. DAY. It has in my writing, "From top of box Oswald apparently sat on to fire gun. Lieut. J. C. Day," and it is marked "right palm of Oswald. Lieut. J. C. Day."

There is also an arrow indicating north and where the palmprint was found. It further has Detective Studebaker's name on it, and he also wrote on there, "From top of box subject sat on."

Mr. BELIN. Now, when was that placed on that exhibit, that writing of yours, when was it placed on there?

Mr. DAY. It was placed on there November 22, 1963.

Mr. BELIN. Can you identify by any way Commission Exhibit 648?

Mr. DAY. This has my name "J. C. Day" written on it. It also has "R. L. Studebaker" written on it. It has written in the corner in my writing, "Southwest corner box 18 inches from wall."

Mr. BELIN. I also see the name "W. H. Shelley" written on there. Do you know when this was put on?

Mr. DAY. W. H. Shelley is the assistant manager apparently of the Texas School Book Depository.

Mr. BELIN. Did he put it on at the time you found the box?

Mr. DAY. No, sir.

Mr. BELIN. Do you know when that was placed on there?

Mr. DAY. That was placed there November 26. The box was not removed, just the cardboard was removed on November 22—excuse me, November 25 I should say that he put his name on there. I returned to the School Book Depository on November 25 and collected this box.

Mr. McCLOY. Did he say southwest on that or southeast?

Mr. BELIN. I believe he said that he has here that the southwest corner of the box is 18 inches from the wall.

Mr. DAY. Yes, sir; that being the south wall.

Mr. McCLOY. This is the southwest corner of the box he is talking about?

Mr. DAY. Yes, sir.

Mr. BELIN. That is what is written on Commission Exhibit 648.

Mr. McCLOY. It depends on where that box was. It is kind of a removable direction, isn't it?

Mr. BELIN. I am going to hand you what has been marked Commission Exhibit 641, Exhibit 653, and Exhibit 654, and ask you to state if you know what these are. I will start with 641 first.

Mr. DAY. 641 is a box found in front of the window, Texas School Book Depository. Apparently the gun had rested across this. This is the top box now of two that were sitting in the window.

Mr. McCLOY. At the sixth floor window from which the shots are alleged to have been fired?

Mr. DAY. Where the gun was fired from.

Mr. BELIN. Does this box appear on Commission Exhibit 715?

Mr. DAY. No, sir; this does not show.

Mr. BELIN. In other words, what you are saying is that the box, 641, is not the box which is shown in the window on 715?

Mr. DAY. That is correct.

Mr. BELIN. Taking a look now at the box No. 653, I want to ask you to state if you know what this is.

Mr. DAY. This is the box that is shown on 715, that is in the window.

Mr. BELIN. Does it have any means of identification?

Mr. DAY. It has my name "J. C. Day," also "R. L. Studebaker" marked "Box B."

Mr. BELIN. I see you have a notation about the top, which appears to be reading on the side of the box. What does that mean?

Mr. DAY. That is the top of the box as it was sitting in the window sill, on the window sill.

Mr. BELIN. I see you have an arrow with the arrow pointing to the north.

Placing the box on the table here with the arrow pointing in a north direction, it would appear the box is lying on its side, is that correct?

Mr. DAY. Yes, sir.

Mr. BELIN. Is that the way you found it in the window before you moved it?

Mr. DAY. Yes, sir.

Mr. BELIN. Is that the way it is shown on 715?

Mr. DAY. Yes, sir.

Mr. BELIN. Is there any kind of a mark to show what the contents of this box were?

Mr. DAY. It says "Ten Rolling Readers."

Mr. BELIN. Is there anything, any other identification, that you found on it? Did you dust this for prints?

Mr. DAY. Yes, sir.

Mr. BELIN. Did you find any?

Mr. DAY. Not with the powder.

Mr. BELIN. Did you find any in any way?

Mr. DAY. No; I didn't find any.

Mr. BELIN. Do you know if anyone else found any?

Mr. DAY. No, sir; I don't.

Mr. BELIN. When did you put your initials on the boxes, 653 and 641, if you know?

Mr. DAY. I am not certain whether it was the 22d or 25th when we collected the boxes.

Mr. BELIN. I notice your initials are also on 641, is that correct?

Mr. DAY. Yes, sir.

Mr. BELIN. Again you have marked the side of the box as being the top, is that correct?

Mr. DAY. Yes, sir.

Mr. BELIN. Putting your initials on there?

Mr. DAY. Yes, sir; and my name is on it "J. C. Day."

Mr. BELIN. If you put your initials on or your name on on November 25, how do you know this was the same box that was there when you first came?

Mr. DAY. There was a scar on the top of or the top side of this box that was sitting there. I noticed that at the time. I thought the recoil of the gun had caused that. I later decided that was in the wrong direction. It was not the recoil of the gun but I did notice this scar on the box.

Mr. BELIN. When you came back on the 25th where did you find this box, 641?

Mr. DAY. They were still in the area of the window but had been moved from their original position.

Mr. BELIN. Does that scar appear on the box in 733?

Mr. DAY. Yes, sir.

Mr. BELIN. I see there was one box in the window which you have reconstructed as being box 653, am I correct on that?

Mr. DAY. Yes, sir.

Mr. BELIN. And then there is a box which is stacked on top of another box, the upper box of that two-box stack is 641, is that correct?

Mr. DAY. Yes, sir.

Mr. BELIN. And there is a scar on top of that. Is this the same one that you referred to at the top of 641?

Mr. DAY. Yes, sir.

Mr. BELIN. Do you know when you initialed box No. 653?

Mr. DAY. No, sir; I don't know exactly which day it was.

Mr. BELIN. Do you have any independent recollection of this being the same box you saw in the window?

Mr. DAY. I beg pardon?

Mr. BELIN. Do you have any independent recollection of this being the same box that you saw in the window, if you don't remember when you initialed it?

Mr. DAY. No, sir; except that it was still there in that area and had been dusted on the 25th. We did dust it on the 22d.

Mr. BELIN. Let me ask you this: When you were dusting it were there remains of the dust on there?

Mr. DAY. Yes, sir.

Mr. BELIN. When you put your initials on on the 25th were the dust remains still there?

Mr. DAY. The dust was still there; yes, sir.

Mr. BELIN. On all of these boxes, 641 and 653, and now handing you 654, was there dust on 654 also?

Mr. DAY. All boxes had dust on them when I collected them.

Mr. BELIN. Were boxes Nos. 641, 653, and 654 open or closed?

Mr. DAY. They were closed and had books in them.

Mr. BELIN. Did they have tape around them?

Mr. DAY. They were sealed with tape.

Mr. BELIN. Turning to 654, do you see your name as a means of identification on this box?

Mr. DAY. Yes, sir; "J. C. Day." It also has the name "R. L. Studebaker" on it.

Mr. BELIN. I see there is an arrow pointing north here, is that correct?

Mr. DAY. Yes, sir.

Mr. BELIN. And the box appears with—it appears to have "top" written on the box as it stands on one end, is that correct?

Mr. DAY. Yes, sir; that is the top side as it was standing on the floor.

Mr. BELIN. Now, again turning to Exhibit 733, do you see where box 654 was then?

Mr. DAY. It would be the bottom box of the center stack. There are two boxes.

Mr. BELIN. There are two boxes, and the upper box is marked "Ten Rolling Readers," and 654 would be below that one?

Mr. DAY. Yes, sir.

Mr. BELIN. That is a reconstructed photo, to the best of your knowledge, as to where the boxes were?

Mr. DAY. Yes, sir.

Mr. McCLOY. Is there any indication on any of these boxes which you could identify as indicating on which box the rifle rested?

Mr. DAY. I beg your pardon?

Mr. McCLOY. Is there any indication on any of these boxes that could tell you where the rifle rested?

Mr. DAY. No, sir.

Mr. McCLOY. When it was fired?

Mr. DAY. No, sir; I couldn't find a thing there.

Mr. BELIN. I am going to hand you what has been marked Commission Exhibit 735 and 736 and ask you to state if you know what these are.

Mr. DAY. 735 is the right palm of Lee Harvey Oswald's palmprint. 736 is the left palmprint of Lee Harvey Oswald.

Mr. BELIN. Do you know when these prints were made?

Mr. DAY. They were made November 22, 1963.

Mr. BELIN. Does your name appear on these?

Mr. DAY. Yes, sir.

Mr. BELIN. With the permission of Commissioner McCloy, would it be possible to have Xerox copies substituted for these so that the original can go back with Lieutenant Day?

Mr. McCLOY. Yes.

Mr. BELIN. As I understand it, these are the last original copies you have of palmprints of Lee Harvey Oswald.

Mr. DAY. Yes.

Mr. BELIN. Were you there when these prints were made?

Mr. DAY. No, sir. The prints that were made in my presence, which I compared with these, I can state are his, were sent to the FBI.

Mr. BELIN. Would these be the same prints as shown on Commission Exhibit 628 and 629?

Mr. DAY. No, sir. They are still not the originals. They had my name on it when I saw them sign it. But I did compare these with ones I saw made personally of Oswald, and I can say this is his left hand, his left palm, and his right palm.

Mr. BELIN. So you are saying 735 and 736 are his right and left palms. What about 628 and 629?

Mr. DAY. 629 is the right palm, and 628 is the left palm of Lee Harvey Oswald.

Mr. BELIN. What about 627, can you state what that is, if you know?

Mr. DAY. That is a set of fingerprints, standard set of fingerprints, of Lee Harvey Oswald taken by Detective J. B. Hicks on November 22, 1963.

Mr. BELIN. You have just examined these with your magnifying glass, is that correct?

Mr. DAY. Yes, sir.

Mr. BELIN. And you so identify these?

Mr. DAY. They are the fingerprints of Lee Harvey Oswald, whose palmprints appear in 735 and 736.

Mr. BELIN. Lieutenant Day, did you ever try to make any ballistic identification of the bullet slug that was removed from the residence of General Walker?

Mr. DAY. No, sir. I don't do that work. We have a laboratory in Dallas that we ask to do that. Wait a minute now, you said identification? My answer should be no, sir.

Mr. BELIN. I will ask you this. Have you ever seen Commission Exhibit 573 before, if you know?

Mr. DAY. Yes, sir; I have.

Mr. BELIN. Could you tell us what 573 is?

Mr. DAY. This slug was gotten from the home of former General Edwin Walker, 4011 Turtle Creek, April 10, 1963, by Detective B. G. Brown, one of the officers under my supervision. He brought this in and released it to me.

Mr. BELIN. You are reading now from a report that is in your possession, is that correct?

Mr. DAY. Yes, sir. Those are the official records of my office.

Mr. BELIN. Was that prepared under your supervision?

Mr. DAY. Yes, sir.

Mr. BELIN. In the regular course of your duties at the Dallas Police Department?

Mr. DAY. Yes, sir. The slug has my name "Day" scratched in it.

Mr. BELIN. Do you know whether or not any ballistic identification was made of this slug with regard to any rifle it may have been fired from?

Mr. DAY. No, sir. I released that to the FBI agent B. D. Odum on December 2, 1963, at 4:10 p.m.

Mr. BELIN. Has that ever been back in your possession since that time?

Mr. DAY. Not since that time.

Mr. BELIN. Prior to that time do you know whether or not any positive ballistic identifications were made of Exhibit 573 with regard to the rifle from which it might have been fired?

Mr. DAY. It had not been compared with any rifle, to the best of my knowledge.

Mr. BELIN. At this point we would like to offer and introduce in evidence Commission Exhibits Nos. 715 through 734, inclusive.

Mr. McCLOY. They have all heretofore been identified?

Mr. BELIN. Yes, they have; and I think 715 is the first one, and if there have been any prior to 715 I would offer to introduce that also.

Mr. McCLOY. They may be admitted.

(Commission Exhibits Nos. 715 through 734 inclusive, were received in evidence.)

Mr. BELIN. I am also going to introduce 735 and 736. These are the Xerox copies of those cards, of those palmprint cards, that I believe you had, sir. Am I correct in that, and according to my records, the next number for introduction of exhibits is 737.

Mr. McCLOY. They may be admitted.

(Commission Exhibits Nos. 735 and 736 were received in evidence.)

Mr. BELIN. I am now going to hand you No. 737 and ask you to state if you know what this is.

Mr. DAY. Yes, sir. This is the rifle found on the sixth floor of the Texas School Book Depository November 22, 1963.

Mr. BELIN. Who took that picture?

Mr. DAY. I took it myself.

Mr. BELIN. When?

Mr. DAY. About 9 or 9:30 p.m., November 22, on the fourth floor of the City Hall in my office.

Mr. BELIN. I am going to now hand you what has been marked as 738 and ask you to state if you know what this is.

Mr. DAY. Yes, sir. This is a photograph of most of the evidence that was returned to the FBI the second time on November 26, 1963. It was released to Agent Vince Drain at 2 p.m., November 26.

Mr. BELIN. Who took that picture, if you know?

Mr. DAY. I beg pardon?

Mr. BELIN. Who took that picture?

Mr. DAY. I took this picture.

Mr. BELIN. I am going to now hand you what has been marked as Commission Exhibit 739 and ask you to state if you know what this is.

Mr. DAY. Yes, sir; this is a view of the Texas School Book Depository made from about a half block south looking north on Houston Street on November 22, 1963.

Mr. BELIN. Now, returning for the moment to Exhibit 738, do you recognize any items in there as items that you turned over to the FBI?

Mr. DAY. All of these items were released to the FBI.

Mr. BELIN. Which ones are there now?

Mr. DAY. There is a shirt.

Mr. BELIN. This is the same shirt that has been marked Commission Exhibit 150?

Mr. DAY. Yes, sir.

Mr. BELIN. All right. What else?

Mr. DAY. A revolver.

Mr. BELIN. Did you put any initials on the revolver or not?

Mr. DAY. No, sir; I don't think I did.

Mr. BELIN. All right. What else?

Mr. DAY. A blanket.

Mr. BELIN. Is that the blanket that has been marked "Commission Exhibit 140" here?

Mr. DAY. Yes, sir.

Mr. BELIN. All right. What else?

Mr. DAY. A live round.

Mr. BELIN. Is that the live round that you earlier identified as what Captain Fritz ejected from the rifle?

Mr. DAY. Yes, sir.

Mr. BELIN. What else?

Mr. DAY. Two spent hulls, and an envelope in which they were in.

Mr. BELIN. Those are the ones you have earlier identified, is that correct?

Mr. DAY. Yes, sir.

Mr. BELIN. What else?

Mr. DAY. One piece of cardboard with a palmprint on it that has been identified as that of Oswald.

Mr. BELIN. That is the piece of cardboard that you tore off this cardboard box, the cardboard box being Commission Exhibit No. 648, is that correct?

Mr. DAY. Yes, sir.

Mr. BELIN. What else?

Mr. DAY. Two—correction, one .38-caliber slug, and a button off a policeman's uniform.

Mr. BELIN. Is that slug, do you know where that came from?

Mr. DAY. I didn't personally collect that. It was in the stuff that was given to Vince Drain.

Mr. BELIN. All right. Anything else, if you know?

Mr. DAY. There is a plastic box, I don't remember what was in it, a slip of paper reading "Dallas County Hospital District," laying with the box, and there is an envelope laying with the live round with information stating that it is a live round from the gun found on the sixth floor of the Texas Book Depository.

Mr. McCLOY. Did you refer to the paper sack?

Mr. DAY. Yes; I didn't mention that. Also one homemade paper bag previously identified as the bag found in the southeast corner of the sixth floor of the Texas School Book Depository.

Mr. McCLOY. What is the revolver that you previously mentioned, where did it come from?

Mr. DAY. I understand that was the one that was in Oswald's possession, reportedly the one used to shoot the officer.

Mr. BELIN. You don't have any independent knowledge of that, do you?

Mr. DAY. No, sir; I did not collect that.

Mr. BELIN. I am going to hand you what has been marked "Commission Exhibit 740" and ask you to state if you know what that is. Do you have any further comments, by the way, of 738?

Mr. DAY. I can tell from this what it is.

Mr. BELIN. You are looking toward your own inventory and you are pointing to a picture of Exhibit 738?

Mr. DAY. Yes; it was a bullet fragment taken from the body of John Connally at Parkland General Hospital in Dallas. The slip was in connection with a fragment, the hospital slip previously mentioned.

Mr. BELIN. Anything else on 738?

Mr. DAY. That is all that is in the picture.

Mr. BELIN. All right. What about exhibit—

Mr. DAY. There was one other article released with this, an envelope containing the three negatives I made of the prints on the side of the magazine housing of that 6.5 rifle, which I did not definitely identify as belonging to Oswald.

Mr. BELIN. Anything else on 738?

Mr. DAY. That is all, sir.

Mr. BELIN. What about Exhibit 740?

Mr. DAY. 740 is a photograph looking northeast toward the Texas School Book Depository. This shows Elm Street at the point at which the President was shot.

Mr. BELIN. Do you know when that was taken?

Mr. DAY. November 22, 1963, in the afternoon sometime after 3 o'clock.

Mr. BELIN. All right. I am going to hand you Exhibit 741 and ask you to state if you know what this is.

Mr. DAY. 741 is a photograph of the lunchroom area on the second floor of the Texas School Book Depository taken November 25, 1963.

Mr. BELIN. Do you know what direction the camera is facing?

Mr. DAY. The camera is facing west looking toward the west door of the lunchroom.

Mr. BELIN. All right. I'm going to hand you what has been marked "Exhibit 742" and ask you to state if you know what this is.

Mr. DAY. That is the outside of the door shown in the picture on 741, which door—

Mr. BELIN. There appear to be two doors shown on 741. One door that is open and one door that is closed with the window in it.

Mr. DAY. This is outside of the door that is closed with the window in it. This picture looks east, made on the second floor of the Texas School Book Depository from a position near the stairway.

Mr. BELIN. That would be the stairway coming—

Mr. DAY. Stairway coming down from the third floor.

Mr. BELIN. I will hand you what has been marked "743" and ask you to state if you know what this is.

Mr. DAY. 743 is a photograph of the stairway leading to the third floor from the second floor of the southwest corner of the Texas School Book Depository. Make a correction on that previous picture 742. I stated that was taken from a position of the stairway leading to the third floor. It should read taken from a position of the stairway leading to the first floor.

Mr. BELIN. Is there any other evidence pertaining to fingerprints or palm-prints that you have not discussed?

Mr. DAY. I can't think of any at the present time. I believe that pretty well covers my participation in this investigation.

Mr. BELIN. Is there any other evidence that you can think of pertaining to the rifle that you have not discussed that you can think of at this time?

Mr. DAY. Not that I can think of.

Mr. BELIN. Is there any other thing that you did pertaining to the investigation of the assassination of the President that you can think of at this time?

Mr. DAY. Under my direction they made paraffin casts of the hand of Lee Harvey Oswald in Captain Fritz' office.

Mr. BELIN. This was done under your direction?

Mr. DAY. I directed them to make it, and also paraffin casts or just of a piece of paraffin on the left side of the face to see if there were any nitrates there.

Mr. BELIN. On the left side or right side of the face?

Mr. DAY. Right side.

Mr. BELIN. Do you know what the results of the paraffin tests were?

Mr. DAY. The test on the face was negative.

Mr. BELIN. Had you ever done a paraffin test on a face before?

Mr. DAY. No; actually—had it not been for the particular type of case and this particular situation here—we would not have at this time. It was just something that was done to actually keep from someone saying later on, "Why didn't you do it?"

Actually, in my experience there, shooting a rifle with a telescopic sight there would be no chance for nitrates to get way back or on the side of the face from a rifle.

Mr. BELIN. Well, the chamber, the nature of the chamber of the rifle, would that have anything to do with that?

Mr. DAY. Yes, sir.

Mr. BELIN. In what way?

Mr. DAY. A rifle such as that one we are talking about here from the sixth floor of the Texas School Book Depository, in my opinion, would not throw nitrates back to where a man's face was when he is looking through a telescopic sight.

Mr. BELIN. Well, when you ran these tests you had understood that the man, Oswald, had fired a pistol, too, hadn't he?

Mr. DAY. Yes, sir.

Mr. BELIN. Would you expect to have any positive tests from a pistol on the cheek?

Mr. DAY. I would expect more with a revolver with an open cylinder than I would from a rifle. Actually, for most practical purposes, I would not be surprised if there would be no nitrates from a man firing a rifle.

Mr. BELIN. What about on the hands?

Mr. DAY. Even on the hands. It is possible, but it is more likely with a revolver where you have a revolving cylinder and an opening between the cylinder and the actual barrel where the nitrates can come out.

Mr. McCLOY. That was the type of pistol that was used to kill Tippit, wasn't it?

Mr. DAY. Yes, sir.

Mr. McCLOY. Did the paraffin show up nitrate?

Mr. DAY. Yes, sir; nitrates were present on the cast made of Oswald's hands.

Mr. BELIN. Is there anything else, are there any other comments you have with regard to the paraffin test, sir?

Mr. DAY. No, sir.

Mr. BELIN. You are showing me your report of paraffin findings. Is this the same report that was sent into the FBI, if you know?

Mr. DAY. I think they were sent a report. This is the report submitted by the laboratory at Dallas who first processed this paraffin. Later on the FBI did come and want this paraffin, and it was turned over to them, also the can from which this was made. I don't know what purpose they wanted it for.

Mr. BELIN. I believe you mentioned that you took a measurement of the area in which the long paper bag was found to show how big an area that was with relation to the easternmost pair of windows on the east side of the building, and the—on the south side of the building rather—and on the southeast corner juncture of the south wall to the east wall.

Mr. DAY. Yes, sir.

Mr. BELIN. All right. Handing you what has been marked as "Commission Exhibit 734"—you are using another exhibit there—

Mr. DAY. It is the same, it would be the same. I just had my measurements on there, was all.

Mr. BELIN. 729, is this the one that you have here?

Mr. DAY. Yes, sir.

Mr. BELIN. All right.

How far would the distance be between the east wall and the east side of that easternmost pipe?

Mr. DAY. Two feet, seven inches.

Mr. BELIN. Do you have what the measurements were between the south wall and that box that you tore the piece off of to make the palmprint takeoff?

Mr. DAY. Yes, sir; it would be 19½ inches. Actually the box was marked "18 inches." If you will note there are six boards. I thought they were 3 inches wide. On doublechecking I found they were 3¼ inches wide which would make a 1½-inch difference in six boards.

Mr. BELIN. And I believe you have already said that the bag was folded over when it was found, is that correct?

Mr. DAY. Yes, sir.

Mr. BELIN. Now, on the picture, 734, this is the reconstruction of the boxes in the window, is that correct?

Mr. DAY. Yes, sir.

Mr. BELIN. Does that represent, to the best of your recollection, the way the boxes were at the time you first came upon the crime scene, if you know?

Mr. DAY. It is an approximate location. I may be a little too far from the west to what they actually were when we got there on November 22.

Mr. BELIN. Is there any other information you can think of, any facts that you can think of, whether I have asked you or not, that you feel are in any way relevant to the area of inquiry, the assassination of the President, the murder of Officer Tippit, or anything else?

Mr. DAY. I can't think of anything right now.

Mr. BELIN. All right.

Now, I'm going to hand you what has been marked as "Commission Exhibit 744," and ask you to state if you know what this is.

Mr. DAY. 744 is a picture of Officer M. N. McDonald, and shows the scratch on the side of his face made somewhere close to 2 p.m., November 22, 1963, by Detective J. M. Craft—correction, I believe he is a patrolman, Patrolman J. M. Craft, who is assigned to identification, to the identification bureau, and did the actual snapping of the shutter.

Mr. BELIN. Was this picture taken under your supervision?

Mr. DAY. Yes, sir.

Mr. BELIN. I am going to hand you what has been marked "Commission Exhibit 745" and ask you to state if you know what this is.

Mr. DAY. 745 is a photograph of Don Ray Ables, Dallas Police Department jail clerk, who was on duty, and placed in the showup November—I don't know whether it was the 23d or 22d, one of those 2 days, along with Lee Harvey Oswald at the Dallas Police Department showup room.

Mr. BELIN. Do you know about how tall Don Ray Ables is, if you know?

Mr. DAY. He is about 5'6", or 7", but I would have to get his accurate measurements to get it. In other words, he is not a large man.

Mr. McCLOY. There were more than he in the showup with Oswald, which Oswald was in, that is, he wasn't the only one in the showup besides Oswald?

Mr. DAY. I don't think so, but I don't know, sir.

Mr. McCLOY. You weren't present at the showup?

Mr. DAY. No, sir.

Mr. BELIN. At this time we would offer and introduce into evidence Exhibits 736 through 745.

Mr. McCLOY. They may be admitted.

(The items marked Commission Exhibits Nos. 736 through 745 for identification were received in evidence.)

Mr. BELIN. Any other questions that you have, Mr. McCloy?

Mr. McCLOY. On the crime scene, that is, on the sixth floor, did you notice any chicken bones or chicken remnants of a chicken sandwich or lunch or the whereabouts, if you did see them?

Mr. DAY. Yes, sir; there was a sack of some chicken bones and a bottle brought into the identification bureau. I think I still have that sack and

bottle down there. The chicken bones, I finally threw them away that laid around there.

In my talking to the men who were working on that floor, November 25, they stated, one of them stated, he had eaten lunch over there.

Mr. McCLOY. Someone other than Oswald?

Mr. DAY. Yes, sir; so I discarded it, or disconnected it with being with Oswald. Incidentally, Oswald's fingerprints were not on the bottle. I checked that.

Mr. McCLOY. They were not on the bottle?

Mr. DAY. No, sir.

Mr. McCLOY. Did you go on the fifth floor and make any investigation on the fifth floor?

Mr. DAY. I was there but I didn't have any photographs taken or do much investigating there.

My work was mostly confined to the sixth, second and the first floors.

Mr. McCLOY. I noticed that in the picture you took of the sixth floor window, the picture that had the hulls on the floor, there seemed to be a break in the floor between—against the wall where the wood did not reach the brick of the wall. Was that hole, so far as you recall, all the way through from the sixth floor to the fifth floor?

Mr. DAY. No, sir; I checked that. A hull could not go down through there. You could see the bottom of it. There was no hull in there.

Mr. McCLOY. I'm not saying there was any hull in there. I was wondering whether that aperture, whatever it was, not related to the hulls, whether that went all the way through to the fifth floor.

Mr. DAY. No, sir; I don't think so. I think it was tight there and nothing—

Mr. McCLOY. The colored man testified he could see air from the fifth floor to the sixth floor.

Mr. DAY. I may be wrong, but I did make a search in that area for the hulls and determined none could be in there. As far as from the bottom looking up, I couldn't say.

Mr. McCLOY. I don't think I can think of anything else to ask you, anything else I would like to ask you, Lieutenant Day.

Mr. BELIN. Lieutenant Day, we want to thank you for your splendid cooperation here. We appreciate your coming up and staying over and staying late tonight, and we know it has taken time on your part.

Mr. DAY. I hope I have helped you and not confused you.

Mr. McCLOY. You indicated one thing, Lieutenant, that you didn't have quite the proper equipment here tonight to make the comparisons that you might want to make.

Mr. DAY. Yes, sir.

Mr. McCLOY. Did I hear that you were going to stay over and go to the FBI laboratory in the morning?

Mr. DAY. Well, they are trying to make reservations to leave tonight if they can get them. I do not know whether they can. On that print it would take me some work to do that before I could eliminate all possibility of it not being his print. I feel it is his from what I have seen of it, but before I can take the witness stand and say that is his, I would want to do some more work on it. What it would take, I don't know. I understand that it was identified. What process they used I don't know.

Mr. McCLOY. By someone else, by some other agency?

Mr. DAY. Yes.

Mr. McCLOY. Can you restate again for the record what you can positively identify in terms of fingerprints or palmprints and Oswald's—

Mr. DAY. The palmprint on the box he apparently sat on I can definitely say it is his without being in fear of any error. The other, I think it is his, but I couldn't say definitely on a witness stand.

Mr. McCLOY. By the other, you mean the other palmprint?

Mr. DAY. The palmprint and that tracer print aside the trigger housing or the magazine housing.

Mr. McCLOY. Thank you very much.

(Whereupon, at 9:15 p.m. the President's Commission recessed.)

*Thursday, April 23, 1964*

**TESTIMONY OF LYNDAL L. SHANEYFELT, ROBERT INMAN BOUCK,  
ROBERT CARSWELL, AND WINSTON G. LAWSON**

The President's Commission met at 9:10 a.m. on April 23, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator John Sherman Cooper, Representative Gerald R. Ford, John J. McCloy, and Allen W. Dulles, members.

Also present were Melvin Aron Eisenberg, assistant counsel; Samuel A. Stern, assistant counsel; Howard P. Willens, assistant counsel; Charles Murray, observer; and Dean Robert G. Storey, special counsel to the attorney general of Texas.

**TESTIMONY OF LYNDAL L. SHANEYFELT**

Mr. McCLOY. Do you solemnly swear the testimony you give in this case, this hearing, will be the truth, the whole truth, and nothing but the truth, so held you God?

Mr. SHANEYFELT. I do.

Mr. McCLOY. You know why we are here? It is to ascertain all the facts and circumstances which seem to be relevant to the assassination of the President and the death of his alleged assassin, and there are certain identifications which I believe you can be helpful to us with, and with that I will just ask you to respond to the questions.

Mr. EISENBERG. Mr. Shaneyfelt, can you state your full name, please?

Mr. SHANEYFELT. Yes, Lyndal L. Shaneyfelt.

(At this point the Chief Justice entered the hearing room.)

Mr. EISENBERG. Can you give us your position?

Mr. SHANEYFELT. I am a special agent with the Federal Bureau of Investigation, assigned to the FBI laboratory.

Mr. EISENBERG. What unit?

Mr. SHANEYFELT. I am in the document section of the FBI Laboratory here in Washington.

Mr. EISENBERG. Does your work in that section customarily include photographic work as well as written documents?

Mr. SHANEYFELT. That is true.

Mr. EISENBERG. Could you briefly give us your qualifications as an expert in photography, Mr. Shaneyfelt?

Mr. SHANEYFELT. Yes; I have been in photographic work since about 1937. I started working with the FBI in 1940. Three years prior to this I had worked as a newspaper photographer in Hastings, Nebr., and on entering the FBI I worked in the photographic section of the FBI for about 8 years before I became a special agent. I became an agent in 1951, spent a year in Detroit as a field investigator, and then was returned to the laboratory and assigned as a document examiner. I was also assigned cases involving photographic examinations, because of my extensive experience in photography.

I have a B.C.S. degree from Southeastern University here in Washington.

Mr. EISENBERG. Can you estimate the number of photographic examinations you have made?

Mr. SHANEYFELT. This would be just an estimate. I would estimate approximately 100, between 100 and 300. I couldn't come any closer than that.

Mr. EISENBERG. Have you testified in court on the subject?

Mr. SHANEYFELT. Yes; I have.

Mr. EISENBERG. Mr. Chairman, may this witness testify as an expert in the area of photography?

Mr. McCLOY. Yes; I think he is qualified.

Mr. EISENBERG. Mr. Shaneyfelt, I now hand you two small photographs which have been already marked "Commission Exhibit 133," and I ask you whether you are familiar with these photographs?

Mr. SHANEYFELT. Yes; I am.

Mr. EISENBERG. Now, for the record, these photographs appear to show Lee Harvey Oswald in two different poses, and they were found by police officers, following his apprehension, at one of the premises at which he resided.

Mr. Chairman, I would like your permission to mark these photographs "A" and "B" for easy identification; they have already been marked "Commission Exhibit 133."

Again for the record, there are two poses represented in these photographs. In one the rifle is held—a rifle is held—in front of the body, and in one it is held somewhat above the torso. I am marking the rifle—the photograph in which the weapon is held in front of the body—as A, and the photograph in which the weapon is held somewhat above the body as B.

Mr. McCLOY. When you say above the body, you mean above and to the right side of the body as Oswald faces the viewer?

Mr. EISENBERG. Yes, sir.

Mr. Shaneyfelt, have you prepared reproductions of Exhibit 133A to show the weapon pictured therein in further detail?

Mr. SHANEYFELT. Yes; I have.

Mr. EISENBERG. Could you show us those reproductions? Did you prepare these yourself, Mr. Shaneyfelt?

Mr. SHANEYFELT. Yes; I did. They were prepared by rephotographing Commission Exhibit 133A, to preparing a negative from which I made a variety of prints of different densities to bring out the detail of the rifle.

Mr. EISENBERG. When you say "of different densities," could you explain that in lay terms?

Mr. SHANEYFELT. Yes; to try to get greater variation between the light and dark areas of the photograph, or to bring out or enhance the contrast so that the detail is more apparent.

Mr. EISENBERG. Mr. Chairman, I would like these photographs admitted as Commission Exhibit 746.

Mr. McCLOY. You want to put them all into one exhibit?

Mr. EISENBERG. Yes; and I will subnumber them A, B, C, D, E.

Mr. McCLOY. Have you identified these sufficiently?

Mr. EISENBERG. Yes; I have.

Mr. McCLOY. I wonder whether you have?

Mr. EISENBERG. The witness has identified these as subphotographs of 133A. There are five photographs, is that correct, Mr. Shaneyfelt?

Mr. SHANEYFELT. That is correct.

Mr. McCLOY. Different dimensions?

Mr. EISENBERG. Two photographs being what size?

Mr. SHANEYFELT. Two 11 by 14 inches, and three 8 by 10 inches.

(At this point Representative Ford entered the hearing room.)

Mr. McCLOY. Very well, they will be admitted.

(Commission Exhibit No. 746 was marked and received in evidence.)

Mr. EISENBERG. Let the record show I have marked these "Exhibits 746 A, B, C, D, E", the two larger photographs being marked "A" and "B," and three smaller photographs being marked "C," "D," and "E."

Mr. Shaneyfelt, I now hand you a rifle, Commission Exhibit 139, which for the record I will state is the rifle which was used in the assassination, and I ask you whether you are familiar with this weapon?

Mr. SHANEYFELT. Yes.

Mr. EISENBERG. Have you prepared a photograph of this weapon, Mr. Shaneyfelt, showing it in approximately the same manner as it is shown in Commission Exhibit 133A, but without it being held by anyone?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. Did you prepare this photograph?

Mr. SHANEYFELT. I prepared it myself.

Mr. EISENBERG. And that is an 8- by 10-inch photograph, is it?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. Mr. Chairman, may I have this admitted as 747?

Mr. McCLOY. It may be admitted.

(The photograph referred to was marked Commission Exhibit No. 747, and received into evidence.)

Mr. EISENBERG. Have you prepared a simulated photograph showing this weapon, Commission Exhibit 139, held in approximately the same pose as it appears to be held in Commission Exhibit 133A?

Mr. SHANEYFELT. I have; yes.

Mr. EISENBERG. And that is an 8-by-10-inch photograph?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. Which you prepared yourself?

Mr. SHANEYFELT. Yes; I prepared the photograph myself, having the rifle held in approximately the same position as in Exhibit 133A, and I attempted to duplicate the lighting of the photograph, Exhibit 133A.

Mr. EISENBERG. Mr. Chairman, may I have this admitted?

Mr. McCLOY. It may be admitted.

(The photograph referred to was marked Commission Exhibit No. 748, and was received into evidence.)

Mr. EISENBERG. Where was this photograph prepared, Mr. Shaneyfelt?

Mr. SHANEYFELT. This was prepared in the FBI laboratory.

Mr. EISENBERG. Was this inside or outside?

Mr. SHANEYFELT. Outside.

Mr. EISENBERG. On the roof?

Mr. SHANEYFELT. On the roof of the Justice Building.

Mr. EISENBERG. I see the head of the individual in the photograph is blacked out. Can you explain the reason for that?

Mr. SHANEYFELT. I blanked out the head because it was one of the employees of the FBI, and I felt it was desirable to blank out the head since it was not pertinent.

Mr. EISENBERG. Now, Mr. Shaneyfelt, based upon Exhibit 133A, upon your reproductions of Exhibit 133A, consisting of the Exhibits Nos. 746 A through E; and upon your photograph of the rifle, Exhibit 747, and your simulation of 133A, Exhibit 748—have you formed an opinion concerning whether Exhibit 139, the rifle used in the assassination, is the same or similar to the rifle pictured in Exhibit 133A?

Mr. SHANEYFELT. Yes; I have.

Mr. EISENBERG. Can you give us that opinion?

Mr. SHANEYFELT. Yes; I compared the actual rifle with the photograph, Exhibit 133A, and with the photographs that I prepared from Exhibit 133A, as well as the other simulated photograph and the photograph of the rifle, attempting to establish whether or not it could be determined whether it was or was not the same.

I found it to be the same general configuration. All appearances were the same. I found no differences. I did not find any really specific peculiarities on which I could base a positive identification to the exclusion of all other rifles of the same general configuration.

I did find one notch in the stock at this point that appears very faintly in the photograph, but it is not sufficient to warrant positive identification.

Mr. EISENBERG. When you say "this point," you are pointing to the right side of the weapon, to a point approximately 14 to 15 inches in front of the bolt when the bolt is turned down—is that correct?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. Mr. Shaneyfelt, looking at this Commission Exhibit 139, the weapon, I see that the stock is curved downward, about 8 inches—at a point approximately 8 inches—from the butt of the weapon, and that it then re-curves upward at an angle of approximately 10° to the plane of the forepart of the butt—is that correct?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. Now, I will hand you Commission Exhibits 746 A through E, and I will ask you to select from those exhibits the photograph which best brings out the various details of the weapon.

Mr. SHANEYFELT. I believe that the contour of the stock is best shown in Commission Exhibit 746E.

Mr. EISENBERG. Now, could you take——

Mr. McCLOY. Is that better shown than in the larger pictures?

Mr. SHANEYFELT. I believe it is; yes.

Mr. EISENBERG. Could you take a marking pencil, Mr. Shaneyfelt, and circle the point at which the curve and recurve appear to show, and mark that circle with an A?

Mr. SHANEYFELT. Yes.

Mr. EISENBERG. You circled a point which is marked predominantly by a highlight, is that correct?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. Now, without tampering with the original, 133A, I wonder whether you could show to the Commissioners the highlight as it appears on the original photograph?

Mr. SHANEYFELT. Yes; the highlight is right at that point there, the bright spot at that point.

Mr. McCLOY. I think I might say for the record, I don't believe you identified the place where these photographs were purported to be sited.

As I understand it these are from the Neely residence?

Mr. EISENBERG. No, sir; I think they were located in the Paine garage. The Neely residence——

Mr. McCLOY. The photographs were located in the Paine garage. I am talking about the site of the photograph.

Mr. EISENBERG. Yes, sir; I think we will show that with independent testimony.

Mr. McCLOY. In the garden of the Neely residence.

Mr. EISENBERG. Mr. Shaneyfelt, I will hand you Exhibits 747 and 748, which are the pictures of the rifle and the simulated picture approximating 133A, and I will ask you to again mark with a circle designated A the curve and recurve of the stock of 139.

Mr. SHANEYFELT. Here.

Mr. EISENBERG. Could you compare the manner in which the curve and recurve marked "A" appears on these photographs with the manner in which it appears on 746, the photograph you have—746E, the photograph you circled earlier?

Mr. SHANEYFELT. Yes. At a point approximately 6 to 8 inches from the base of the stock, where the stock curves downward, there is a nob formed, and on that nob there is a strong highlight which appears in photograph 746E, and in the simulated photograph, and the photograph of the rifle. The actual stock curves slightly around that highlight, and then recurves back up toward the bolt, and this is visible in Exhibit 746E, and in the simulated photographs 748 and 747.

Mr. EISENBERG. So again in 747 and 748 the recurve appears primarily as a highlight; is that correct?

Mr. SHANEYFELT. That is correct. That is the most outstanding point.

Mr. EISENBERG. I also observe, Mr. Shaneyfelt, the telescopic sight on Exhibit 139, the weapon. Referring again to 746E, your reproduction, which shows somewhat greater detail because of the contrast, could you circle the telescopic sight appearing in that picture, and mark it "B"?

Mr. SHANEYFELT. Right here.

Mr. EISENBERG. I wonder whether you could again show to the Commissioners the telescopic sight on the original 133A?

Mr. SHANEYFELT. Yes. Along that area, just at the base of the hand. It runs right across from this area to the base of the hand below the rifle and above the bolt.

Mr. McCLOY. It is quite apparent, isn't it?

Mr. SHANEYFELT. Yes; it is quite apparent.

Mr. EISENBERG. Now, Mr. Shaneyfelt, again referring to 746E, could you circle the end of the weapon, the end of the barrel of the weapon, and mark it "C"?

Mr. SHANEYFELT. Here.

Mr. EISENBERG. Now, towards the upper right of the point you have marked as the end of the weapon there is a little mark of some type—right near the point which you have marked "C."

Is that mark part of the end of the weapon?

Mr. SHANEYFELT. No; I interpret that mark as a shadow on the building, a slight shadow on the building.

Mr. EISENBERG. Just to make that clear, could you draw an arrow within your circle pointing to the end of the weapon?

Mr. SHANEYFELT. Yes; I have done it.

Mr. EISENBERG. Now, Mr. Shaneyfelt, I hand you a negative which, for the record, appears to be a negative of 133B, which is the photograph showing the weapon held slightly above and to the right, and I ask you if you are familiar with this negative?

Mr. SHANEYFELT. Yes, I am.

Mr. EISENBERG. Mr. Shaneyfelt, have you examined this negative to determine whether the picture 133B is in fact a print made directly or indirectly from the negative?

Mr. SHANEYFELT. That is correct. I have examined it for that purpose and determined that Exhibit 133B is a print from this negative.

Mr. EISENBERG. May I have this negative introduced into evidence as Exhibit 749?

Mr. McCLOY. Have you any other identification as to this negative as to where it was found?

Mr. EISENBERG. Yes; for the record only, nothing that this witness can testify to—

Mr. McCLOY. State for the record where it was found.

Mr. EISENBERG. For the record, this was also found at one of Oswald's residences, I believe the Paine address at which Marina was staying at the time Oswald was apprehended.

Mr. McCLOY. This will be proved?

Mr. EISENBERG. This will be proved separately.

The CHAIRMAN. Will this negative deteriorate as time goes on?

Mr. SHANEYFELT. No.

The CHAIRMAN. It will not?

Mr. SHANEYFELT. It should not.

The CHAIRMAN. Yes.

Mr. SHANEYFELT. Normally this depends on the processing, how well it has been processed and how well it has been fixed and washed. If it were going to deteriorate it would have begun by now.

The CHAIRMAN. I see—and it has not yet begun?

Mr. SHANEYFELT. It has not begun. There is no indication that there will be any extensive deterioration.

Representative FORD. Have we shown any place in the record that that print or a negative came from a camera—

Mr. EISENBERG. That is what I was going to proceed to do, sir.

Mr. Chairman, may we have this admitted as Exhibit 749?

Mr. McCLOY. Admitted.

(Commission Exhibit No. 749 was marked and received in evidence.)

Mr. EISENBERG. I asked you before whether you could say whether this negative, which is now 749, had been used directly or indirectly to make the print 133B?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. Could you say whether it had been used either directly or indirectly?

Mr. SHANEYFELT. It is my opinion that it was used directly to make the print. However, I cannot specifically eliminate the possibility of an internegative or the possibility of this photograph having been copied, a negative made by copying a photograph similar to this from which this print was made.

I think this is highly unlikely, because if this were the result of a copied negative, there would normally be evidence that I could detect, such as a loss of detail and imperfections that show up due to this added process.

Although a very expertly done rephotographing and reprinting cannot positively be eliminated, I am reasonably sure it was made directly from the negative.

Mr. EISENBERG. But at any rate if it was not made directly it was made indirectly? The only process that could have intervened was a rephotographing of the photograph and making a negative and then a new print?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. Mr. Shaneyfelt, I now hand you an Imperial Reflex Duo Lens camera. Let me state for the record, that this camera was turned over to the FBI by Robert Oswald, the brother of Lee Harvey Oswald, on February 24, 1964.

Robert Oswald identified the camera as having belonged to Lee Oswald and stated that he, Robert, had obtained it from the Paine residence in December 1963, several weeks after the assassination.

On February 25, 1964, Marina was given the camera and she identified it as the one which she had used to take the pictures 133A and 133B.

Mr. Shaneyfelt, are you familiar with this camera?

Mr. SHANEYFELT. Yes; I am.

Mr. EISENBERG. Mr. Chairman, may I have this admitted as 750?

Mr. McCLOY. It may be admitted.

(Commission Exhibit No. 750 was marked and received in evidence.)

Mr. EISENBERG. When did you receive the camera, Mr. Shaneyfelt?

Mr. SHANEYFELT. It was—I can't pinpoint the date exactly, I don't have the notes here for that. It was, I would say, the latter part of February, not too long after it had been recovered on February 24.

Mr. EISENBERG. Was it in working order when you received it?

Mr. SHANEYFELT. No; it had been slightly damaged.

Mr. EISENBERG. Could you explain that?

Mr. SHANEYFELT. In order to be able to make a photograph with the camera, I had to make slight repairs to the shutter lever, which had been bent. I straightened it and cleaned the lens in order to remove the dirt which had accumulated. These were the only things that had to be done before it was usable to make pictures with it.

Mr. EISENBERG. Did you clean the inside or the outside of the lens?

Mr. SHANEYFELT. The outside of the lens.

Mr. EISENBERG. And the shutter lever you are referring to is the little red-tipped lever protruding at the outside of the camera?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. What did you do with it exactly?

Mr. SHANEYFELT. I bent it out straight. It was bent over.

Mr. EISENBERG. Could a layman have performed these repairs?

Mr. SHANEYFELT. Yes; he could have.

Mr. EISENBERG. How would you characterize this camera in terms of expense, Mr. Shaneyfelt?

Mr. SHANEYFELT. It is a relatively inexpensive camera. It is what we refer to as a fixed-focus box-type camera. A simple box-type camera with a simple one-shutter speed and no focusing ability, fixed focus.

Mr. EISENBERG. Do you know where the camera was made?

Mr. SHANEYFELT. It was made in the United States. At the base of the camera it has the name Imperial Reflex, made in U.S.A., on the front, below the lens.

Mr. EISENBERG. Mr. Shaneyfelt, did you compare the negative, Exhibit 749, with the camera, Exhibit 750, to determine whether the negative had been taken in that camera to the exclusion of all other cameras?

Mr. SHANEYFELT. Yes; I did.

Mr. EISENBERG. What conclusion did you come to?

Mr. SHANEYFELT. I reached the conclusion that the negative, which is Commission Exhibit 749, was exposed in the camera, Commission Exhibit 750, and no other camera.

Mr. EISENBERG. Can you explain how you were able to arrive at such a conclusion?

Mr. SHANEYFELT. Yes; I can.

In order to make an examination of this type, it is necessary to make a negative with the camera, using the camera, because the examination is based on the aperture at the back of the camera, at the film plane.

Mr. EISENBERG. Have you prepared a photograph of that aperture at the film plane?

Mr. SHANEYFELT. Yes; I have an enlarged photograph of that aperture, that I made so that it would better show the back of the camera, with the back removed to show the film plane opening or aperture.

Mr. EISENBERG. Did you take this photograph of the back of the camera yourself, Mr. Shaneyfelt?

Mr. SHANEYFELT. It was made under my supervision.

Mr. EISENBERG. May I have this admitted as 751?

Mr. McCLOY. It may be admitted.

(Commission Exhibit No. 751 was marked and received in evidence.)

Mr. EISENBERG. What is the enlargement here, by the way?

Mr. SHANEYFELT. Approximately two and a half times.

Mr. EISENBERG. Now, having reference to the chart, Mr. Shaneyfelt, could you explain it in a little more detail, the basis of your examination?

Mr. SHANEYFELT. Yes; the basis of the examination was a close microscopic study of the negative made in the camera to study the shadowgraph that is made of the edge of the aperture.

As the film is placed across the aperture of the camera, and the shutter is opened, light comes through and exposes the film only in the opening within the edges. Where the film is out over the edges of the aperture it is not exposed, and your result is an exposed negative with a clear edge, and on the negative then, the edges of that exposure of the photograph, are actually shadowgraphs of the edges of the aperture.

Mr. EISENBERG. Could you circle or mark with arrows the edges you are referring to as "these edges" or "this edge," that is, the edges of the aperture opening at the plane of the film?

Mr. SHANEYFELT. Yes.

Representative FORD. This would be true in every picture taken?

Mr. SHANEYFELT. That would be true of every picture taken and is true of virtually every camera—every roll-film type camera. It would not be true of a press-type camera where the film is loaded into separate holders; then the holder becomes the thing that will leave identifying characteristics.

On any 35 mm. or Leica camera, roll-film camera, box cameras of all types, having an arrangement, where the film goes across an opening leaving an exposed area at the aperture and unexposed area around the aperture, this would be true.

Mr. EISENBERG. When you say "virtually every camera" you are including every type of camera with this type of aperture?

Mr. SHANEYFELT. Yes; I would include every camera with this type of film arrangement and aperture.

Mr. EISENBERG. You held up a negative before—

The CHAIRMAN. Just a moment, gentlemen, you will excuse me, I must go over to the Court now. You will be able to proceed the rest of the day, will you?

Fine. I will be back as soon as I finish.

(At this point the Chief Justice left the hearing room.)

Mr. EISENBERG. Mr. Shaneyfelt, you were holding up a negative which appears to be a negative of a simulated photograph you showed us before, Exhibit 748. Is it such a negative?

Mr. SHANEYFELT. It is true. That is the negative from which that exhibit was made. The negative was exposed in the camera which is marked Commission Exhibit No. 750. I exposed it myself.

Mr. EISENBERG. Mr. Chairman, may I have this negative admitted as 752?

Mr. McCLOY. It may be admitted. That is the negative from which that exhibit was made?

Mr. SHANEYFELT. Yes.

(Commission Exhibit No. 752 was marked and received in evidence.)

Mr. McCLOY. And you took that picture?

Mr. SHANEYFELT. I took that picture myself.

Representative FORD. Is this a recognized technique or procedure used in or among experts such as yourself?

Mr. SHANEYFELT. Yes. We have used this technique of camera identification with film on several occasions. It doesn't arise too often. As it normally arises, the majority of examinations that I have made in this connection are the identification of a camera that has been stolen and the serial number removed so that it can't be identified, the owner cannot identify it. We then take the owner's film and the camera that has been recovered and make this examination and determine that this is in fact the camera that the owner's film was exposed in, thereby showing ownership.

So, it is a recognized technique, we do it regularly.

Mr. EISENBERG. And you have performed such examinations yourself, Mr. Shaneyfelt?

Mr. SHANEYFELT. Yes.

Mr. EISENBERG. Mr. Shaneyfelt, what is the basis of your statement, the theoretical basis of your statement, that every camera with this type of back aperture arrangement is unique in the characteristics of the shadowgraph it makes on the negative?

Mr. SHANEYFELT. It is because of the minute variations that even two cameras from the same mold will have. Additional handwork on cameras, or filing the edges where a little bit of plastic or a little bit of metal stays on, make individual characteristics apart from those that would be general characteristics on all of them from the same mold.

In addition, as the film moves across the camera and it is used for a considerable length of time, dirt and debris tend to accumulate a little—or if the aperture is painted, little lumps in the paint will make little bumps along that edge that would make that then individually different from every other camera.

Mr. EISENBERG. Is this similar then to toolmark identification?

Mr. SHANEYFELT. Very similar, yes.

Mr. EISENBERG. Have you prepared a chart on which you have illustrated some of the more prominent points which led you to your identification, Mr. Shaneyfelt?

Mr. SHANEYFELT. Yes; I have.

Mr. EISENBERG. Now, this chart shows on the left a copy of your simulated picture number 748 and on the right a copy of the picture 133B, is that correct?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. And you prepared this chart yourself?

Mr. SHANEYFELT. Yes; I did.

Mr. EISENBERG. May I have this admitted as 753, Mr. Chairman?

Mr. McCLOY. It may be admitted.

(Commission Exhibit No. 753 was marked and received in evidence.)

Mr. EISENBERG. Before we get to this chart, I wonder whether you could take the negative itself, that is, Exhibit 749, and place it over the camera, Exhibit 750, so that the Commissioners can see how it runs across these—across the sides of the aperture you have been discussing?

Mr. SHANEYFELT. Yes. I might state that this film at the time it is put in the camera is in a long strip, and at the time of processing it is cut apart into separate negatives. There is an unexposed area between each exposure, and they are cut apart for printing and storage and returning. So that then this would be in a long strip of film—the camera being held in this position, which is the normal position for taking a photograph.

Mr. EISENBERG. And that is upright?

Mr. SHANEYFELT. Upright—will give you an image which on the film is upside down because of the light reflecting from the face, going through the lens and going down here; so this negative, Commission Exhibit 749, would have been on the film plane in this manner at the time the exposure was made.

The blackened area that you see would be the area that was exposed, and because of the aperture frame, the clear area around the edge was not exposed.

Mr. McCLOY. Yes.

Mr. SHANEYFELT. And this edge between the dark and the light then becomes the shadowgraph of this aperture of the camera.

Mr. EISENBERG. Your Commission Exhibit 753 illustrates that shadowgraph, or actually shows that shadowgraph, Mr. Shaneyfelt?

Mr. SHANEYFELT. That is correct, the charts were printed to show the entire

negative and reproduce the shadowgraphs of Commission Exhibit 749 and Commission Exhibit 752.

Mr. EISENBERG. Could you refer now to that chart?

Mr. SHANEYFELT. Yes, sir. Referring to the chart then, the examination was made by comparing the edges, not only for size but general contour, and I have marked with numbers from 1 through 8 some of the more outstanding points of identification.

The eight points are not all that accounted for the identification. The identification is based on the fact that not only those eight points but every place else is the same on both negatives.

Mr. EISENBERG. And the contours are also the same?

Mr. SHANEYFELT. The contours are the same, yes.

Mr. EISENBERG. So you have taken these eight points for demonstrative purposes?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. Rather than as being actually what you rested your identification on, is that correct?

Mr. SHANEYFELT. That is correct.

Point No. 1 which is in the lower right hand corner, as you view the picture of the chart—

Mr. McCLOY. Lower left-hand corner?

Mr. EISENBERG. As you view it, lower left hand?

Mr. SHANEYFELT. As you view it, lower left hand of both of the charts, shows a notch that makes the shadowgraph other than a straight line.

Representative FORD. This is very clear.

Mr. SHANEYFELT. This appears the same in both charts. Point No. 2 is another similar notch except that it is a double one, and the little notches are smaller. This again is the same in both charts.

Point No. 3 is more of an indentation, a slight curvature where the edge curves out a little and back in toward the corner. It is not as pronounced a dent.

Point No. 4 is only visible by looking at the chart in this direction because—

Mr. EISENBERG. This direction being from left to right as you look?

Mr. SHANEYFELT. Left to right, because although this line looks straight it actually dips down and back up again.

Mr. EISENBERG. "This line" is the line at the top of that exhibit?

Mr. SHANEYFELT. The line of the shadowgraph at the top of the photograph.

Representative FORD. That is point No. 4?

Mr. SHANEYFELT. Four. Point No. 5 again is a slight dent or bulge in the edge and shows in both charts.

No. 6 is a more shallow and wide indentation along the edge.

Point No. 7 is again the same type of a characteristic as the others, but a little different shape.

Point No. 8 is a little fragment of bakelite or debris extending out from the edge, that shows in both of the charts in the same manner. In addition the corner at eight tends to curve in towards the picture as it approaches the corner, there tends to be a curvature in and not a nice neat square corner.

In addition, between points 2 and 3 there is a very definite S-curve where the bakelite from which the camera is made apparently warped slightly making this S-curve, and this is apparent in both charts. Again, more apparent as you hold the photograph flat and look down the line.

Mr. EISENBERG. Now, the margins of the shadowgraph in the right-hand side of the chart, which is based upon 133B, look somewhat larger than the margins on the left-hand side.

Could you explain that?

Mr. SHANEYFELT. That was merely a matter of masking during the printing process.

Mr. EISENBERG. That is to say it is the interior which is crucial rather than the width of the margin?

Mr. SHANEYFELT. That is correct.

Mr. McCLOY. This mark along the bottom appears in one. How do you explain that?

Mr. EISENBERG. Mr. McCloy is pointing to a mark along the right-hand side, a white mark along the bottom of the shadowgraph.

Mr. SHANEYFELT. Yes; that is the cut edge of the negative, where this particular negative has been cut very close to the shadowgraph line and this then appears as a white line along the chart and represents the actual edge of the negative.

The other three edges of that negative and all four edges of the other negative do not show in the photograph.

Mr. EISENBERG. Was this chart actually prepared by use of exhibits—by the negatives, Exhibits 749 and 752, Mr. Shaneyfelt?

Mr. SHANEYFELT. Yes; I made the charts directly from those negatives.

Mr. EISENBERG. Approximately what is the enlargement here?

Mr. SHANEYFELT. Approximately eight times.

Mr. EISENBERG. Now, can you explain why—eight times?

Mr. SHANEYFELT. Six to eight, it is in that area.

Mr. EISENBERG. Can you explain why the enlargement of 133B is haloed with a white, light halo?

Mr. SHANEYFELT. Yes; the reason for that was to print the photograph so that it would be clearly a photograph of the negative and show the individual in the picture but not print too dark around the outside edges to give the best possible reproduction of the shadowgraph.

Mr. EISENBERG. Now, Captain Fritz of the Dallas Police has stated that in his interrogations, Oswald—Lee Harvey Oswald—stated, in effect, that while the face in Exhibit 133A was his face, the rest of the picture was not of him—this is, that it was a composite of some type.

Have you examined 133A and 133B to determine whether either or both are composite pictures?

Mr. SHANEYFELT. Yes; I have.

Mr. EISENBERG. And have you—can you give us your conclusion on that question?

Mr. SHANEYFELT. Yes; it is my opinion that they are not composites. Again with very, very minor reservation, because I cannot entirely eliminate an extremely expert composite. I have examined many composite photographs, and there is always an inconsistency, either in lighting of the portion that is added, or the configuration indicating a different lens used for the part that was added to the original photograph, things many times that you can't point to and say this is a characteristic, or that is a characteristic, but they have definite variations that are not consistent throughout the picture.

I found no such characteristics in this picture.

In addition, with a composite it is always necessary to make a print that you then make a pasteup of. In this instance paste the face in, and rephotograph it, and then retouch out the area where the head was cut out, which would leave a characteristic that would be retouched out on the negative and then that would be printed.

Normally, this retouching can be seen under magnification in the resulting composite—points can be seen where the edge of the head had been added and it hadn't been entirely retouched out.

This can nearly always be detected under magnification. I found no such characteristics in these pictures.

Representative FORD. Did you use the technique of magnification in your analysis?

Mr. SHANEYFELT. Yes.

In addition, in this instance regarding Commission Exhibit 133B which I have just stated, I have identified as being photographed or exposed in the camera which is Exhibit 750, for this to be a composite, they would have had to make a picture of the background with an individual standing there, and then substitute the face, and retouch it and then possibly rephotograph it and retouch that negative, and make a print, and then photograph it with this camera, which is Commission Exhibit 750, in order to have this negative which we have identified with the camera, and is Commission Exhibit 749.

This to me is beyond reasonable doubt, it just doesn't seem that it would be at all possible, in this particular photograph.

Mr. EISENBERG. Mr. Shaneyfelt, did you attempt to determine whether 133A had been photographed through the camera, Commission Exhibit 750?

Mr. SHANEYFELT. No; I did not, because in order to make an examination to determine whether a photograph is made with a particular camera, you must have the negative or you must have a print of the negative that shows that shadowgraph area, and Commission Exhibit 133A does not show that shadowgraph area.

Therefore, no comparison could be made. It is not possible.

Mr. EISENBERG. Does the shadowgraph area show on 133B?

Mr. SHANEYFELT. No; it does not.

Mr. EISENBERG. Why does it not show on either 133 A or B?

Mr. SHANEYFELT. Because they are printed in a normal processing procedure, where this area is normally blocked out to give a nice white border and make the picture a little more artistic. In the printing process, masks are placed over the area, or the shadowgraph, in order to cover it up, and the resulting print is a photograph with a nice white border.

Mr. EISENBERG. So that you have to have the negative to make the kind of identification you have made for us earlier?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. Looking at 133B, are the observable characteristics of the weapon pictured in this picture—shown in this picture—similar to the observable characteristics of Exhibit 139, the weapon used in the assassination?

Mr. SHANEYFELT. Yes; they are less apparent in this photograph because it is a photograph of the bottom, or the base of the rifle, the bottom of the rifle along the trigger-guard area, but it does show this bottom of the rifle in that photograph.

Mr. EISENBERG. Looking at 133A and 133B, do the lighting conditions seem to have been similar?

Mr. SHANEYFELT. They are consistent, entirely consistent, in both photographs, the lighting on the face is the same, the lighting on the background is identical, there appear to be no major differences or no significant differences.

Mr. EISENBERG. Now, I would like to draw your attention for a moment to this sling on Exhibit 139, and I would like to state for the record that this sling is not thought to be actually a rifle sling, but some type of homemade sling, that is, the firearms expert has so testified.

Does this sling appear in either Commission Exhibits 133A or 133B?

Mr. SHANEYFELT. It is my opinion that it does not. Commission Exhibit 133A has such a small portion of the sling showing that it—you cannot establish that it is or is not the same sling that is presently on the rifle.

However, Commission Exhibit 133B does show the sling, since it shows the bottom of the rifle, and I find it to be different from the sling that is presently on the rifle. It has the appearance of being a piece of rope that is tied at both ends, rather than a leather sling, and it is my opinion that it is a different sling than is presently on the rifle.

Mr. EISENBERG. Just again a homemade simulated sling, is that it?

Mr. SHANEYFELT. It has that appearance, yes.

Mr. EISENBERG. You testified that you have a much smaller view of the sling, or what passes for a sling, on 133A than on 133B. Is the sling or simulated sling on 133A, that portion of it which is visible, consistent with the sling on 133B?

Mr. SHANEYFELT. Yes; it is entirely consistent.

Mr. EISENBERG. Also looks like a piece of rope, is that it?

Mr. SHANEYFELT. Yes; it has that appearance.

Representative FORD. Can you tell from a negative about when it was, the picture was taken, or can you develop any time from that?

Mr. SHANEYFELT. It is possible on some negatives. In this instance it is not. On some negatives there is a numbering system along the edge that is coded by the company that indicates manufacturing date, approximate manufacturing date, and it is usually by year, so that you could state that a film was coded by the company in 1947, therefore, it could not have been used prior to 1947.

This is about as far as one can go in the establishment of time that a picture was taken from the actual film. This cannot be done in this instance.

Representative FORD. I notice on some prints which are now developed commercially that they have a date on the edge.

Mr. SHANEYFELT. Yes.

Representative FORD. Is this a universal practice now?

Mr. SHANEYFELT. No; this varies with the different processors. It is used by the large companies. I believe Eastman Kodak uses it. Your larger processing companies use it, but your smaller, maybe one-man shop or small photographic shop will probably not use it. It is at the discretion of the shop actually.

Representative FORD. Can you tell from a print which has been developed which processing plant processed that print?

Mr. SHANEYFELT. Not without some specific stamp of the processing company on it.

Mr. EISENBERG. I think we should add here for the record that the sling which is presently on the rifle is, as any other sling, a removable sling, and not one that is fixed into the rifle.

Mr. McCLOY. It seems to me that this band here in Exhibit 746 is a, might very well be a reproduction of this, this lighter side of this rather enlarged leather part of the sling.

It seems to be just about the same length.

Representative FORD. That is, what is on the rifle.

Mr. McCLOY. Which is on the rifle. I wonder, and here it is again in Commission Exhibit 133A—133A has that—of which it is an enlargement. Isn't it possible that is a reproduction of that leather sling?

Mr. SHANEYFELT. It could be possible.

Mr. McCLOY. This is not a string by any means.

Mr. SHANEYFELT. That is true; it is broader. I get the impression by this shadow at the top, closest to the rifle, just below the bolt, there is a faint shadow there that would indicate a double string or rope, and it then becomes narrower as you are looking at the edge of two ropes lying together. On the Exhibit 133B I get the same interpretation of a double-rope effect, partly because of the knot-tying and so on, and you see the shadow between the strands slightly in some areas, and, as I stated before, I cannot, because of the limited amount of that showing, say that it is not the sling. I find it more consistent with the sling showing in Exhibit 133B, which is very definitely—

Mr. McCLOY. A bowknot—133B seems to have a knot at the swivels.

Mr. SHANEYFELT. Yes.

Mr. McCLOY. Which doesn't appear on the rifle now.

Mr. EISENBERG. Mr. Shaneyfelt, I now hand you the cover of Life magazine for February 21, 1964, which consists of a photograph quite similar to Exhibit 133A, and I ask you whether you are familiar with this photographic cover?

Mr. SHANEYFELT. Yes; I am.

Mr. EISENBERG. May I have this introduced, Mr. Chairman, as 754?

Mr. McCLOY. It may be admitted.

(Commission Exhibit No. 754 was marked and received in evidence.)

Mr. EISENBERG. Have you compared Exhibit 754 with Commission Exhibit 133A?

Mr. SHANEYFELT. Yes; I have.

Mr. EISENBERG. What is your conclusion on the basis of that comparison?

Mr. SHANEYFELT. It is my opinion that it is the same picture reproduced on the front of Life magazine, which is Commission Exhibit 754.

Mr. EISENBERG. Does Commission Exhibit 754 appear to have been retouched in any significant way?

Mr. SHANEYFELT. Yes; it does.

Mr. EISENBERG. Could you show the Commission that retouching?

Mr. SHANEYFELT. Yes; I could. I might state that it has been my experience in the field of reproduction of photographs for publication, in which a halftone screen is made from which the photograph is then printed, it is normal procedure, and was at the time I worked for a newspaper, to retouch the photograph to intensify highlights, take out undesirable shadows, generally enhance the picture by retouching the photograph so that when it is then made into a halftone

strip pattern for reproduction by printing, this retouching, if it is done well, does not show as retouching but appears to be a part of the original photograph.

This retouching is done either by brush or by airbrush, which is a device for spraying gray or shades of gray or black, onto the photograph. I point to the area between the legs of the individual on Life magazine.

Mr. EISENBERG. Could you circle that and mark it A on Exhibit 754?

Mr. SHANEYFELT. Suppose I use arrows.

Mr. EISENBERG. Oh, sure.

Mr. SHANEYFELT. On Exhibit 746B, there is a shadow between the individual's legs.

Mr. EISENBERG. Could you mark that A?

Mr. SHANEYFELT. I will mark that A. In that same area of the photograph on Exhibit 754, that dark shadow has been removed in this area, I will mark that A.

Mr. EISENBERG. It appears there is a continuous fence slat there, where none appears—

Mr. SHANEYFELT. Yes; the shadow has been removed. Lower down in that same area of the legs, near the calf of the leg, again, and I will mark that B, the shadow—

Mr. EISENBERG. B on 754?

Mr. SHANEYFELT. 754; has been softened but not entirely eliminated. That same area is marked B on Commission Exhibit 746B.

Mr. EISENBERG. Has the weapon been retouched?

Mr. SHANEYFELT. The weapon has been retouched by placing a highlight along the stock almost up to the end of the bolt. The highlight is brushed right across the top of the highlight that we have previously discussed at the nob or the curvature of the stock where it goes down and then back up to the curve.

Mr. EISENBERG. Could you put an arrow pointing to the brushed-in highlight and mark it C?

Mr. SHANEYFELT. Yes.

Mr. EISENBERG. Can you put an arrow pointing to the original highlight and mark it D; both on 754 and 746B? You had earlier marked with a circle 746E at point A, showing the highlight as it appears in 133A?

Mr. SHANEYFELT. Of course, this highlight does not appear in that same area of Commission Exhibit 746B.

Mr. EISENBERG. You mean the highlight marked C on 754?

Mr. SHANEYFELT. Yes.

Mr. EISENBERG. Looking at the photograph, at the weapon, the stock appears to be straight, which does not correspond to the Exhibit 139. As I understand your testimony, this is simply a retouching; this effect of a straight stock is simply achieved by retouching the photograph or doctoring it?

Mr. SHANEYFELT. That is my opinion. I would refer to it as retouching rather than doctoring, because what has been done has been retouched, and doctoring infers an attempt to disguise.

Mr. EISENBERG. I didn't mean to imply such a thing—but retouched, then?

Mr. SHANEYFELT. Yes.

Mr. EISENBERG. And the actual highlight showing the curve and recurve still appears as point D?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. Can you circle—do you see a telescopic sight on the Life cover of 754?

Mr. SHANEYFELT. Yes; I do.

Mr. EISENBERG. Could you draw an arrow marking that E? Would it have been possible to retouch the photograph so that the telescopic sight does not appear?

Mr. SHANEYFELT. Oh, yes; that is possible. With a halftone process—it is possible to retouch, and then the halftone process destroys the retouching characteristics and makes it appear as a normal photograph rather than a retouched photograph.

Mr. EISENBERG. And again, based upon your newspaper experience and your

experience as a photographer generally, could you state the possible purpose of such retouching?

Mr. SHANEYFELT. The purpose of the retouching in reproduction work is merely to enhance the detail so that it will not be lost in the engraving process.

Mr. EISENBERG. When you say "enhance the detail," why would a stock be retouched so as not only to enhance the detail, but actually to change the apparent configuration? Could you conceive of any reason for that?

Mr. SHANEYFELT. I think the reason that the stock was retouched straight in the photograph on Life magazine, and my interpretation would be that the individual retouching it does not have a familiarity with rifles and did not realize there was curvature there, and in doing it just made a straight-line highlight without even considering whether that curved or not. There was curvature in that area which is not readily apparent—it is quite indistinct—and I think it was just made without realizing that there was curvature there.

Mr. EISENBERG. That is, the individual might have thought he was actually enhancing detail rather than putting in detail which was not present in the original?

Mr. SHANEYFELT. Yes.

Mr. EISENBERG. Is there anything else you would like to point out in this photograph, Exhibit 754?

Mr. SHANEYFELT. There is other retouching at the shoulder, to the left of the photograph as we view it; that area has had some retouching of the highlights. Along the barrel of the gun, or the stock of the gun above the hand, there is retouching, a little highlight enhancement there. These are all generally consistent with the type of retouching that we have previously discussed and I have previously pointed out.

Representative FORD. I am not clear why they would retouch, from a photographic point of view.

Mr. SHANEYFELT. They retouch because in the halftone process there is a loss of detail, and had they not retouched this photograph, had they not put the highlight along the rifle stock, then you would only have seen a black area. They were afraid you would only see a black area and you wouldn't get the definition here of the rifle. You lose the detail, and you would lose the view of the rifle. You wouldn't see the rifle there because this line would be lost. The same way along here. This one very definitely, had they not retouched it, it would have blended in and been a continuous tone of dark gray all across there.

Representative FORD. That is—up here—that is, above the hand on the stock?

Mr. SHANEYFELT. Yes.

Mr. EISENBERG. When you said a highlight "along the rifle stock," you actually meant on top, above the rifle stock?

Mr. SHANEYFELT. The upper edge.

Mr. EISENBERG. Is it the upper edge, or is it a place that does not correspond to the rifle stock?

Mr. SHANEYFELT. It is an edge along the rifle stock that corresponds. I am speaking now of the highlight above the hand.

Mr. EISENBERG. No; you said before, in describing the highlight which you can see, you said they drew a highlight "along" the rifle—the rifle stock. Actually it was drawn, as I understand it, considerably above the edge of the actual rifle stock?

Mr. SHANEYFELT. Yes; that is true.

Mr. EISENBERG. Have you used this technique yourself?

Mr. SHANEYFELT. Yes; I have done retouching of photographs for halftones; yes.

Mr. EISENBERG. When you said before that this retouching is done by airbrush or brush, what medium is used in the brush or airbrush to achieve the effect?

Mr. SHANEYFELT. It is a water-soluble pigment, and it is available in varying shades of from white to black; it is available in different shades of gray tones, so that you could actually match the gray tone of the picture—since in these instances we are dealing entirely with gray, shades of gray—and you

select a gray that is not too prominent that would give you a highlight that would look normal.

Mr. EISENBERG. So that the negative is painted, so to speak?

Mr. SHANEYFELT. The actual photograph is painted.

Mr. EISENBERG. The photograph is painted. Now, would there be any conceivable reason for eliminating in a retouching the telescopic sight?

Mr. SHANEYFELT. The only reason again would be to enhance the detail. I cannot determine from Commission Exhibit 754 whether there was retouching around the stock. There are indications that there is some retouching—I mean around the telescopic sight. It appears to me they did do some retouching around the telescopic sight which we have marked as point E on Commission Exhibit 754.

Mr. EISENBERG. Without specific reference to 754, might an individual without experience in rifles have thought that the detail corresponding to the telescopic sight was extraneous detail, and blocked it out?

Mr. SHANEYFELT. Yes; it could be done.

Mr. EISENBERG. I have no further questions, Mr. Chairman.

Mr. McCLOY. Do you have anything?

Representative FORD. No further questions.

Mr. McCLOY. It may be because I am, and I am sure it is, because of my ignorance in regard to this composition of photographs, but the negative of which we have a copy is that from which this photograph was taken; isn't that right? [Referring to Exhibit 133A.]

Mr. SHANEYFELT. We do not have the negative of this photograph.

Mr. McCLOY. You have the negative of this? [Referring to Exhibit 133B.]

Mr. SHANEYFELT. We have the negative of 133B.

Mr. McCLOY. You have the negative of 133B. That negative in itself shows no doctoring or composition at all?

Mr. SHANEYFELT. It shows absolutely no doctoring or composition.

Mr. McCLOY. So that the only composition that could have been made would have been in this process which you have described of picture on picture and negative and then photographing?

Mr. SHANEYFELT. And then finally rephotographing with this camera.

Mr. McCLOY. Rephotographing with this camera, this very camera?

Mr. SHANEYFELT. That is correct, and this then, to me, becomes in the realm of the impossible.

Mr. McCLOY. Yes. There is nothing in Exhibit 754 that, to you, insinuates any sinister type of touching up?

Mr. SHANEYFELT. That is correct. This is entirely innocent retouching, completely normal operation for a newspaper cut or a magazine reproduction.

Mr. McCLOY. I think I have no other questions.

Mr. EISENBERG. Just two other questions. Is there anything in the negative of 133B—that is, Commission Exhibit 749—to indicate whether it was developed commercially or not commercially?

Mr. SHANEYFELT. No; I cannot determine that from the negative.

Mr. EISENBERG. And finally, I hand you a page from that same issue of Life, the issue of February 21, 1964, page 80, which has a photograph similar to the cover photograph, and I ask you whether this photograph appearing on page 80 appears to you to be the same as the photograph used on the cover?

Mr. SHANEYFELT. Yes; it appears to be the same photograph.

Mr. EISENBERG. Does the retouching appear to be the same in both?

Mr. SHANEYFELT. The retouching is consistent; yes. It appears to be slightly clearer in the photograph on page 80; the highlight along the stock is sharper and more crisp and in more detail.

Mr. EISENBERG. Again you say "highlight along the stock."

Mr. SHANEYFELT. Along the stock.

Mr. EISENBERG. You mean the highlight introduced by the retoucher?

Mr. SHANEYFELT. Yes. And the scope appears to be much clearer in the photograph on page 80 than the photograph on the front cover, which is Exhibit 754, and is much clearer than is apparent in the photograph 133A.

Mr. EISENBERG. Can you account for that?

Mr. SHANEYFELT. My only explanation would be retouching, from retouching around the scope. The primary reason for the additional clarity between the entire photograph, without specific reference to the scope, the clarity that I mentioned in the entire photograph on page 80 as compared with the cover is, I believe, basically the fact that the cover is so enlarged. There is a tendency on big enlargements to separate the detail out by enlargement so it appears not as clear, so a smaller picture will sometimes look clearer than one of the same picture that has been enlarged. This would account for some of the additional detail and more distinct sharpness in the photograph.

Mr. EISENBERG. May this photograph on page 80 be introduced as 755?

Mr. McCLOY. It may be admitted.

(Commission Exhibit No. 755 was marked and received in evidence.)

Mr. EISENBERG. One final question: Can you compare the sharpness of the scope on Exhibit 755 with the sharpness on Exhibit 746E, one of the reproductions you prepared?

Mr. SHANEYFELT. Yes; there is the same difference in sharpness between the photograph on Commission Exhibit 755, which is page 80 of Life magazine, and the photograph which I made from the Government's Exhibit 133A, which is Commission Exhibit 746E. Again this difference in sharpness, I believe is due to retouching in part, and in part to the picture in Life magazine being smaller, and thereby the detail is not spread out so much. It is a combination of retouching of the photograph and size.

Mr. EISENBERG. Mr. Chairman, this concludes my examination.

Mr. McCLOY. I am further interested as you look at this rifle as it lies on the table you can see the highlight, even without any photograph, very clearly. The shine centers on the curvature of the stock. It is quite interesting.

Mr. SHANEYFELT. That is very apparent on Exhibit 748 also, where you get the duplication of the lighting. This nob tends to reflect more light.

Mr. McCLOY. It is obvious that it is right up there as a conspicuous highlight. I didn't realize that it was so indicative of the curve of the stock of the rifle.

Thank you very much indeed for your cooperation and very enlightening and very interesting testimony.

Mr. SHANEYFELT. Thank you.

(Recess.)

## TESTIMONY OF ROBERT INMAN BOUCK

Mr. McCLOY. Mr. Bouck, you know the purpose for which you are here?

Mr. BOUCK. Yes, I do.

Mr. McCLOY. And we are very happy to have you help us to acquit ourselves of our responsibility here in determining all of the relevant circumstances in connection with the assassination of the President.

I believe you are going to give us something of the routine by which Presidents are protected?

Mr. BOUCK. Yes.

Mr. McCLOY. I will ask you to rise and hold up your right hand.

Do you solemnly swear the testimony you give in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BOUCK. I do.

Mr. STERN. Mr. Bouck, I would like to outline first the order of questioning I have in mind to give you a notion of how I would like to proceed and how you might respond to particular questions.

I would like to cover first your biographical background, then the functions of the Protective Research Section, generally the organization of the Section, the sources of information on which you rely regarding potentially dangerous people, the criteria you employ to determine when an individual might be dangerous, what you do with the information once you receive it, and then some detail on how your filing system is set up and operates, how do you get at data.

Then based on all that background information, the preparations that were actually made for the President's trip to Texas.

I will begin by asking you to state your name, age and address.

Mr. BOUCK. My name is Robert Inman Bouck. I am 49 years of age. I live at 411 Norwood Drive, Falls Church, Va.

Mr. STERN. What is your education, Mr. Bouck, at the college level?

Mr. BOUCK. I have a B.S. degree in police administration.

Mr. STERN. From what college?

Mr. BOUCK. From Michigan State College.

Mr. STERN. And that was awarded when?

Mr. BOUCK. 1939.

Mr. STERN. What is your experience in the Secret Service—when did you join the Service?

Mr. BOUCK. I came to the Service in 1939 upon leaving college. From 1939 to 1945 I worked on protective assignments for the President and the presidential family and other people in the Washington area.

From 1945 until 1951 I worked in Chief's office on supervising and reorganizing various activities in the Chief's office.

In 1951 I was loaned to the Treasury Department as coordinator, I organized schools and directed them in the enforcement area until 1957, and in 1957 was assigned to the present job I now have of Special Agent-in-Charge, Protective Research.

Mr. STERN. Mr. Bouck, I show you this document of six pages which has been marked Commission Exhibit No. 760.

Can you identify that for me?

Mr. BOUCK. Yes. This is a memorandum of December 3 that I prepared, also a second memorandum of December 3 that I prepared.

Mr. STERN. And these were prepared in response to instructions to you?

Mr. BOUCK. In response to instructions from my headquarter's office, yes.

Mr. STERN. With the help of these memoranda I would like to touch briefly upon the functions of the Protective Research Section that you head—for the moment those functions other than with respect to persons of concern as a possible danger to the President.

If you will turn to the last page of this exhibit, there are a list of other duties of PRS, and would you explain briefly those and give some idea of the magnitude of the task involved?

Mr. BOUCK. Yes.

The manufacture and control of White House passes are the admittance passes to the White House issued to the press, employees and others who have occasion to come to the White House or the Executive Office Building that houses White House staff. This is some four to five thousand, fluctuating in volume.

The procurement and evaluation of character investigations and clearances for some categories of employees, these are the employees that passes are issued to and these are the clearances that we require.

Some of them we investigate ourselves, many of them are investigated by other agencies, and we review and evaluate the results, the number being roughly the same as the number of passholders in this category.

The procurement of national agency file checks and determination of admittance restrictions on a large number of tradesmen, contract employees and so forth who service the White House—these are non-White House employees. These are people who come to fix typewriters, clean rugs and that sort of thing.

Mr. STERN. Approximately how many people are involved in that category, Mr. Bouck.

Mr. BOUCK. This, we have a file of about 20,000 of these people, about 4,000 are active at any one time, and several hundred a month turn over in this.

Item No. 4, control of security processing of mail and gifts received at the White House, this is done by postal and White House employees under X-rays and security equipment provided by us under our guidance and we take over whenever any dangerous situation is indicated. This varies at Christmas time, when there are many hundreds of items reviewed; normally a few a day.

No. 5, handling and disposition of suspicious packages or objects that may contain bombs or infernal devices; we have a bomb transporting truck, we have bomb analyzing equipment, we have a location and a place where we can

dismantle bombs, and this, I am happy to say, we have had many scares but we have not had the real thing. We do this frequently as a precaution on things that we cannot analyze under the X-ray, but we have not actually had a bomb at the White House.

Mr. DULLES. May I ask where is the White House mail handled, right in the White House itself?

Mr. BOUCK. No; it is handled in the Executive Office Building which is across the street from the White House.

Mr. DULLES. The old State, War and Navy Building?

Mr. BOUCK. Yes, sir.

No. 6, evaluation of safety and control of disposition of all foods, beverages and similar consumable items received by the President or White House as gifts.

We do not, even though these are handled by White House and post office employees, we pass judgment as to whether any consumable item may be used and under what conditions it may be used or whether it must be destroyed. This particular function we do entirely.

And again at Christmas time and birthdays it would be very high, many hundreds of items. Other times a few a day.

No. 7, control and investigation of—

Mr. McCLOY. Can I interrupt there, have you had any poisoned foods?

Mr. BOUCK. We think not at the White House, but this we are always watchful for. We have some food that we think sanitationwise is very bad, it smells bad, it looked bad, some has spoiled and some have been prepared under very bad conditions but we know of no actual case of intended poison. We have had some where poisons may have generated because spoilage has set in.

Mr. McCLOY. Yes. You don't have a royal taster, do you? (Laughter.)

Mr. BOUCK. No, I am afraid we do not.

Control investigations on personnel and establishments that are supply sources for food, beverages, drugs and so forth, these are the places that the White House buys those supplies. We find out from the White House where they would like to buy, we check on the employees of these establishments, we check on the procedures by which it is handled, and we check on the sources of their food, where they get the raw materials.

This is an investigative process and a control process.

Representative FORD. How often do you go through this process?

Mr. BOUCK. The process is continuous in that the control, for instance a White House policeman goes and picks up, when the food is picked up. But the reinvestigation is every 6 months. We take a new look at each of these establishments every 6 months to see if any change has occurred. In between times we have arrangements with Public Health to make frequent health inspections, much more frequent than an ordinary establishment would be inspected.

Representative FORD. If there is a change of an employee at one of these shops or stores, are you notified?

Mr. BOUCK. We are supposed to be notified. Sometimes we aren't aware until we make the next check, although our White House policeman and our purchasing people do keep watch for this and usually we have established that only a small percentage of the people who handle White House orders, perhaps the manager and one clerk. It works quite well.

No. 8, the performance of technical and electronic inspections to protect against covert listening devices.

This is something that has been done for a great many years, the volume has gotten quite great in recent years, and we do this regularly at the White House and for the people close to the President, we do it regularly when he has stopover points on trips.

Mr. DULLES. Do you ever call the FBI in on this or do you have your own staffs to handle this detection of listening devices?

Mr. BOUCK. We have our own staff but we frequently use people of other agencies, including the FBI where they have specialties or are able to perform something better than we could.

Mr. DULLES. Did you consider there is any duplication there, I mean of facilities in government?

Mr. BOUCK. No; I think not. This really requires bodies, and if there is—

Mr. DULLES. And skills?

Mr. BOUCK. Yes; and if, once in a while a special skill is required that we do not possess then we turn to another agency to help us.

No. 9, determination of feasibility of application, establishment of specifications for procurement, and assistance in maintaining operation of a wide variety of electronic and technical protective aids. These are alarms, both for hazards, intrusion, and all sorts of dangers where a mechanical or electronic device can augment personal services.

Mr. DULLES. Could I just ask on that, do you have arrangements, say, with the FBI, CIA and others to keep abreast of the art, as it were?

Mr. BOUCK. Yes.

Mr. DULLES. I have in mind that time when we discovered the Russians had developed a new device and applied it in the Embassy in Moscow, you may recall which was quite novel, when they put in a hollow cavity inside the shield of the Great Seal of the United States, and then they could beam on that and they could listen to conversations in the room. That type of thing, you would be following that up through the FBI or through the CIA?

Mr. BOUCK. Very much so, yes.

We have rather low resources in those areas so the other agencies in the areas of research and development and hardware help us continuously and very well.

Mr. STERN. Now these, Mr. Bouck, as I understand it, are the functions of PRS which it has in addition to its main responsibility, and would you describe that just briefly and we will get to that in a minute.

Mr. BOUCK. Yes, the other responsibility that is not listed here, is the responsibility of attempting to detect persons who might intend harm to the President, and to control those persons or take such corrective measures as we can take securitywise on them.

Representative FORD. I am not sure I understand that.

Mr. BOUCK. This is an effort to detect people who might intend to harm the President, people who make threats against the President, people who do things that indicate they may intend to harm him, and the various sort of things we do to see that they do not accomplish that, to prevent them from accomplishing them.

Mr. DULLES. Does your particular office maintain the central files for your agency?

Mr. BOUCK. For this function?

Mr. DULLES. For this function.

Mr. BOUCK. Yes.

Mr. DULLES. I mean if the FBI sent in to the Secret Service a name or a description of a particular man, or a particular area that would be filed in your office?

Mr. BOUCK. That is right.

Mr. DULLES. Do you file that alphabetically, by location or how do you develop those files?

Mr. BOUCK. The information in its file jackets is filed numerically but it is indexed alphabetically and by location as well as by certain other characteristics that may help us find it.

Mr. McCLOY. To come back to this matter of bugging again, do you feel that you are thoroughly well equipped, which is a repetition perhaps of what Mr. Dulles asked, Mr. Dulles' question, do you have an expert staff that know this business and that keep up to date with the developments in the area, and that can constantly keep your equipment in shape?

Mr. BOUCK. Yes; I think so. I think we, our contacts with the intelligence community in this area are very excellent. Our people are excellent. I think our big problem has been one of enough resources.

Mr. McCLOY. How many bodies have you got in this field?

Mr. BOUCK. I have three bodies devoted entirely to it, myself and my assistant have also had years of experience, and we devote part-time to this, which makes approximately four and a half full time bodies.

Mr. STERN. This might be a good opportunity, Mr. McCloy, to introduce this document, marked Commission Exhibit No. 761.

Do you recognize that?

Mr. BOUCK. Yes, sir.

Mr. STERN. Did you prepare it.

Mr. BOUCK. I prepared it.

Mr. STERN. And what is it?

Mr. BOUCK. It is a chart showing the staffing of the Protective Research Section as of the time of Dallas.

Mr. STERN. And the category you were just explaining to Mr. McCloy is the last one?

Mr. BOUCK. That is right.

Mr. DULLES. Do you protect from this point of view anyone other than the President? Do you cover, say, the Vice President's offices in the Capitol?

Mr. BOUCK. Yes, sir.

Mr. DULLES. You do that, too?

Mr. BOUCK. Yes, sir.

Mr. DULLES. As far as safes are concerned and as far as listening devices are concerned?

Mr. BOUCK. Not safes.

Mr. DULLES. Not safes?

Mr. BOUCK. That has not been something that they have desired us to do. But insofar as—

Mr. DULLES. Why shouldn't you do that, I wonder, where he keeps his secret papers? You mean you don't—

Mr. BOUCK. That has not been something that has been determined as our responsibility. I believe other security officers have been given that responsibility, and we certainly, of course, help when we find something in that category, but we have not been asked at any of those levels to take care of safes.

Mr. DULLES. But you do take care of listening devices?

Mr. BOUCK. Yes, sir.

Mr. DULLES. And for anybody else other than the Vice President in addition to the White House and the President?

Mr. BOUCK. The White House, the President, the Vice President, the close members of the Presidential staff, and the Secretary of the Treasury.

Mr. DULLES. Well, would that involve the homes, for example, of the close members of the President's staff?

Mr. BOUCK. The very high members, yes, not all, but the very high members. I think we do about six or seven homes of such people. The rest is office and working areas.

Mr. McCLOY. I have some question, I may say, that you have got enough people to do this from what I know of the art. This is quite a technical business now.

Mr. BOUCK. Yes, I know.

Mr. McCLOY. And the means of counteracting it and so forth, and the constant surveillance that you have to employ, but you are satisfied you are well equipped and have got sufficient people to do it?

Mr. BOUCK. As I mentioned earlier, I think we are well equipped in know-how and in equipment. Sometimes we are pressed very hard for enough hours to do it but our people have worked many hours overtime and I think they have covered this quite well.

Representative FORD. What results have you obtained? Have you found any problems?

Mr. BOUCK. We have not in the United States found any compromise. I am not sure that perhaps in the open record I should go beyond that.

(Discussion off the record.)

Mr. McCLOY. On the record.

Mr. STERN. From Exhibit 761, Mr. Bouck, it appears that in the area of processing information regarding threats, potential threats to the life of the President, there are six people presently working in addition to yourself and your assistant, one a clerk and five special agents, as they are designated is that correct? This is as of the time of Dallas.

Mr. BOUCK. This is as of the time of Dallas.

Mr. STERN. These special agents are agents who would otherwise be involved in protective work or in the other activities of the Secret Service, counterfeiting and the like?

Mr. BOUCK. Yes.

Mr. STERN. Is there something about their general training that makes them particularly desirable in this work or is it the absence of other people that leads to the use of special agents in this work?

Mr. BOUCK. They have been selected because of an apparent aptitude for this work. Some of them, not all, but most of them have had many years of background in this work that increases their competence.

Mr. STERN. Are these men permanently assigned to this function or do they rotate?

Mr. BOUCK. They are susceptible to other assignment, but this assignment is something that may continue until the Chief should decide it was in the interest of the Service to change. It can and has gone many years for most of us. They do not automatically rotate.

Mr. STERN. I see.

As of the time of Dallas the total number of people in the Protective Research Section was 15 of which 3 were clerks, is that correct?

Mr. BOUCK. That is correct.

Mr. DULLES. Could I ask one question that goes back to our earlier discussion? At the present time the Speaker is next in line in case anything should happen to the President.

Do you extend any special protective facilities as far as he is concerned?

Mr. BOUCK. This, we are kind of in an advance area here. I do handle mail that may come in the Protective Research area but I don't think I am quite qualified to speak on the entire Secret Service relationship to the Speaker, if I might seem not—

Mr. DULLES. What I was getting at was whether there were any special protection afforded now in view of his, in a sense new position as being next in line.

Mr. McCLOY. He is in effect the Vice President.

Mr. DULLES. He is in effect the Vice President.

Mr. BOUCK. Yes, I realize that, and I believe this gets into some areas that involve the wishes of the Speaker, that make this question a little bit difficult to answer, and I would say we do do what comes to our attention that we can, but I think the Chief is probably in a better position to indicate what degree we have gone. I am not really overly familiar with the exact extent of that degree except as it may apply here but we do handle in the crank area, and in the Protective Research subject area, we do handle that material as we would handle it for the President or Vice President when we are able to get it.

Mr. McCLOY. Off the record.

(Discussion off the record.)

## TESTIMONY OF ROBERT CARSWELL

Mr. McCLOY. Why don't I swear you, Mr. Carswell?

Raise your right hand.

Do you solemnly swear the testimony you will give in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CARSWELL. I do.

Mr. McCLOY. You give your name for the record.

Mr. CARSWELL. Robert Carswell. Special Assistant to the Secretary of the Treasury. My address is 3022 Q Street NW., Washington.

Mr. McCLOY. I think it might be well, Mr. Carswell, if you simply indicated some of it, in response to the last question, namely, as to whether or not there was security provided for the Speaker, who is next in line for the Presidency, and perhaps in view of your duties as Assistant to the Secretary of the Treasury you might have some information upon that which would be helpful to us.

Mr. CARSWELL. Yes. After the assassination in Dallas, the Secret Service initiated protection of the Speaker.

The Secretary of the Treasury spoke with the Speaker, and agents were assigned to him. I am not qualified to say exactly the number of agents or the duties they perform but in general they provide protection comparable to that previously provided to the Vice President.

Mr. DULLES. And Mr. Rowley could furnish us any detail the Commission might want?

Mr. CARSWELL. Yes, I would suggest that Chief Rowley is the proper person to furnish that information.

### TESTIMONY OF ROBERT INMAN BOUCK RESUMED

Mr. STERN. I would like to turn now, Mr. Bouck, to the sources of information for PRS on potentially dangerous individuals.

Would you describe the various sources you rely upon?

Mr. BOUCK. Yes. If I might refer to this exhibit that is 760 which would be page 4 of that, the second memorandum. I believe the front of that lists the sources. No. 1 is mail, packages, telephone calls, received at the White House, the President's home, on trips, and so forth, these are screened, and so forth, in PRS and evaluated and if they meet certain prescribed criteria they are retained by PRS and become a source of information.

Unwelcome visitors to the White House or anywhere else the President may be is another source. Information received—

Mr. DULLES. What page are you on?

Mr. BOUCK. That is the page.

Mr. DULLES. The first page?

Mr. BOUCK. Yes, I am reading from the second paragraph or rather the tabulation.

Mr. DULLES. Yes, I find it.

Mr. BOUCK. Certain information comes directly to us or is developed by us, item 3. Item 4, reports from other Government agencies, and officials. Item 5, reports from police departments, State and local sources, and then we get a certain amount of phone calls, letters and information that come directly to us from the public.

Mr. STERN. We may get some notion of the volume of the information you receive from this document, which is entitled "Protective Research Cases, November 1961 through November 1963," which would be Exhibit 762. Do you recognize that, Mr. Bouck?

Mr. BOUCK. I do, I prepared this document.

Mr. STERN. May it be admitted?

Mr. McCLOY. It may be admitted.

(The document referred to, previously marked as Commission Exhibit No. 762, for identification, was received in evidence.)

Mr. STERN. Turning to the first page in the summary of Exhibit 762, Mr. Bouck, you have taken the Protective Research cases from November 1961 to November 1963, which involve residents of the State of Texas, and these were how many cases?

Mr. BOUCK. 34.

Mr. STERN. And you have broken them down by the source of the information in four categories which are—

Mr. BOUCK. Letters or phone calls; detected by the Secret Service; reported by Federal agencies; reported by local authorities.

Mr. STERN. Then towards the bottom of that page you have given gross figures during the same 2-year period of the nationwide activity. Would you state what the nationwide caseload was?

Mr. BOUCK. Yes. The cases we received nationwide and did not investigate because they didn't meet the criteria for investigation were 7,337. The cases we received and investigated were 1,372.

During the same period on these cases we arrested 167 people and 91 investigations were unproductive. They did not solve the cases.

Mr. STERN. You stated that the volume of information received has been

rising. Would you describe the total for the years 1943, 1953, and 1963?

Mr. BOUCK. Yes. These do not represent cases. These represent items of information reported.

In 1943 we had about 7,000 such items coming to our attention; in 1953 this had increased to somewhat over 17,000 items. By 1963 this had increased in excess of 32,000 items.

Mr. STERN. Each of those items is examined by one of the five Special Agents working on this area?

Mr. BOUCK. That is right.

Mr. STERN. Now of the 34 Texas cases in this 2-year period—

Mr. DULLES. Could I ask a question before you get on the Texas cases, on this record, it indicates that about 6,000 cases were "received but not investigated" it seems to me for the record it would be well to have a little more on that as to why they weren't investigated, and so forth.

I suppose in a great many cases, you couldn't find who it was. It was an anonymous letter that came in. Would that be included?

Mr. BOUCK. Not for the cause of this, sir. I assume you are speaking of this 7,337 cases.

Mr. DULLES. That is right.

Mr. BOUCK. In the bottom table.

Mr. DULLES. Of those 1,372 were received and investigated?

Mr. BOUCK. We receive a great deal of information on people that we do not feel at that time intended to harm the President, but that would bear watching. We aren't quite sure whether they will become worse in the future, and this is—

Mr. DULLES. Is that among about the 6,000 cases I am referring to?

Mr. BOUCK. The 7,000.

Mr. DULLES. Well, there are 7,337 cases received, but not investigated.

Mr. BOUCK. These are two separate ones. The investigated cases are in addition.

Mr. DULLES. This is in addition to that?

Mr. BOUCK. Yes.

Mr. DULLES. I see.

Mr. BOUCK. The 7,000 cases are cases that we received, we looked at, and felt that we will file it and see if anything more happens on this, but it doesn't warrant investigative attention until we get something more alarming than we have.

Mr. DULLES. Who makes that judgment, is that made in your department?

Mr. BOUCK. That is made in my department by one of these five agents that are listed in this document.

Mr. DULLES. Do you review their determination?

Mr. BOUCK. I do not review all of them. I review a percentage of their determinations, and I am consulted on any that are borderline or that are difficult.

Mr. STERN. Of the 34 Texas cases, almost half or 15 were reported by Federal authorities. Is this typical of all information received by PRS in the course of a year?

Mr. BOUCK. No, this would be typical of the investigated cases but not typical of the entire quantity of cases received.

Mr. STERN. I see.

Representative FORD. Are the 34 listed here included in the 7,337 or the 1,372?

Mr. BOUCK. 1,372.

Mr. STERN. Do you have a judgment, Mr. Bouck, as to the proportion of cases coming to you from other agencies, Federal agencies, State, and local agencies, of the total number of cases you have?

Mr. BOUCK. About 90 percent of the cases generated would be other than from agencies. The 10 percent that come from Federal and local agencies, the majority of that come from Federal agencies. I wouldn't know quite the percentage. But the majority of the 10 percent would be Federal agencies.

Mr. STERN. And predominantly from any one agency?

Mr. BOUCK. Yes, predominantly from the Federal Bureau of Investigation.

Mr. STERN. As to the 90 percent that is generated internally, as it were, do

you have an opinion as to how many of those arise because of correspondence with the White House by the subject?

Mr. BOUCK. The great majority of them arise from telegrams, telephone calls, unwelcome visitors, letters to the White House.

Mr. STERN. Unwelcome visitors at the White House?

Mr. BOUCK. Yes.

Mr. DULLES. Do you know how many cases within the 7,337 noted here, which I understand is nationwide, were from Texas?

Mr. BOUCK. Yes. I believe we show that in the third paragraph, 115 cases were in Texas.

Mr. STERN. Yes.

Mr. BOUCK. In addition to the cases investigated. It is up in the third paragraph from the top, right under the table, the second paragraph under the table, sir; right where your finger is, the first line there.

Mr. DULLES. 115?

Mr. BOUCK. Yes.

Mr. DULLES. Did the name of Lee Harvey Oswald appear in your files at any time prior to the 22d of November 1963?

Mr. BOUCK. No, sir; we had never heard of him in any context.

Mr. DULLES. His name doesn't appear at all?

Mr. BOUCK. Not as of that time. Prior to Dallas, it did not appear in any fashion. We had no knowledge of the name.

Mr. DULLES. You had no report from the State Department or the FBI that covered his trip to Russia or anything of that kind?

Mr. BOUCK. No, sir.

Mr. McCLOY. Or of the CIA?

Mr. BOUCK. No, sir.

Mr. STERN. Mr. Bouck, what kind of information do you look for, what are the criteria you apply, in determining whether someone is a potential danger to the President? What do you ask other agencies, Federal, State, and local to be on the lookout for?

Mr. BOUCK. Our criteria is broad in general. It consists of desiring any information that would indicate any degree of harm or potential harm to the President, either at the present time or in the future.

Mr. STERN. Had you ever prior to Dallas had occasion to—for any part of your activities—list criteria that you would apply in trying to determine whether someone is a potential danger?

Mr. BOUCK. We had not had a formal written listing of criteria as such except in this general form of desiring everything that might indicate a possible source of harm to the safety of the President. We had some internal breakdown of information for the processing of certain kinds of material where the criteria were involved.

Mr. STERN. I didn't mean to restrict my question to criteria for external sources, but those you used internally as well.

Mr. BOUCK. We had some internal, as well.

Mr. STERN. I show you now a one-page document entitled "The following criteria are used as guides in determining whether White House mail is to be accepted for PRS processing," which has been marked for identification as Commission Exhibit No. 763. Can you identify that?

Mr. BOUCK. Yes, sir; this is a document that I helped draft some years ago. It is a document I prepared for the Commission. It is a document that was used up to and at the time of Dallas.

Mr. STERN. For what purpose?

Mr. BOUCK. For the purpose of screening White House mail. The White House gives us a considerable quantity of mail, not all of which we—it is desirable that we keep, and this is a guide to the agents in determining what we should keep and what should go back to be answered by the White House staff.

Mr. STERN. This guide is not used by the White House mailroom? This is an internal guide for your own agents?

Mr. BOUCK. My own agents.

Mr. STERN. What instructions does the White House mailroom have as to mail that is to be sent to you?

Mr. BOUCK. The White House mail has two general instructions: One, we supply them with identification information on all existing cases in which mail is concerned; that any further mail in those cases is automatically referred to us.

Their criteria are the same as our other general criteria—that in addition to these known cases we desire letters, telegrams, or any other document they receive that in any way indicates any one may have possible intention of harming the President.

Mr. STERN. Have you——

Mr. DULLES. Could I ask just one question here?

Mr. STERN. Yes, sir.

Mr. DULLES. I note that this list does not include membership in various types of organizations, such as the, for example, the organizations that are on the Attorney General's list. Have you ever considered that?

Mr. BOUCK. Yes; if I might explain, sir; the letters we are talking about are letters that are written by people, and they rarely include that kind of information, but we do in other categories, this is for a special purpose. This is letters only that are sent to the President which is all this is applied to. This does not apply to other sources of information, only the one source of letters.

Mr. STERN. Have you had occasion, Mr. Bouck, before Dallas, to put in writing criteria to be employed by Secret Service agents in dealing with uninvited callers at the White House?

Mr. BOUCK. Yes, sir.

Mr. STERN. I show you now a document which I have marked for identification Commission Exhibit No. 764, one page, entitled "The following criteria are used as guides in determining whether White House callers should be committed for mental observation." Do you recognize that?

Mr. BOUCK. Yes, sir.

Mr. STERN. Did you have it prepared?

Mr. BOUCK. I did.

Mr. STERN. How was this employed?

Mr. BOUCK. A great percentage of the people who come to see the President or to the White House gates have been found to be suffering from mental illness. This involves a determination as to whether a legal process will take place of committing these people, and in discussions with the Mental Commission in Washington and elsewhere, we have found that certain criteria meet their desires in whether or not we should legally process them. So this was prepared as a guide to agents in trying to determine whether we could send these people down for commitment to a mental institution or consideration by the Commission on Mental Health.

Mr. STERN. Under the District of Columbia commitment procedures?

Mr. BOUCK. Yes; that is right.

Mr. STERN. Beyond these criteria for dealing with White House mail and uninvited visitors at the White House, what instructions within the broad framework of your criteria do you give to Treasury law enforcement officers, including Secret Service agents, with respect to the kind of information you are interested in receiving?

Mr. BOUCK. We have participation in a broad program of Treasury schools which include all of the Treasury agencies as well as participation of certain other people in our own schools. We have a coordination setup in Treasury on which the heads of organization levels meets regularly.

In all of those the Secret Service jurisdiction, the Secret Service desires and needs in the way of protection of the President have been included many times over.

It is a constant, one of those things that is constantly brought up many times both in the schools and in the coordination needs of the Secret Service needs and functions in these areas.

Mr. STERN. Do you participate in other training programs of other law enforcement agencies?

Mr. BOUCK. Yes.

Mr. STERN. Will you describe that and with particular reference to this problem?

Mr. BOUCK. We participate both on the national level and at the field level.

Our agents in the field are instructed to accept any invitation to teach in a police school of any level or security school, and we have prescribed exact outlines of material they should get across. One of the main topics being the protection topic.

We teach in Marine schools here in Washington. We teach in some of the State activities; a number of the different military activities. We have had students from most of the bigger agencies of government, CIA, State, and so forth, who have attended these portions of our training schools.

Mr. STERN. What requests do you make to other Federal agencies?

Mr. BOUCK. We make this same request—that we desire any and all information that they may come in contact with that would indicate danger to the President.

Mr. STERN. How are these requests communicated?

Mr. BOUCK. They are fundamentally communicated by personal contact of varying degrees with the FBI. We have a personal liaison contact in which an individual, a liaison officer actually makes daily contact.

With the other agencies, other security agencies and enforcement agencies, we are—people on my staff have personal relationships where we can call on the telephone and do call on the telephone very frequently, sometimes some agencies everyday, and they in turn call us.

Mr. STERN. What agencies do you have these liaison relationships with—Federal agencies?

Mr. BOUCK. We have on a commonly used basis, we have some liaison with almost all of them but on a common using basis we have these relationships with CIA, with the several military services, with the Department of State. I have mentioned the FBI.

Mr. STERN. Central Intelligence Agency?

Mr. BOUCK. Oh, yes; very much so. They are, especially on trips very, very helpful.

Mr. DULLES. Foreign trips?

Mr. BOUCK. Foreign trips, yes.

Representative FORD. How often do your people check to see procedures which are used by these various agencies for the determination of whether an individual is a dangerous person?

Mr. BOUCK. We don't do that systematically. We frequently have such discussions but they are usually on a specific basis. Our representative will call up and say, "We just received this information. Would this be of interest to you."

In these borderline cases, we have much of that, and after discussion we decide whether it would or would not be. But outside of raising this question as it comes in connection with business between our agencies we do not make a practice of just simply querying them on this. We have not done that, as I recall.

Representative FORD. You don't lay down a particular criterion for Agency X, Y, or Z?

Mr. BOUCK. No. We have the one general criterion that we have advocated for many years. I think it is quite well understood. We do not see signs that there were any lack of knowledge that this was our job and we wished this kind of information.

Mr. DULLES. Have you made any study going back in history of the various attempts that have been made, and successful and unsuccessful attempts, that have been made against Presidents or—

Mr. BOUCK. Rulers.

Mr. DULLES. Or people about to be President, or who have been President?

Mr. BOUCK. Yes, yes. We have not only studied all of our own but we have studied all of the assassinations that we could find any record of for 2,000 years back. And strangely enough some of the thinking that went on 2,000 years ago seems to show up in thinking of assassinations today.

Mr. STERN. Do you increase protection on the Ides of March?

Mr. DULLES. Is that available? Is that—I don't know.

Mr. BOUCK. It is available in a rather crude form. It has not been boiled down to a concise report.

Mr. DULLES. How voluminous is this? I should be very much interested in thumbing through it because I have been trying to study the past history.

Mr. BOUCK. The rough notes on this are this high.

Mr. DULLES. A few thousand pages?

Mr. BOUCK. The studies didn't go beyond that.

Mr. DULLES. By cases?

Mr. BOUCK. Yes. Of course, in many of these cases it is very spotty and these are handwritten notes. We never, outside of extracting in this in training material and what not, we have never systematized it down to where it is a readable document as such.

Mr. DULLES. Have you tried to draw any conclusion out of this study as to the type of people, the types of causes, the types of incentives?

Mr. BOUCK. Yes; we have.

Mr. DULLES. That is in your department, is it, to do this?

Mr. BOUCK. Yes; it is. We have arrived at some conclusions from it.

(Discussion off the record.)

Mr. McCLOY. On the record. Your study of the prior assassinations would take into account Czolgosz, Guiteau, what type of persons they were?

Mr. BOUCK. Yes, sir.

Mr. McCLOY. The thing to me that seems very worthy of research is the plotter, I mean the political plotter as against, for want of a better word, the loner, the man who is self-motivated against the man who has to have a group around him. How do you tell one from the other? I just was reading last night in Loomis about Madame Corday. She was just as much of a loner as apparently Mr. Oswald was.

Mr. DULLES. So was Czolgosz so far as I can make out, and so was Zangara. Zangara, I was told, planned to shoot Hoover and then he decided that the climate of Washington wasn't very healthy in February and March for him because he had stomach trouble, so he decided that F.D.R. was coming to Miami and it was just as good to shoot him. You have situations of that kind that defy it.

Mr. BOUCK. I believe he intended to shoot the King of Italy before that but he got a chance to migrate before he got an opportunity.

Mr. DULLES. Zangara?

Mr. BOUCK. Yes.

Mr. McCLOY. Do you have any look out for defectors as such?

Mr. BOUCK. As such we have never been quite able to determine that that is a valid criterion. We do not as such.

Mr. McCLOY. You have some suspicions, now, don't you?

Mr. BOUCK. Yes; we have some suspicions now; yes, sir.

Mr. DULLES. I wonder whether it would not be useful for this Commission to have, if it could be reduced to readable form and to assist, the conclusions of your study if you have such conclusions?

Mr. BOUCK. We will do that, sir.

Mr. DULLES. What do you think, do the rest of you agree to that?

Mr. McCLOY. I think it is part of our mission to try to make recommendations in regard to the future protection of the Presidents. Actually, we don't want to go into anything which is going to compromise the future security of Presidents. We simply want to augment. What we are concerned about is how well equipped we are to do the job in the light of all the circumstances and I would think that any conclusions that you have in this regard, if you—the Secret Service, Treasury—could convey them to us in a form that perhaps we might endorse, it might be helpful from your point of view and our point of view.

Representative FORD. I would agree with that observation.

Mr. DULLES. You can possibly define categories. You may find the loner, you may find a fellow engaged in a plot with others for political reasons and that would help us very much because we find that particularly the case we are investigating falls into one of these classes.

Mr. BOUCK. All right.

(Discussion off the record.)

(At this point Senator Cooper entered the hearing room.)

Mr. McCLOY. I think we are ready to go ahead.

Mr. STERN. Fine, Mr. Chairman. I would like to turn now to the actual processing by PRS of the information they receive and have Mr. Bouck tell us what happens to an item of information when it is received, how it is processed, how the references to field offices are made, and perhaps you might illustrate, Mr. Bouck, from the cases that are summarized in Commission Exhibit 762.

Mr. BOUCK. In Exhibit 760, the second memorandum applies to that, and I will basically follow that unless questions differ.

Mr. STERN. I think it would be better for you not to read it but to paraphrase it, tell us what happens.

Mr. BOUCK. When a document is received by the Secret Service, it is first searched against our files to see if we have any previous experience with this individual or with this threat. If it is found that we do have previous material there is an analysis made, and then a determination is made at that point as to what the apparent degree of threat would be on this.

If it appears that on the surface there is a threat, lookouts will immediately be issued to the White House detail, the White House police and various other security details, in order that they may be alerted to any danger that happens.

If the danger seems quite strong, a telephone call will be made to the field office in order to begin the investigation without even waiting for the mail. The threat is then processed and sent through the mail with the documents to the office concerned.

If it is determined that it is a possible danger, a card is put in a particular file which would alert us in case the President went to that area that an investigation of a dangerous person were underway. After the field office has investigated they would attempt to take corrective action if a law has been violated, the individual will be prosecuted, if practical, and if the individual is determined to be mentally ill, attempts will be made to get commitment into a mental institution.

When the report is submitted back, if the individual is not confined or is not evaluated as being no danger, then we would put cards in several control devices, one being a trip index file to make sure that we alerted the field office when the President went to that area; another being a control checkup device which means that if this individual is regarded as dangerous we will keep checking up on him every few months to see if he is getting worse or see what he is doing.

Mr. STERN. Could you illustrate by a case or two from Exhibit 762 the different kinds of matters that come to your attention and the different ways in which they are processed?

Mr. BOUCK. Yes. On page 2 of this exhibit happens to be a case that had its origin in the field, in Denton, Tex., of a potential threat that appeared to apply to Dallas. It was investigated in the field, and pictures were obtained, and information was obtained and dispensed to the White House detail at the time President Kennedy went to Dallas, and in this particular case, it was subsequently referred to PRS and has been placed in our files and indexed in our indexes. Case No. 3 is a similar—

Mr. DULLES. May I ask a question there? When you refer to the field offices, this is the field office of the Secret Service?

Mr. BOUCK. Field offices of the Secret Service.

Mr. DULLES. How many do you have?

Mr. BOUCK. Sixty.

Mr. DULLES. Sixty?

Mr. BOUCK. In the United States, and I believe one of those is in Puerto Rico and one is in Paris, of the 60.

Mr. DULLES. Those offices cooperate with the FBI offices?

Mr. BOUCK. Yes. If you will look over these cases, you will see that as a matter of fact, this page 3, this case is given as originating with the chief of police of Denton, Tex., but the FBI already also determined that and they reported that to us almost simultaneously.

Mr. DULLES. Yes; that doesn't show up on this particular page.

Mr. BOUCK. No; it is stated, I think in some other exhibit but I erroneously neglected it here. But you will find in many of those, that was true on page 5, that indicates a case where the FBI has picked up information and gave it to us.

Mr. STERN. You might mention, perhaps, Mr. Bouck, the cases under the last tab of your exhibit which were cases that were not investigated, just as a contrast.

Mr. BOUCK. That is right. These referrals from the FBI are all through here. Page 8 is another one where they picked up information and gave it to us. The first four sections relate to the cases in the four offices of Texas during a 2-year period. The very final one illustrates just a little sample of the kind of cases we received in Texas which we did not think warranted investigation. That will give you an idea of what those cases amounted to. Why we didn't go into them.

Mr. McCLOY. Let me ask you this: Are your records and equipment modern in the sense that you have got punchcards on all these, have you got the type of equipment that you would think that extensive files and extensive information and quick access to them might be very important. Do you have IBM machines and do you have punchcards, for example, so that you can have quick cross references?

Mr. BOUCK. No, sir. Our files are conventional, card indexes, conventional folders. We do not have machine operation in that sense.

Mr. McCLOY. Don't you think that with all this mass of information that comes in that that would be an asset to you?

Mr. BOUCK. If I might defer to Mr. Carswell again, I believe that is in the document you are handling, discussion of that, am I right, Mr. Carswell, or in the studies that are going on.

Mr. CARSWELL. Yes.

Mr. BOUCK. This is part of this big overall consideration again.

Mr. McCLOY. It just seems to me this is almost a typical case of where that type of thing can do you a great deal of good. You have it in industry to a very marked degree. I wonder whether it could be—I don't know enough about the flow of these things.

Mr. BOUCK. This is under a great deal of consideration as a part of this post-Dallas study that Mr. Carswell referred to and I am quite sure that it will be contained in the final results.

Mr. McCLOY. Very well. Go ahead.

Mr. DULLES. Could I ask one question in that connection? You say at the bottom of the page, this introductory table page, that the total exceeded 32,000 items.

Mr. BOUCK. Yes.

Mr. DULLES. Does that mean now you have cards on 32,000 people?

Mr. BOUCK. Oh, no; we have cards on close to a million people.

Mr. DULLES. A million people?

Mr. BOUCK. Yes.

Mr. DULLES. This total then is 1-year total?

Mr. BOUCK. This is a 2-year total—no, wait a minute. I beg your pardon.

Mr. McCLOY. 1963.

Mr. BOUCK. This is a 1-year total for 1943, 1-year total for 1953, and 1-year total for 1963.

Mr. DULLES. That is just the number, and these figures are cumulative that you have here?

Mr. BOUCK. No; everyone is a year.

Mr. DULLES. That is what I mean, you have the total you have to add this up for previous years, but you don't keep them forever, you take some of these out.

Mr. BOUCK. These are not all cards, but these are items of information. In 1-year cases we might get 40, 50 items in a particular case, and these items would go in the case files.

Mr. DULLES. Do you know how many names you have carded now, approximately?

Mr. BOUCK. We have not counted them but we think in the vicinity of a million but they are not all active, you see. We have no way of knowing when people die in some cases and things like that. So we don't know just how many of these million are now active. Certainly very much less than a million.

Mr. DULLES. But you have a million names carded?

Mr. BOUCK. Yes. In the indexes.

Mr. STERN. In the files which you describe as basic files, I believe, how many cases are current, either in your office or within easy access?

Mr. BOUCK. About 50,000.

Mr. STERN. About 50,000. So that 950,000 are in some other storage?

Mr. BOUCK. Not all of these cards, you see, will represent cases because we have some cases in which many people are involved. There would be considerably less cases than there would be card indexes, but we do have a very sizable storage of cases under National Archives, some of the older ones having gone to places like the Roosevelt Library.

(At this point Representative Ford left the hearing room.)

Mr. STERN. These are your basic files which now have something in the order of 50,000 active cases?

Mr. BOUCK. Yes.

Mr. STERN. And some of these involve more than one individual?

Mr. BOUCK. Yes.

Mr. STERN. In these cases?

Mr. BOUCK. Yes.

Mr. STERN. A case might be an organization, as I understand it, rather than an individual?

Mr. BOUCK. That is right.

Mr. STERN. And the members of that organization would be collected under that one case?

Mr. BOUCK. Yes.

Mr. STERN. Would they also be listed individually?

Mr. BOUCK. They would be listed individually if they were of interest to us as individuals. Sometimes we would get the membership of a group of people that attended a lecture, let's say, where very derogatory information was given out about the President, but most of these people seem like ordinary citizens and it doesn't seem like worth investigating. We might have 200 people listed in that, this would not be normal, but it would be a few cases like that.

Mr. STERN. Now, as I understand it you by no means investigate every individual who is in one of these 50,000 cases?

Mr. BOUCK. That is correct.

Mr. STERN. And what are the criteria that you use?

Mr. BOUCK. The criteria for investigation are feelings that there is indeed an indication that there may be a danger to the President.

Mr. STERN. But there has to be some indication of a potential danger to the President to get that individual into a case to begin with, I take it. If it were clear he was not?

Mr. BOUCK. Yes; but not necessarily a current indication. We take many of these where we think an individual is becoming hostile and a little bit disgusted with the President, we take many of those cases to watch these people. We keep getting information here and there along, and frequently after we get the second or third piece of information, we decide indeed this individual is perhaps—does perhaps constitute a menace, and at that point we would investigate it.

Mr. STERN. As I understand it, one of the main purposes of your investigation is to attempt to deal with the dangerous individual at that time?

Mr. BOUCK. Yes, sir.

Mr. STERN. How would you deal with these people whom we are speaking about?

Mr. BOUCK. We deal with them primarily in three ways. First, if a law violation is involved an attempt will be made to see if a prosecution is in order.

Mr. STERN. What sort of law violation?

Mr. BOUCK. Well, we have a threat law, for one, that is under our jurisdiction. Then in the case—

Mr. STERN. This is threats against the President?

Mr. BOUCK. Threats against the President. Then there is—

Mr. DULLES. Is that a local law?

Mr. BOUCK. No; that is a Federal law.

Mr. DULLES. It is a Federal law?

Mr. BOUCK. Yes.

Mr. STERN. And it involves what sort of act?

Mr. BOUCK. It involves making a threat to kill the President or to harm the President.

Mr. STERN. Not necessarily——

Mr. McCLOY. Do you have a citation of that law?

Mr. BOUCK. It is in some exhibit, I am sure.

Mr. McCLOY. I think it is well to put it in the record if we have it.

Mr. DULLES. Yes; I think it would be very good.

Mr. CARSWELL. Can we supply it?

Mr. DULLES. Why don't you supply it?

(It was later supplied as 18 U.S.C., Section 871.)

Mr. BOUCK. If the investigation indicates that the individual is mentally unbalanced, which a high percentage are, then attempt will be made to persuade local authorities to get hospitalization, confinement in an institution.

If neither of those are possible, attempts will be made to get local officers and family, if they will cooperate, to help us keep track of him, and we will institute checkups from time to time when we are investigating. Those are basically the control measures that we are able to use. In some cases we may conduct surveillance, by the way, if we can't do any of those, and we regard the man as very dangerous.

Mr. STERN. I show you a 1-page pink card marked for identification Commission Exhibit No. 765. Can you tell us what that is?

Mr. BOUCK. Yes; this is a card which we have prepared when an individual that we have rated as dangerous is placed in an institution, either a mental institution or a penal institution. We supply that card to the superintendent of the institution. We ask him to put it in the front of the individual's case jacket, and it is all filled in so that the return address and all are on it. The frank portion of it on the bottom is a frank portion, all he has to do is to indicate whether the individual has escaped, transferred or been released and drop it in the mail to advise us on action they may take on letting him out or if he has escaped.

Mr. STERN. That is the control you exercise over persons who are institutionalized in prison or some sort of hospital?

Mr. BOUCK. Yes.

Mr. STERN. When an individual is determined after investigation to present some level of danger but not sufficient to warrant prosecution or not to be a mentally disturbed person warranting commitment, how do you control that individual, keep track of him?

Mr. BOUCK. If we think he is in fact dangerous, he would be in our checkup file which is really a control device by which at least every 6 months we re-investigate and in between times we try to have arrangements with the family and local officers to let us know if he leaves town or buys a gun or anything.

The other device is a geographical card file in which we would put a card to let us know about this individual in case the President went to that geographical area so that the office might take a further look and see if he was a menace.

Mr. STERN. At the time of Dallas, do you know approximately how many persons were in institutions under this system where you would be notified if they left or escaped?

Mr. BOUCK. I am sorry, I don't have that.

Mr. STERN. The order of magnitude, any estimate?

Mr. BOUCK. It would be some thousands but I wouldn't really have a close idea. I could get that and supply it. I just would have to guess and it would be a very bad guess.

Mr. STERN. Fine. But you can determine this for us?

Mr. BOUCK. Yes.

Mr. STERN. Good. How many at the time of Dallas would be in your checkup control file system with this periodic review?

Mr. BOUCK. About 400.

Mr. STERN. 400 individuals?

Mr. BOUCK. That is nationwide.

Mr. STERN. Again, at the time of Dallas, how many individuals would have been listed in the trip-index file which you have described?

Mr. BOUCK. About a hundred.

Mr. STERN. One hundred in the Nation?

Mr. BOUCK. Yes.

Mr. STERN. What are the criteria for putting someone's name in the trip-index file?

Mr. BOUCK. The belief on the part of the local field office, with confirmation from the Protective Research Section that this individual would indeed constitute a risk to the President's safety, if he went to that area.

Mr. STERN. This is done, this is organized, on a geographic basis?

Mr. BOUCK. Yes.

Mr. STERN. By Secret Service field offices?

Mr. BOUCK. Yes.

Mr. STERN. Is there any other control device that you employed at the time of Dallas?

Mr. BOUCK. We had at the time a very small device that we call an album which has a few, perhaps 12 or 15 people that we consider very dangerous or at least dangerous and so mobile that we can't be sure where they might be. This is a constant thing. Copies of these are kept before the protective personnel at the White House all the time. This resides in their office.

Senator COOPER. On that point, if this last category represents a group that is so highly dangerous, have any individuals in that group reached the place where they have made such statements as would bring them under the Federal act which would require prosecution?

Mr. BOUCK. No, sir; if they were prosecutable we would seek that solution immediately, and many of them have been taken to the district attorney and it has just been determined they do not quite meet the requirements for prosecution.

Some have been prosecuted, and have served sentences and are out at the end of sentences but still thought to be dangerous.

Senator COOPER. Yes.

Mr. BOUCK. Some have been in mental institutions and discharged, and there isn't ground to put them back but we are still afraid of them.

Mr. STERN. Are the individuals who are listed in the trip-index file, which numbered at the time of Dallas about 100, also listed in the checkup control files?

Mr. BOUCK. Yes. Yes; they would, primarily that 100 would to a large degree be in both places.

Mr. STERN. Then it is a fair summary, Mr. Bouck, that at the time of Dallas the number of individuals that you were concerned with were some thousands, the number you will supply, who were institutionalized either in prison or in mental hospitals, and with such institutions you had an arrangement that would promptly notify you of the discharge or escape of that individual, some 400 on a systematic review, approximately every 6 months by your field offices, of which 400, 100 were separately identified as particularly dangerous in the trip-index file, and some 12 to 15 whose photographs were in the album?

Mr. BOUCK. Yes; I think—

Mr. STERN. As a matter of fact, I would suppose the people in the album would also be in the checkup control file so really we are talking about, are we not, the unknown number in institutions, and about 400 other individuals whom you were actively reviewing and about whom you would be concerned on the occasion of the President's trip?

Mr. BOUCK. That is right.

Mr. STERN. In addition, you had files on, active files on, approximately 50,000 cases involving at least that number and probably more, individuals which were your basic library, as it were, but of reference use only until more information was developed about them?

Mr. BOUCK. Well, I think you are quite accurate except in the last category. In these 50,000 cases would be tremendous numbers of cases that had been given investigative attention, and had been determined that our first thought or our first indications of danger were not substantiated. The investigator,

and we concurred, felt that the individual, at least at any particular time, that this particular individual was not really in fact a menace to the President's life.

Mr. DULLES. What was the location of these 50,000 cases? We are talking now about Dallas, is that countrywide?

Mr. BOUCK. Countrywide.

Mr. McCLOY. International.

Mr. BOUCK. It is worldwide over a period of 20 years.

Mr. DULLES. Yes. Somebody in Thailand, if he was in Thailand wouldn't be of much danger in Dallas.

Mr. STERN. But he would, as I understand it, sir, be included in the basic files if he had come to their attention as a potential danger.

Mr. DULLES. Someone in New Orleans, for example, he could get up to Dallas very quickly or if he were in Houston, but this 50,000 covers the whole world.

Mr. STERN. Yes; and I think the important point here, Mr. Dulles, is that these are 50,000 cases of background information, including people already investigated and found not to represent danger. The number of cases under active scrutiny at the time of Dallas amounted to about 400, who were reviewed periodically, plus a much larger number, in the thousands, of persons committed or imprisoned, and as to those, I expect there would be no problem until they were released.

Mr. BOUCK. That is right.

Mr. STERN. And you had a system to be notified about the release or escape, is that correct?

Mr. BOUCK. That is correct.

Mr. DULLES. So can we get from that about the number of cases you felt to look at in connection with the President's trip to Dallas?

Mr. BOUCK. We actually—

Mr. DULLES. What range would that be?

Mr. BOUCK. We actually looked at a volume of cases approximating 400 in connection with the trip to Dallas.

Mr. STERN. Well—

Mr. BOUCK. That is the total file that we looked into.

Mr. STERN. On a national basis?

Mr. BOUCK. The total two or three files we looked into would encompass about that many people.

Mr. DULLES. All right. That gives me just what I was asking for.

Mr. STERN. In point of fact, Mr. Bouck, when you looked at the checkup control file and the trip-index file before the Dallas trip how many names were reported for the areas in the Dallas field office territory where the President was to visit?

Mr. BOUCK. We found no uncontrolled people in the trip file for Dallas. All of the cases in Dallas were controlled to our satisfaction. We found also in the checkup file no uncontrolled individuals that we thought warranted an alert for Dallas.

Mr. DULLES. Did you ask the FBI or any other local agency for any cases they might have?

Mr. BOUCK. Yes, sir.

Mr. DULLES. In connection with the trip?

Mr. BOUCK. In fact, they referred several cases to us in connection with the trip, right prior to the trip on the local level.

Mr. DULLES. On the local level?

Mr. BOUCK. On the local level.

Mr. McCLOY. Being as objective as you can be under the circumstances, what would you have done if the FBI had told you there was a man named Oswald in Dallas, who was a defector, had been a defector?

Mr. BOUCK. I think if they had told us only that, we probably would not have taken action. If I might qualify it further, if we had known what all of the Government agencies knew together, and knew that he had that vantage point on the route, then we certainly would have taken very drastic action.

Mr. McCLOY. If they had told you that there was a man named Oswald in

Dallas, who had been a defector, who was employed at the Texas School Book Depository?

Mr. BOUCK. Yes, sir; we would have looked at that.

Mr. McCLOY. You would have looked at that?

Mr. BOUCK. Yes, sir.

Mr. McCLOY. Knowing that the Texas School Book Depository was on the President's route?

Mr. BOUCK. On the President's route.

Mr. STERN. Would it have made a difference to you if he was a legitimate employee of that institution?

Mr. BOUCK. Well, not from our standpoint of having us look at it. I can't predict too well what the field office would have done after they looked. It would depend on what they found out, but the field office would have checked that. We would have asked them to check it and they would in fact have checked it not knowing what conclusions they would have arrived at, I don't quite—I am not quite able to predict just what measures they would have taken.

Senator COOPER. May I ask a question on this point? Have you examined your records since the assassination of President Kennedy to determine if the name Lee Oswald appears in your files?

Mr. BOUCK. We have never had it prior in any connection, never in our records.

Senator COOPER. I gathered from what you said in response to Mr. McCloy's question you do not keep any special file relating to defectors?

Mr. BOUCK. No, sir.

Senator COOPER. In this country?

Mr. BOUCK. Not unless there is something much more to it than the fact they defected.

Senator COOPER. Then in the case of Lee Oswald from your statement that you do not keep any file on defectors, if you had known about his presence there, what would have been the cause then for you to have taken special notice of him?

Mr. BOUCK. The key there would have been a defection plus a knowledge that he had a vantage point on the route. Those two together would have required action.

Senator COOPER. The point I make is, and this again is arguing after the fact, if the fact he was a defector, plus a vantage point would make you take notice of him it would seem to me it would be very substantial evidence to have in your file that he was a defector, wouldn't you think so?

Mr. BOUCK. Well, again, this is part of this big study that we are in. We never before knew, I think, of a defector who did anything like this so we are not quite sure that defection in itself is a key to an assassin. However, that combined with certain things, knowing that he had a vantage point would have caused us to look.

Mr. STERN. Were there any other characteristics of Oswald that you believe to have been known to other Federal agencies before November 22 that would have been important to you in deciding whether or not he was a potential threat?

Mr. BOUCK. Yes. I think I have supplied you with a list of about 18 things that were known to the Federal agencies, but these, I believe, were spread from Moscow to Mexico City in at least four agencies, so I am not aware of how much any one agency or any one person might have known.

But there was quite a little bit of derogatory information known about Oswald in this broad expanse of agencies.

Mr. STERN. Without respect to any such list, what other characteristics, trying as much as possible to avoid hindsight, do you think were germane to determine his potential danger?

Mr. BOUCK. I would think his continued association with the Russian Embassy after his return, his association with the Castro groups would have been of concern to us, a knowledge that he had, I believe, been court-martialed for illegal possession of a gun, of a hand gun in the Marines, that he had owned a weapon and did a good deal of hunting or use of it, perhaps in Russia, plus a number of items about his disposition and unreliability of character, I think all of those,

if we had had them altogether, would have added up to pointing out a pretty bad individual, and I think that, together, had we known that he had a vantage point would have seemed somewhat serious to us, even though I must admit that none of these in themselves would be—would meet our specific criteria, none of them alone.

But it is when you begin adding them up to some degree that you begin to get criteria that are meaningful.

Senator COOPER. I am sure you have answered what I am going to ask but I will ask it anyway. Then it is correct prior to the assassination the Secret Service had no information from any agency or any source—

Mr. BOUCK. That is correct.

Senator COOPER. Relating to Lee Oswald?

Mr. BOUCK. That is correct.

Mr. STERN. I believe you said earlier, Mr. Bouck, that before Dallas you thought the liaison arrangements were satisfactory and that other Federal agencies, in particular, had full awareness of the kind of information that the Secret Service was looking for under the general criteria that you articulated?

Mr. BOUCK. Yes, sir.

Mr. STERN. Why then, do you think you were not notified of Oswald? Was there perhaps something wrong with the system?

Mr. BOUCK. This, of course, is opinion. In my opinion, there was no lack of knowledge of what we should have. Insofar as I know no individual knew enough about Oswald to judge him to meet our criteria of presenting a danger to the President. I know of no individual who knew all about Oswald, including the fact that he had a vantage point on the route.

If that is so, I don't know. I didn't know.

Mr. McCLOY. Somebody in the FBI knew it, didn't they?

Mr. BOUCK. I have no record to know that. They knew certain information. I have no record that would indicate they knew all of the derogatory information.

Mr. McCLOY. I don't know I would say they knew all the derogatory information but they certainly knew the vantage point and they certainly knew the defection elements.

Mr. BOUCK. I know they knew he was in Dallas. Whether they recognized that as being on the route, I don't know that.

Mr. McCLOY. I think the record shows he was employed there, or the deposition shows.

Mr. BOUCK. I don't know that.

Mr. STERN. Is it of key importance to what you say now regarding the information on Oswald before the assassination to identify his vantage point? If you would take that away from the other characteristics does he then not become a threat?

Mr. BOUCK. He would not meet the criteria of a threat as we had it at that time, if you take that away.

Mr. STERN. And the criterion was—

Mr. BOUCK. That there be some specific indication that a possible danger to the President existed.

Mr. DULLES. Off the record.

(Discussion off the record.)

Mr. McCLOY. Back on the record.

Mr. STERN. Well, Mr. Bouck, if the pivotal ingredient is his employment at that Depository, is that because that showed some, to your mind, some intention, some desire to be on the route, because access to the route—

Mr. BOUCK. No; it relates him to the President. This, I think if all the information that was known about him, indicates that he was a pretty untrustworthy individual, I think there was no indication that that untrustworthiness might be of a danger to the President until you associated that he had a vantage point where he might use it toward the President.

There was nothing previous that indicated that the President might be an object of this, and—

Mr. STERN. As far as any of us know, any citizen had pretty much the same sort of access to the parade route. Is there any difference—

Mr. BOUCK. We would feel the same way if we knew this much derogatory

type of information about any citizen if we knew he had a particular vantage point on a route.

Mr. STERN. But a citizen, possessing all the characteristics you believe to have been known about Oswald but not having access through employment or residence or some comparable relationship to the parade route, would not have been of concern to you under the criteria and practices in effect at the time of Dallas, is that what you are saying?

Mr. BOUCK. I think a little broader than that. Access of any kind, working in a hotel or any point where he might have unusual access.

If you broaden the question to that, I would say that is what I am saying.

Mr. STERN. Unusual access?

Mr. BOUCK. Yes.

Mr. McCLOY. If I might intervene here, if I understand it. I don't know whether it is good but there is speculation and conjecture in it, I don't know if you will get far with it. Probably if you had known all the derogatory information that you now know was accumulated in all of the agencies of the Government irrespective of where this fellow was in Dallas you might have kept your eye on him.

Mr. BOUCK. Again, that would be speculation. I don't know. It wouldn't be normal. It wouldn't fit within our normal category unless we knew he was—he had a vantage point. We know of tremendous numbers of people who are bad people that we don't keep an eye on.

Mr. McCLOY. Yes; but suppose you knew these men, or suppose you encountered some of these defectors, I am told there are 18 others, wouldn't you have been somewhat negligent if you didn't check up on him when he got to the vantage point in Dallas?

Mr. BOUCK. If we had checked up, I don't know whether we would have gone beyond that.

Mr. McCLOY. I don't suggest that but you might have kept him under surveillance.

Mr. BOUCK. We would have taken note of this.

Mr. STERN. Would that have been true if he had not been known to be living in Dallas, if his last known address was New Orleans?

Mr. BOUCK. If he had not been living in Dallas we would not have checked on him in this trip area even with the other information.

Mr. STERN. Suppose he had been living in Fort Worth?

Mr. BOUCK. Well, if we had known he were living in Fort Worth that would be the same as Dallas, to us. When we speak of a city we speak of the driving distance or the commutable distance to a city.

Mr. STERN. We will move very quickly to questions concerning Oswald and I would like to go back now and cover the details of your file search and other PRS activity for the Texas trip, the total Texas trip. If you would start with the first date you heard that the President was preparing to travel to Texas and tell us what your Section did and what you found.

Mr. BOUCK. Our first knowledge of the Texas trip was on November 8 when the advance agent, Agent Lawson, reported to the Protective Research Section that the President was going to Texas, and that Dallas was one of the stops. A check at that time was made of our trip index, and no cards were found on Dallas to indicate that there was an uncontrolled dangerous person in Dallas.

Two such people were found at the Houston stop. This information was imparted to Mr. Lawson at that time.

Mr. STERN. Excuse me, could you identify the two Houston cases from Exhibit 762?

Mr. BOUCK. Yes; they are in here. Case No. 21 is one. This individual is a local law-enforcement officer that was not considered awfully dangerous but again because he might have an unusual vantage point we made arrangements each time to see that he was not used in any way that he might have a vantage point. Case 26 is the other one, which is a case that goes back many, many years of an individual who has been repeatedly threatening but we have been unable to do much about. She has been in and out of mental hospitals.

Mr. STERN. So these were the two cases?

Mr. BOUCK. The two cases.

Mr. STERN. That were in the trip-index file involving the jurisdiction of the Houston field office?

Mr. BOUCK. Yes.

A notation was made at that time for the individual in charge of that section and on the 14th he again checked that file. He pulled out these two cards, and he checked the checkup file and concluded that these in the State of Texas were the only two uncontrolled people that we should alert the field about, and he pulled the case jackets on these two people and reviewed those, and then caused an alert to be prepared on these two people, the original being sent to the White House Detail, and the copy being sent to the field office.

Mr. STERN. These are the same two Houston cases?

Mr. BOUCK. Yes.

Mr. STERN. Was there an additional case added on the 14th?

Mr. BOUCK. No; not by our section. There were just the two. There were cases picked up in the field on some of these, but we only sent out the two cases as being in our opinion of protective concern on that trip.

Mr. STERN. Would you look, Mr. Bouck, please, at the first page of Exhibit 760, the first text page, the third paragraph, the middle of the paragraph, it says, "On November 14, 1963, the above indicated clerical employee prepared an office memorandum advising the name of one PRS subject who had previously been referred to the interested offices and was still of concern and furnishing identifying data on a new PRS subject who had not been previously included in the alert."

Mr. BOUCK. These were the two cases. The one we had alerted on a previous trip, the deputy sheriff one, had not been, that had occurred since a previous trip and so this was the first time that we had told the detail and the field office that this individual should be looked at. Making a total of two.

Mr. STERN. Were there entries in the trip-index file then for the other cities that the President was planning to visit or the other field office areas, Dallas, San Antonio, and El Paso?

Mr. BOUCK. No; there were no cards on any of the other three cities, indicating uncontrolled people.

Mr. STERN. So in the four field offices covering the entire State of Texas there were in the trip index only two cards both of them residing in the Houston office area?

Mr. BOUCK. That is correct.

Mr. STERN. Now, do you know what was done in Dallas to supplement this investigation into potentially harmful people?

Mr. BOUCK. Dallas made contact with the local authorities, they had contact with the FBI, they had contact with the local police in Dallas, and also some of the suburbs, particularly Denton, Tex., in which they received information on several situations and several individuals in addition to, well, they received this information.

Mr. STERN. Are those cases summarized in Exhibit 762?

Mr. BOUCK. Yes; they are. I think the first one of those is page No. 2 of Exhibit 762, which involved people who had attempted to embarrass Ambassador Stevenson. Also page 3 is a further one. I believe they also received information on some scurrilous literature that was being circulated in Dallas at that time from the FBI.

Mr. STERN. Now, referring to the visit of Ambassador Stevenson in October, I believe—

Mr. BOUCK. Yes.

Mr. STERN. Was anything done at the time of that visit in October to identify the people who were participating in the obstreperous conduct that occurred?

Mr. BOUCK. I do not know. It was nothing—

Mr. STERN. So far as PRS was concerned?

Mr. BOUCK. Nothing was done by PRS.

Mr. STERN. These individuals did come to light in the liaison activities just prior to President Kennedy's trip to Dallas?

Mr. BOUCK. Yes, sir.

Mr. STERN. And they were then, as I understand it, placed in your permanent records and are now in your trip-index files?

Mr. BOUCK. That is correct.

Mr. STERN. Mr. Bouck, since the Stevenson trip received a great deal of publicity and I take it you knew about it at the time or PRS knew about it, can you tell us why there was no effort in October to determine who these people were for possible use if President Kennedy or a later President should consider a trip to Dallas?

Mr. BOUCK. Well, there are a great many disturbances and activities around, and we have never felt that we should document those per se inasmuch as they did not constitute a jurisdiction—they were not within our jurisdiction except when the President went to an area, so it has always been something that we attempted to resolve when we had jurisdiction in the area because the President was going there, rather than engage in investigative activity that was not within our jurisdiction just per se, whenever there was a disturbance.

Mr. STERN. I am not sure I follow that. I take it your jurisdiction is to determine, perhaps not to act upon, but to determine people who might be threats to the President or Vice-President.

Mr. BOUCK. These people were not judged at that time to be threats to the President, necessarily.

Mr. STERN. I see. Their activities in connection with Ambassador Stevenson's visit did not seem to you at that time—

Mr. BOUCK. They did not fit our criteria as being a direct indication that the President might be harmed, but then when the President went to that area, then a more serious connotation was put on those people and they were investigated and were identified and pictures were made of them and given to the agents.

Mr. STERN. That is because the President was then going to that area?

Mr. BOUCK. Yes; that is right.

Mr. STERN. Suppose the President was going to another area to which these individuals had moved in between the Stevenson visit and the hypothetical Presidential trip. You would have had no record of them, no way of knowing about them, is that correct?

Mr. BOUCK. No; that would have to—unless it had been reported to me they had moved, then the only way we would pick that up would be in the local liaison which begins some days before a trip.

Mr. STERN. But there would have been no basis to report to you that they had moved as I understand it because they would not have been persons of concern to you merely because of their involvement in the Stevenson affair?

Mr. BOUCK. That is probably right.

Mr. McCLOY. To summarize your testimony a bit, I gather that the fundamental criterion that you were looking for is the potential threat to the health and life of the President of the United States, that you are not a general security agency of the United States, but are directed particularly to that particular objective, and one of the things that alerts you most is the threat, and then you examine that threat to determine whether or not it is a serious threat. A lot of elements enter into that and at that point when it does become a serious threat, then you put it on your alert files, is that about right?

Mr. BOUCK. That is a very good—

Mr. McCLOY. Furthermore—

Mr. BOUCK. Analysis.

Mr. McCLOY. Flowing from that the mere fact that a man or woman was a defector, or a man is a member of a political organization doesn't in itself embody the threat to the United States, to the President, the person of the President of the United States.

Mr. BOUCK. Right.

Mr. McCLOY. It is only as there is some additional element that causes you to fear that there is a potential menace that you put in that category you have been talking about?

Mr. BOUCK. Yes, sir.

Mr. STERN. I think we might illustrate that, Mr. McCloy, by a series of abstracts of cases that Mr. Bouck has prepared. I show you Commission Exhibit No. 766 for identification.

Mr. BOUCK. Yes.

Mr. STERN. And would you describe that and summarize very briefly the cases involved there which I think are intended to typify, are they not—

Mr. BOUCK. Yes; I prepared this and the thought was that the Commission might be interested in a couple of examples of how the PRS function has been helpful in protection, and so three cases have been presented in this paper.

Mr. STERN. Mr. Bouck, have you anything you would like to add, any clarification, any amplification of the matters we have discussed this morning?

Mr. BOUCK. I don't believe so. I think Mr. McCloy's summary probably exceeds anything I could give, and I think it is quite good and reflects, I believe, what we were trying to get at here.

Mr. STERN. Have you reviewed the memoranda and other exhibits that you have identified this morning and do you have any corrections or additions to make to those?

Mr. BOUCK. No, sir; I think they are accurate.

Mr. STERN. Mr. Chairman, I would like to request the admission of all the exhibits that Mr. Bouck has identified for us this morning. I have no further questions.

Mr. McCLOY. They may be admitted.

(The documents referred to, previously marked as Commission Exhibit Nos. 760 through 766, were received in evidence.)

Mr. McCLOY. I have one more question I would like to ask you. In the light of what you know now about the whole episode, have you come to any conclusions as to how you ought to operate in the future other than you did in the Dallas situation?

Mr. BOUCK. As Mr. Carswell has mentioned, of course, a great deal of study is being conducted. I think there are a number of other things that can be done. Great problems arise as to human rights and constitutional rights and costs and resources and just sheer—dealing with just sheer volumes of millions of people, and I do not feel I would want to give final judgment as to whether we should do these things until we have completed all of these studies, but perhaps there will be some that will—

Mr. McCLOY. Do you at this stage have any definite ideas about any steps that ought to be taken for the added protection of the President?

Mr. BOUCK. Well, I have quite a lot of them which are incorporated in this study. I have been, and as I understand it, the Commission perhaps will have the benefit of that but I have been very heavily involved in many, many ways in this study, and as to the final conclusions, of course, I think maybe it goes all the way to the Congress to decide the practicality of some of this.

Mr. McCLOY. I am sure it does.

Mr. BOUCK. I just don't quite feel in a position to say that I would want to recommend most of these things without reservation at this time. If I might, without presuming to evade your question, if we could delay that a little bit until we have completed this rather massive look that we are now taking.

Mr. McCLOY. Very well. Thank you very much for your cooperation, and very much obliged to you and the Treasury Department for helping us.

Mr. BOUCK. Thank you, sir.

Mr. McCLOY. To achieve our—perform our duties.

Thank you.

We will adjourn until 2 o'clock.

(Whereupon, at 1 p. m., the President's Commission recessed.)

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#### Afternoon Session

#### TESTIMONY OF WINSTON G. LAWSON, ACCOMPANIED BY FRED B. SMITH, DEPUTY GENERAL COUNSEL, TREASURY DEPARTMENT

The President's Commission reconvened at 2 p. m.

Mr. McCLOY. Mr. Lawson, you know the general purpose of what we are here for?

Mr. LAWSON. Yes, sir.

Mr. McCLOY. In the way of trying to get as much information as we can,

not only regarding the assassination of the President but also some background as to the steps that have been taken to protect him and as well as perhaps to take some testimony with the thought that we might be able to recommend measures that might insure future security of our Presidents. I will ask you, if you will, to rise and I will swear you.

Do you solemnly swear the testimony you will give in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LAWSON. I do.

Mr. McCLOY. Go ahead.

Mr. STERN. Mr. Lawson, would you state your name, age, and address for the record, please?

Mr. LAWSON. Winston George Lawson, 35 years old, 516 Vista Drive, apartment 204, Falls Church, Va.

Mr. STERN. What was your education at the college level?

Mr. LAWSON. A bachelor of arts with a major in history and government.

Mr. STERN. From what?

Mr. LAWSON. University of Buffalo, 1949.

Mr. STERN. Briefly, what was your employment experience from 1949 to 1959?

Mr. LAWSON. From the time of my graduation after a couple of months working for a firm that my father worked for, I became a wholesale carpet salesman until December 1951, and then I joined the Carnation Co., manufacturers of milk products nationally, and was a representative in various capacities for them in New York State. In 1953, March, I went in the Army and I had been a reservist and was called up as a CIC agent. I had 16 weeks of basic infantry, basic training, went to the CIC Counterintelligence School in Holabird, Md.—Fort Holabird, Md.—outside of Baltimore, and then was assigned eventually to the Lexington field office where I did general counterintelligence work for the Army, background investigations, and some interviews of the prisoners, POW's from the Korean war.

After I returned to civilian life in 1955, I returned to the Carnation Milk Co. and had various sales or public relations jobs with them in Poughkeepsie, N.Y., Syracuse, N.Y., generally covering most of the State of New York. I applied to enter the Secret Service approximately 3 years before I was accepted, and entered the Secret Service in October 1959 in the Syracuse field office.

Mr. STERN. Will you tell us of your experience in the Secret Service, describing briefly each assignment of work?

Mr. McCLOY. When you say CIC agent you mean—

Mr. LAWSON. Counterintelligence agent: yes, sir, in the Army. I was hired as an agent in the Syracuse field office, and did general investigative work in the Syracuse area, part of New York State, with time out for a special assignment during the Eisenhower administration for approximately 21 days when I had to come to Washington to replace some agents who were advancing some large trips in South America. I was away from the Syracuse office in Treasury School for 6 weeks and I was away from the Syracuse office for 5 weeks while I attended Secret Service School.

I was here in Secret Service School during the inauguration of President Kennedy. The school was let out for that day so that they could take advantage of the agents that were here in town for post assignments. After returning to Syracuse for approximately 3 weeks I was transferred to Washington on the White House detail in March 1961.

Mr. STERN. And you have been a member of the White House detail.

Mr. LAWSON. Of the White House detail.

Mr. STERN. Since then?

Mr. LAWSON. Yes.

Mr. STERN. What has your experience been, Mr. Lawson, in doing advance work for Presidential or Vice Presidential trips?

Mr. LAWSON. I have assisted on some advances and I have had the overall responsibility on some others. Some of my overall responsibilities were Billings, Mont.; Little Rock; Buffalo and Niagara Falls, N.Y.; Cherry Point, N.C.

Mr. STERN. Approximately how many trips did you have the major responsibility for, and how many did you assist on in doing advance work?

Mr. LAWSON. I have assisted on five or six and had the major responsibility on seven or eight. I believe, and then have done what we call local advances here in the Washington area, if the President is going to a dinner or to a speech or to a function here in Washington.

Mr. STERN. Do all members of the White House detail do advance work for Presidential trips?

Mr. LAWSON. Yes, sir; after they have been there a few months perhaps, or sometimes a little less, depending on the need of advances, they are assigned to go out and help on some advances, and then they will work regular shift work for a while and then they may be assigned other advances and then a little bit later have the responsibility of one.

Mr. McCLOY. Mr. Ford, this is Mr. Lawson from the Secret Service. He is just giving us his qualifications and giving his experience up to the time that he was given responsibility in connection with making preparations, advance preparations, for Presidential trips.

Mr. STERN. When you are not doing advance work, Mr. Lawson, what are your general responsibilities?

Mr. LAWSON. I am assigned to a regular shift, of which there are three on the White House detail, and we work 2 weeks 4 to 12, 2 weeks midnights, 2 weeks days. That is generally because if there is a Presidential movement here in Washington, usually if it is a daytime engagement the 4-to-12 shift will have to come in and work extra. If it is an evening engagement, why, the 8-to-4 shift will have to work extra. And then as the President takes trips, if we are assigned to work that day we would also go along as a regular working agent, accompanying him or going just ahead of him.

Mr. STERN. When you do the advance work for a trip, do you file reports in connection with the work you have done?

Mr. LAWSON. Yes, sir.

Mr. STERN. Do you typically file a report somewhere in the middle of the advance and then at the end, or how does it work? What are your responsibilities?

Mr. LAWSON. Until just prior to the Dallas trip we had a report which we tried to get out if it was at all possible and send back to Washington, the complete report at that time, and then write a supplemental after we returned to Washington, with any changes. The first advance and the advance that I had in Billings, Mont., and in Little Rock, Ark., I was able to do that. Those were in September and October of 1963. However, they changed the reporting system so that we send a preliminary report, and it was the first one of this type that I had had after the Dallas trip. So this one has a preliminary report and also a final survey report.

Mr. DULLES. How much forenotice did you have of the Dallas trip; do you recall?

Mr. LAWSON. Yes, sir; I was notified of it on November 4, which is quite a bit of notice.

Mr. DULLES. So you could start your preparations for it on November 4, approximately?

Mr. LAWSON. I was notified that there would be a trip, but that I would have more information on November 8; yes, sir; and I was given more information on November 8.

Mr. DULLES. And when was it in that period that you were notified that Dallas was to be visited?

Mr. LAWSON. On November 4.

Mr. DULLES. On November 4?

Mr. LAWSON. I was told that I would be going to Dallas, but they didn't know very many of the details yet and wouldn't until November 8.

Mr. STERN. Mr. Lawson, I show you a document marked for identification Commission No. 767. Can you identify that?

Mr. LAWSON. Yes, sir; I can. It is my preliminary report for the Dallas trip.

Mr. STERN. And that was prepared when?

Mr. LAWSON. That was prepared in Dallas, late afternoon or early evening Tuesday, November 19, and sent to Washington by airplane.

Mr. STERN. Mr. Chairman, may this be admitted?

Mr. McCLOY. It may be admitted.

(Commission Exhibit No. 767 was received in evidence.)

Mr. STERN. I now show you a document marked for identification Commission No. 768. Can you identify that, Mr. Lawson?

Mr. LAWSON. Yes, sir; that is a final survey report which I prepared upon my return from Dallas.

Mr. STERN. And that is the final report in this preliminary-final report arrangement—

Mr. LAWSON. Yes, sir.

Mr. STERN. Which you have described? And can you identify this additional document marked for identification Commission Exhibit No. 769?

Mr. LAWSON. Yes, sir; this is a statement of the activities that I had, to the best of my knowledge, in connection with the Presidential visit to Dallas covering my activities only pertaining to the Dallas trip from November 4 through 21.

Mr. STERN. This, I take it, was not a routine report?

Mr. LAWSON. No, sir; it was not.

Mr. STERN. It was prepared because of what transpired at Dallas? Mr. Chairman, may we have admitted 768 and 769?

Mr. McCLOY. They may be admitted.

(Commission Exhibits Nos. 768 and 769 were received in evidence.)

Mr. STERN. Now, beginning November 8, can you tell us the preparations for your trip that you did here in Washington?

Mr. LAWSON. Yes. Acting on the instruction to come into the office on November 8 for the additional instructions that I had been told I would receive, Mr. Roy Kellerman, who is an assistant special agent in charge of the detail, gave myself and other members of the advance teams going out what information they had up to that time on their respective stops. Mr. Kellerman told me the name of Mr. Jack Puterbaugh, whom I would meet on an airplane taking the advance agents to Dallas the next week. I contacted the White House Communications Agency to see if they were sending a communications representative along to help out as they usually did, and was given his name. Mr. Kellerman gave me the name of a car contact in the Dallas area so that we would be able to obtain cars for the motorcade, which is normal.

Mr. STERN. These are cars, as I understand it—

Mr. LAWSON. For the Presidential party.

Mr. STERN. Furnished to you by—

Mr. LAWSON. The Ford Motor Co.

Mr. STERN. By people in the area that you visit—

Mr. LAWSON. Yes, sir.

Mr. STERN. For use during the visit of the President? Were you told anything about the assistance you would have in doing advance work for the Dallas trip?

Mr. LAWSON. Could you be more explicit, please?

Mr. STERN. Whether you would have another agent assigned to do the work with you?

Mr. LAWSON. Oh, yes. I had been told earlier, sometime between November 4 and 8, that another agent would be accompanying me, but, because of the Presidential trips which were occurring right at that time, that they would not be able to send out one at the same time, and he would have to join me later in Dallas after some of the other trips had been taken care of.

Mr. STERN. What were the usual arrangements as far as assignments?

Mr. LAWSON. Quite often two agents would go out at the same time; yes, sir.

Mr. STERN. And your responsibilities and those of this other agent when he joined you pertained only to Dallas; is that correct?

Mr. LAWSON. Yes, sir.

Mr. STERN. You were not concerned with any other city in the President's route?

Mr. LAWSON. Not on that occasion; no, sir.

Mr. STERN. And each of those cities had its own advance agent or agents?

Mr. LAWSON. That is correct.

Mr. STERN. Doing the same work you were doing?

Mr. LAWSON. That is correct.

Mr. STERN. When, in fact, did the other agent join you?

Mr. LAWSON. On Monday evening. May I refer to the date of this?

Mr. STERN. Please.

Mr. LAWSON. November 18; Monday evening.

Mr. STERN. Now, what steps did you take in Washington before you left, with respect to determining the names and other information about persons who might be in the Dallas area and who might be regarded as potential threats to the President?

Mr. LAWSON. I went—on November 8, after leaving Mr. Kellerman's office, I went to the office in the Executive Office Building where our agents of the Protective Research Section are, and notified agents at that location that I was being assigned the advance for Dallas, Tex., trip, the date of this trip, and that I requested them to check their files and determine as to whether I should have the name of any individual in the Dallas area who was of record to us as an active subject.

Mr. STERN. Was this request made in writing?

Mr. LAWSON. It was oral, sir.

Mr. STERN. Is it usually made that way, orally? Do you ever make a written request?

Mr. LAWSON. I have never done so. I don't know about the other individuals.

Mr. STERN. What did they tell you?

Mr. LAWSON. I was told after waiting there a little while that there were no subjects of record in the Dallas area, of active PRS individuals that we would expect to harm the President.

Mr. STERN. And this check was made while you were present in the office?

Mr. LAWSON. Yes, sir; that is correct.

Representative FORD. How long did it take, for example?

Mr. LAWSON. I believe I was there approximately 10 minutes. Not much more than 10 minutes, sir.

Representative FORD. In other words, they made this check on your behalf in that period of time?

Mr. LAWSON. Yes, sir.

Representative FORD. Do you know how they went about it? Did you observe how they went about it?

Mr. LAWSON. In looking back I can recall the individuals going to certain files, but I have never worked in the PRS Section and I only know general information about it.

Representative FORD. You asked somebody to check on the names of people who might be a threat in Dallas?

Mr. LAWSON. That is correct, sir.

Representative FORD. And within a period of 10 minutes they came back and said there were no names?

Mr. LAWSON. That is right, sir.

Mr. DULLES. What was their answer again? I didn't quite clearly hear it when you said it the first time.

Mr. LAWSON. I don't believe I could give you an exact answer.

Mr. DULLES. In general what was your recollection?

Mr. LAWSON. There were no PRS subjects, active PRS subjects which would be a threat to the President to our knowledge in the Dallas area in the files.

Mr. DULLES. And would you define PRS?

Mr. LAWSON. Protective Research Section.

Mr. STERN. Was there a file that you yourself checked preliminary to your trip?

Mr. LAWSON. I don't believe so.

Mr. STERN. Not a file of individuals but a file that might be helpful to you in your advance work for Dallas?

Mr. LAWSON. We have files of past trips, some of President Eisenhower's. I am not sure how long ago they go back because they are probably taken out and put some place else periodically. But for example we have all of President Kennedy's trips right now plus President Johnson's current ones, and an agent could if he desired, if he was being assigned to a city, go and see if the President had been there recently, and look in that for names or perhaps if he was going

to the same hotel or something, this would give him names of people to contact there. He might obtain information. There was no report on Dallas for President Kennedy.

Mr. STERN. You checked?

Mr. LAWSON. Yes, sir.

Mr. STERN. And found no report. This file would contain the reports such as your final report which we have marked "768," is that right?

Mr. LAWSON. That is correct.

Mr. STERN. There was nothing in there—

Mr. LAWSON. No, sir.

Mr. STERN. Reflecting any recent trip to the Dallas area?

Mr. LAWSON. That is correct.

Mr. STERN. Did anything else transpire before you left for Dallas as far as advance preparation?

Mr. LAWSON. I picked up paraphernalia that we use, sometimes more than other times depending on the type of trip it is. If there is to be a motorcade as there was in this case, we usually get car numbers for the windows and some identification pins for people who will not have identification supplied by a local committee, and other paraphernalia of this type, and I obtained those and took them with me.

Mr. STERN. Did anything else happen before you left for Dallas?

Mr. LAWSON. I called the Dallas office, the agent in charge was not in, and talked to another agent, told him that I was coming down with other agents on the Texas trip and would be dropped off at approximately 7:30 on the evening, Tuesday evening, of the next week, and—

Mr. STERN. What was the date?

Mr. LAWSON. I believe that is the 12th of November. That Mr. Puterbaugh and Chief Warrant Officer Bales from the Communications Agency, White House, would be accompanying me, and would they make arrangements to please have us met at the airport and for rooms. And then dictated a confirming memo before I left on the eighth.

Representative FORD. Did you have any other contacts with PRS other than this one?

Mr. LAWSON. No, sir; I did not.

Mr. STERN. You then went to Dallas on November 12?

Mr. LAWSON. That is correct.

Mr. STERN. What did you do in Dallas from the time of your arrival in connection with trying to learn about people who might be potentially dangerous to the President?

Mr. LAWSON. I was aware of the so-called Stevenson incident and so I didn't have to be told that there.

Mr. STERN. How did you become aware of that?

Mr. LAWSON. I had read it in the paper, and so without making inquiries I was aware of that when I went there.

Mr. STERN. You received no specific advice about that from PRS?

Mr. LAWSON. No, sir; I was aware of this fact. And then of course it was after I arrived these people were talking about it also. And although to my knowledge none of the people involved in that particular incident had threatened the President or were known to us as threatening the President, I asked Agent Howlett if he would view some films of this incident that I understood one of the local TV stations had.

I was informed of this by a local executive of the local paper who was on the host committee, that they had such films. And Agent Howlett did view these and had some still shots made of these individuals, although we still did not know that they were against President Kennedy or might harm him in any way. This was an extra on my part. I had asked Agent Howlett if he had any contact with any individuals, informants in the area that he might have, that the office might have about rightwing elements and what they might do, and was told that prior to my arrival in Dallas they had received some information on some rightwing activity, and that an investigation had been made, and that he also had talked to an informant or two I believe. But to their knowledge there

was nothing in the radical-type rightwing movement so-called in the Dallas area that they knew of that was going to harm President Kennedy.

Mr. STERN. Did anything else occur? Did you have any discussions of this problem with the local police?

Mr. LAWSON. We talked with the local police on many occasions as to what would happen if there were demonstrations, pickets and so forth, if they knew of any activity, and I believe S. A. Howlett from the Dallas office did the same thing. The papers, the newspapers in Dallas had a few articles on how watchful the police were going to be of the crowd, with particular emphasis on disturbances or pickets, and some of the local committee, host committee, as well as some of the local political groups in the area were worried that perhaps the police would be overzealous in controlling picketing or disturbances, and asked me if I could find out just what the police were planning to do in this event, that there were some wild rumors as to just what the police were going to do. And because we like to have our local Agents who have to work with the police in these areas maintain the liaison I asked Mr. Sorrels if he would contact the chief of police and find out exactly what they planned to do in relation to picketing, and discussed the new ordinance that had been passed on the Monday, November 18 I believe it is, prior to the President's visit. And we were told that the police would accept peaceful picketing, but that the new ordinance was strictly to give them some power to act if pickets or individuals were interfering with lawful assembled groups, if they were trying to make noise to drown out people who were bona fide speakers at lawful groups, or if they were trying to interfere with any person entering or departing a lawful assembly.

Mr. STERN. Did anything occur in connection with a circular that was being circulated at the time?

Mr. LAWSON. Yes sir; I learned of a circular which had been distributed in various parts of the city, blue in color with President Kennedy's picture on it, and a list of grievances against him called traitorist to the United States. I was given a copy of the circular in the police chief's office, and requested Mr. Sorrels, our local agent in charge—he had received a copy of this circular, and I asked him to check with the district attorney's office, the Federal district attorney, to see if it was against the Federal law. At quick reading myself it didn't look like it was a violation of Federal law but I was in no position to judge it, and I could see no direct threat.

Mr. DULLES. What Federal law did you have in mind then?

Mr. LAWSON. Under our jurisdiction, sir, of protection of the President and investigation of letters or other threats in connection to the President.

Mr. DULLES. This circular that you referred to is this the advertisement in the papers?

Mr. LAWSON. No.

Mr. DULLES. Was this something different?

Mr. LAWSON. I never saw the advertisement in the paper the morning of the 22d, and the first knowledge I had of that particular advertisement was after I had returned from Dallas.

(Discussion off the record.)

Representative FORD. What page?

Mr. STERN. Exhibit 4 to the attachment of exhibits.

Mr. LAWSON. I show you a one-page document marked "Commission Exhibit No. 770" for identification with two photographs of President Kennedy, and the title "Wanted for Treason." Is this a copy, a photograph of the circular you have been describing?

Mr. LAWSON. It is, sir.

Mr. STERN. May it be admitted?

Mr. McCLOY. It may be admitted.

(Commission Exhibit No. 770 was received in evidence.)

Mr. STERN. The newspaper advertisement was a series of questions addressed to President Kennedy asking why he had done certain things.

Mr. DULLES. I remember seeing it. Have you any idea as to the number of these circulars that were distributed, any estimate?

Mr. LAWSON. No sir; I have no idea how many were put out. They appeared in certain sections of the city I was told. The police told me they had no idea

who had put them out or when they had been put out, and Mr. Sorrels said that some had been brought over to his office by the FBI, which is how he had known about it, and that neither he nor they knew the source of them.

Mr. DULLES. And nobody was apprehended or seen in the act of circulating these.

Mr. LAWSON. Not to my knowledge.

Mr. DULLES. By any authority as far as you know?

Mr. LAWSON. That is right.

Mr. STERN. In respect to questions like what steps are taken to assure the security of the President on the trip and how to work out liaison arrangements with local Federal and municipal authorities, what is your understanding of the division of responsibility between yourself as the advance agent and the head of the local Secret Service office?

Mr. LAWSON. The advance agent who goes out from Washington is responsible for the overall stop, for making the advance arrangements, and on the day of the movement would have authority over the other agents at the stop already or the agents accompanying the President, and of course the agent in charge of the detail coming from Washington would also have authority naturally over the agents.

However, he is just arriving in the city probably for the first time, and the advance agent would have certain knowledge about certain events and would have more authority than he does in certain respects or he would ask his advice. So that there is a boss over the agents which would be the advance agent and also the gentleman in charge of the detail coming from Washington. The local agent in charge of the local office assists the advance agent in all of his arrangements in the territory that is to be visited, and the local agent in charge conducts such investigations to assist the advance agent, and the local agent in charge would be in charge of any liaison with local officials, local police officials.

Mr. STERN. Insofar as the concern is for persons who might be dangerous or threatening to the President, the agent in charge of the Dallas office would be responsible for liaison arrangements with local authorities but you ultimately would be responsible as the delegate of the head of the White House detail, for decisions as to what steps should be taken?

Mr. LAWSON. That is correct.

Mr. DULLES. What police powers, if any, can you exercise in that situation in a sovereign State?

Mr. LAWSON. I believe the actual police powers as such would only be in the event of actual knowledge of a threat on the President's life, anything that we have jurisdiction of. If we hear of an oral threat or see a written threat on the life of the President or see someone attempt to take his life, this is our jurisdiction, and we would be able to act as such.

Mr. DULLES. You could effect an arrest.

Mr. LAWSON. Yes, sir; however, anything which would fall under the jurisdiction of the local police such as firearms laws or picketing laws or disturbances or anything like that we have to depend upon the local police to use their jurisdiction.

Mr. McCLOY. Suppose the President is shot and you apprehend the murderer. Can you arrest him and put him into custody?

Mr. LAWSON. Yes, sir; I could arrest him for the shooting of the President, but it is my understanding actually for the murder, no, but because he tried to take the life of the President I could.

Mr. McCLOY. I understand there may be some question, there is a gap in the law there that it fits no Federal crime.

Mr. LAWSON. I will have to refer to counsel here as to just where it stops, when it becomes murder actually where we have no jurisdiction, and an attempt on the life of the President.

Mr. DULLES. Let's take a less-clear case. If you suspected Mr. X was a man who was going to interfere with the President, although he had committed no overt act, could you move in then or would you call upon the local police?

Mr. LAWSON. If he was a suspect, sir, and we had a belief that he might try to harm the President while he was in Dallas, I would try to assign a Secret

Service agent in conjunction with local police authorities, to watch him. If it was a function where it was by invitation only or there was some kind of control as to how the people got in, you would make sure that he did not get in because you were watchful of the ticketholders, et cetera.

However the function was to be handled; if it was a ball park where anyone could buy a ticket to go in, then we would just have to have the man watched, or perhaps the local police themselves somehow could keep him from going to that ball park. But I as an agent could not.

Mr. DULLES. Even if the President were in attendance in the ball park?

Mr. LAWSON. Yes, sir; unless there was some reason that I could have him arrested, I would not be able to do so. But I would have him watched if I knew that there might be a threat.

Mr. DULLES. Am I asking questions that should go to counsel?

Mr. SMITH. I don't have any disagreement with what Agent Lawson has said so far.

Mr. DULLES. Is there not some confusion of jurisdiction though here?

Mr. McCLOY. Isn't the panel studying this?

Mr. STERN. We are.

Mr. McCLOY. That is what I thought. The panel is working on the law.

Mr. DULLES. You are working on the law?

Mr. STERN. Yes.

Mr. DULLES. You have got all the evidence that you want?

Mr. STERN. Yes; and there is a large area where Federal jurisdiction does not exist except on some strained theory of conspiracy. There is no substantive Federal jurisdiction with respect to great areas.

Mr. LAWSON. Might I add one thing please. The White House detail agents are supposed to protect the life of the President wherever he is. If there is a shot from the crowd or something happens, whether the President is hit or not, get him away, get him out, and still protect him. However, if you were riding on a car and actually saw someone do something, and you were able to get to that individual, you would then hold that person. But a White House detail agent would not drop the President and then go look for someone who might have tried to harm him at the time that he is there. That is not our function.

Mr. STERN. Turning now to the question of the motorcade route, Mr. Lawson, what can you tell us about how that was selected?

Mr. LAWSON. On November 8 when Mr. Kellerman was giving me some of the information on the proposed trip to Dallas, all of the advance agents for the respective stops were given the current itinerary as prepared by the White House staff for their stops, and for the Dallas stop there was a 45 minute time lapse from the time the President landed at the airport until the time that he attended the luncheon, and at the time that I left Washington, it had not been decided whether he would attend this luncheon at the Trade Mart where it later was planned to have it, or at the Women's Building on the Fair Grounds. And this figured a great deal in the parade route, the 45 minutes.

Mr. STERN. The 45 minute time interval?

Mr. LAWSON. Yes, sir.

Mr. STERN. Was established for you by the White House?

Mr. LAWSON. Yes, sir.

Mr. STERN. And were you specifically instructed to prepare a parade route or was this your reaction to the time lag?

Mr. LAWSON. This is my function. I wasn't specifically asked to, but this would be the function of the advance agent.

Mr. STERN. Were you instructed that there would be a motorcade?

Mr. LAWSON. Yes, sir.

Mr. STERN. And that is what this 45 minutes was for?

Mr. LAWSON. That is correct.

Mr. STERN. How was the actual route determined then once the Trade Mart had been selected as the site for the luncheon?

Mr. LAWSON. Various routes were under consideration. We could have gone from the airport direct to the Trade Mart the way that we should have returned, the 4-mile route returning from the Trade Mart to the airport, or we

could have taken a city street-type route all the way downtown and all the way back, or we could have taken a freeway downtown and a freeway back.

But the route that was chosen was chosen because it was the consensus of opinion that it was probably the best route under the circumstances. It allowed us 45 minutes to go from the airport to the Trade Mart at the speed that I figured the President would go from past experience with him in advances, and as a regular working agent riding in a followup car.

It allowed us to go downtown, which was wanted back in Washington, D.C. It afforded us wide streets most of the way, because of the buses that were in the motorcade. It afforded us a chance to have alternative routes if something happened on the motorcade route. It was the type of suburban area a good part of the way where the crowds would be able to be controlled for a great distance, and we figured that the largest crowds would be downtown, which they were, and that the wide streets that we would use downtown would be of sufficient width to keep the public out of our way. Prime consideration in a motorcade is to make sure the President isn't stopped unless he plans it himself. You must have room to maneuver, alternative routes to turn off from, room for buses and so forth, and particularly room to keep the public out of the street.

Mr. STERN. What was the extent of your review of the parade route with the local police?

Mr. LAWSON. With the local police I went over the entire route on one occasion, went to the various stops at other times and so actually did parts of the route at that time, the part of the route which would be near the stop like the airport and the Trade Mart. But the actual route I went over with two police officers from the Dallas Police Department.

Mr. McCLOY. By went over you mean you actually drove along the entire route?

Mr. LAWSON. We drove it sir, with them taking notes, and them making suggestions and Mr. Sorrels and I making suggestions.

Mr. STERN. To what extent did they actually participate in the decision that this be the route?

Mr. LAWSON. They were asked their advice on possible routes that you could go to the Trade Mart.

Mr. STERN. And they had no disagreement with the route—

Mr. LAWSON. No, sir.

Mr. STERN. That was actually selected, no criticism of it? What arrangements did you make with the Dallas police for security along the route, starting from Love Field and getting to the Trade Mart?

Mr. LAWSON. A good deal of it was traffic control, both to keep people out of our path as the motorcade progressed so that they would have at least the major intersections covered and as many of the other ones as possible. Those which were not, all intersections that were not able to be controlled physically by a policeman or more than one policeman were to be controlled by motorcycles that would hop-skip the motorcade, or other police vehicles in the motorcade.

At certain times certain intersections were to be cutoff as we proceeded so that it would allow time for any traffic ahead of us to clear the area before we arrived there. Where it was felt from past experience and the type of area that we were passing through there would be large crowds, more police were requested for along the route, and on the routes.

Mr. STERN. Foot policemen or motorcycle patrolmen?

Mr. LAWSON. Both, sir. They were requested at the corners to have more than one policeman, so that there would be policemen for watching the crowd and controlling the crowd, and other policemen who would have jurisdiction over the traffic in the area, so that someone wouldn't be watching the crowd and a car going by him or vice versa. We saw the underpasses or overpasses or bridges that were on the route, and they were requested to have officers, depending on the type of installation there that I just mentioned, the type that it was, either under it or over it, on the underpasses. The railroad lines were checked and here was no rail traffic of a scheduled nature over the two rail crossings that we would pass, none on the way in but two on the way out.

However, just to make sure that a switch engine or other trains wouldn't come along about the time we were due there, and then stop the President's motorcade, why we had police stationed at the railroad crossings that were on the same level as the road.

Mr. STERN. What were the instructions that you asked be given to the police who were stationed on overpasses and railroad crossings?

Mr. LAWSON. They were requested to keep the people to the sides of the bridge or the overpass so that—or underpass—so that people viewing from a vantage point like that would not be directly over the President's car so that they could either inadvertently knock something off or drop something on purpose or do some other kind of harm.

Mr. STERN. This is all people, not just outside members of the public?

Mr. LAWSON. Any citizen that was trying to view the motorcade, they were to be kept from right directly over the President's car, if it was a bridge or an underpass.

Mr. STERN. What about the deployment of police on rooftops of buildings at any point along the route?

Mr. LAWSON. We had—police were requested at points where I knew that the President would be out of the car for any length of time.

Mr. STERN. And where was that?

Mr. LAWSON. At the Trade Mart and at the airport.

Mr. McCLOY. May I interrupt at this point. During the course of the motorcade while the motorcade was in motion, no matter how slowly, you had no provision for anyone on the roofs?

Mr. LAWSON. No, sir.

Mr. McCLOY. Or no one to watch the windows?

Mr. LAWSON. Oh, yes. The police along the area were to watch the crowds and their general area. The agents riding in the followup car as well as myself in the lead car were watching the crowds and the windows and the rooftops as we progressed.

Mr. McCLOY. It was part of your routine duties when you were going through a street in any city, to look at the windows as well as the crowds?

Mr. LAWSON. Yes, sir; and if the President's car slowed to such a point or the crowd ever pressed in to such a point that people are getting too close to the President, the agents always get out and go along the car.

Mr. STERN. Perhaps you had better describe the vehicles and passengers in the motorcade beginning with the pilot car and going, say, through the Vice Presidential followup car.

Mr. LAWSON. At one time I could have probably listed them all by name.

Mr. STERN. No, not their names, but the vehicle order.

Mr. LAWSON. The vehicle itself, yes sir.

Mr. STERN. And the agents, the number of agents.

Mr. LAWSON. And the function of the vehicle.

Mr. STERN. And the function of the vehicle and the responsibility of the agents in the vehicle.

Mr. LAWSON. Yes sir. This varies, but in a usual motorcade, as in this particular instance, there is what we call a pilot car. This is usually a local police car that precedes the motorcade some distance, depending on the crowd. It would usually precede it by at least a quarter of a mile. This is to see if there is any kind of a disturbance up ahead far enough so that we are able to take an alternate route if the need arises. It being a police car, it has radio communications with the whole network of the police and also the police at the stops, the ones we have just left and the particular function like the Trade Mart or airport that we are going to.

In this car ride a few command officers of the local police department, and it is their job to make sure that the traffic is stopped as it was planned to be, look out for any disturbances, and in general be a front guard for the motorcade.

Mr. McCLOY. Do you have a communications system with the Secret Service agents for this pilot car?

Mr. LAWSON. Yes, sir; because the next car in the motorcade is what we call a lead car and it is actually a rolling command car. We try to have a command officer from every jurisdiction of police with a radio net of their own in that

vehicle. Sometimes if you are in an area where there are State police and local police and sheriff's and quite a few jurisdictions, where it is a long motorcade and you are going through various counties you are not able to have a command officer of every jurisdiction in that.

But in Dallas the lead car, the car that I was in directly ahead of the President was a police car, and of course it had a radio that was in contact with the pilot car and any other radio on the police net. In addition to that, I had a portable radio on the Secret Service White House network.

Mr. McCLOY. Was there a Secret Service agent riding in the pilot car?

Mr. LAWSON. No sir; there was not.

Mr. McCLOY. The first Secret Service agent was—

Mr. LAWSON. In the lead car.

Mr. McCLOY. Was in the lead car. I don't know whether you want to—I have got to leave. Are you going to ask why they didn't go down Main Street?

Mr. STERN. Yes.

Mr. McCLOY. Take care of that. The suggestion was made yesterday—you are going to cover that?

(Discussion off the record.)

Representative FORD. I would like if I might to follow up with a question which you asked a minute ago on the record. As I recall your testimony, Mr. Lawson, you indicated that the police who were assigned along the route had the responsibility to check windows and the crowd. Is that what you indicated?

Mr. LAWSON. And also the agents as they went by; yes, sir. It wouldn't be just a police responsibility; no, sir.

Representative FORD. How did the police know they had that responsibility?

Mr. LAWSON. In our police meetings, of which we had three or four listed in here, we talked about crowd control and watching the crowd, and of course the agents just do that anyway. That is part of their function. And in the newspaper accounts it said how watchful the police were going to be of all kinds of activity, and actually they requested public assistance, as I recall it, anyone that noticed anything unusual they had asked that they notify the police.

Representative FORD. When you meet with police officials, in this case Chief Curry, Sheriff Decker, and who else, is this clearly laid out that the members of their organization have the specific responsibility of checking windows? Do you followup to see whether this is actually put in writing to the members of the police force, and the Sheriff's department?

Mr. LAWSON. No, sir; I do not followup to see if it was put in writing.

Mr. DULLES. You mean an external check don't you? You don't mean going through each building?

Representative FORD. No. As I understood it, policemen have the responsibility to check windows and to look at the crowd, and I was just wondering whether there is any followup to be sure that the chief of police and the sheriff or anybody else actually makes this specific communication to the people in their organizations.

Mr. LAWSON. In this particular instance there was not. Sometimes on my own advances I have received copies of police directives. Sometimes this is covered and sometimes there are other directives. This is not normal though. It is just that the police say "Here is a copy of one of our orders." Sometimes it is the posting of police, sometimes it is that. In Berlin where I was assisting on an advance for President Kennedy's trip in June, we received all kinds of information of this type, even to the fact where the police had requested anyone to notify them of anyone that tried to gain entry into their room that didn't belong there, if it was a business office or if it was a private home or if all of a sudden they discovered they had a friend that they never knew they had before and all that. But this is not always done.

Mr. McCLOY. I want to get it clear. In your presence, in the instructions to the police in Dallas, did you tell the police to keep their eye on windows as you went along?

Mr. LAWSON. I cannot say definitely that I told the police to watch windows. I usually do. On this particular case I cannot say whether I definitely said that. I believe I did, but I would not swear to the fact that I said watch all the windows.

Mr. McCLOY. I have heard it rumored that there was a general routine in the Secret Service that when you were going through in a motorcade or by car, that the problem of watching windows was so great that you didn't do it. It was only as you came to a stop that it was the standing instructions that then roofs should be watched and places of advantage would be inspected or looked at. Is that true?

Mr. LAWSON. No, sir; the agents in the motorcade are to watch the route and the rooftops and the windows as they can. Of course there were thousands of windows there, over 20,000 I believe on that motorcade. But agents are supposed to watch as they go along.

Representative FORD. An advance agent such as yourself goes to talk with local police officials?

Mr. LAWSON. Yes, sir.

Representative FORD. Do you have a checklist? Do you have a procedure in writing that you hand to a local law enforcement agent so that he is clear as to the responsibilities of himself and his people?

Mr. LAWSON. No, sir; I have no checklist, although myself I have a number of things that I have marked down from past advances and seeing what other individuals do that I usually try to follow.

However, every situation is so different. Sometimes there are motorcades and sometimes there are not, and it just wouldn't fit every situation.

Representative FORD. But there is no specific list of instructions that the Secret Service gives to a local law enforcement agency?

Mr. LAWSON. No.

Representative FORD. At the time of the Presidential visit?

Mr. LAWSON. No.

Representative FORD. Do you think that it would be helpful?

Mr. LAWSON. It would be helpful in a general way. And it could be augmented to fit the situation.

Representative FORD. In other words, if you had general instructions you could give those to the local law enforcement people, and as you say, for special circumstances, or different circumstances, you could augment them at the scene?

Mr. LAWSON. I believe it would be helpful. For example, I know that New York police have, because we were up there so often, and I just returned from there yesterday, they have a checklist of their own in the police meetings with the Secret Service that they go over, what time the arrival is, where he is going to be met, is it a motorcade, is it a helicopter, et cetera. But still there are many more things that should be in there.

Representative FORD. But I would think for every Presidential visit there would be certain mandatory things that would have to be done, areas of responsibility of Federal officials, areas of responsibility for local officials.

Mr. LAWSON. Yes, sir.

Representative FORD. Such a memorandum or checklist I should think would be helpful in defining the areas of responsibility, being certain that there is no misunderstanding as to whose responsibility it is for A, B, C, or D operations.

Mr. LAWSON. I agree.

Mr. STERN. Were any arrangements made to inspect buildings along the parade route?

Mr. LAWSON. No, sir; other than those buildings that we were stopping at.

Mr. STERN. And this would be?

Mr. LAWSON. The Trade Mart.

Mr. STERN. And Love Field?

Mr. LAWSON. Yes, sir.

Mr. DULLES. Is it recognized in your business, if it is a fact, that a building that affords a window that looks down parallel with the motorcade is an unusually vulnerable point? Do you get the trend of my question?

Mr. McCOY. Parallel rather than at right angles?

Mr. DULLES. Yes.

Mr. LAWSON. I know that there are some windows that are more vulnerable than others, let's say.

Mr. DULLES. That give a more vulnerable point of attack?

Mr. LAWSON. Yes, sir; if you were going in a motorcade at 50 or 60 miles an hour and then all of sudden there was some reason why something narrowed down and you had to slow up or you knew there was going to be a big crowd here and the President would probably slow his vehicle like he usually did for big crowds and stand up and wave, then you would be more concerned about those windows in that area than other areas. This motorcade to my knowledge, we went 15 or 20 miles an hour through most of it except the downtown section at about 7 or 10.

Mr. McCLOY. 10 or 7 did you say?

Mr. LAWSON. Yes, sir; 7 to 10 miles an hour.

Mr. DULLES. In this case I assume that if anyone had been looking at windows, the car that would have seen the rifle and the man would have been a car several cars back from the President's car, is that not correct?

Mr. McCLOY. It might have been the other.

Representative FORD. The testimony of one of these young men that we had, if it is accurate, I would have thought that the lead car might have seen the Book Depository.

Mr. STERN. We will hear testimony from another passenger in the lead car, Mr. Sorrels, who was in charge of the Dallas Secret Service Office, that as the car turned from Houston onto Elm, he saw people in the windows of the School Book Depository Building. He cannot recall seeing anyone on the sixth floor, and it is more likely that he saw people on the fifth floor from his descriptions. He saw some Negro employees. But he could see from the lead car people in the Book Depository Building as it came in view around the corner.

Mr. McCLOY. Did you see anybody in the School Book Depository?

Mr. LAWSON. No, sir; at this point just as we started around that corner I asked Chief Curry if it was not true that we were probably 5 minutes from the Trade Mart, and it is quite usual to make a radio call to your next point of stop that you are 5 minutes away. Therefore right about the time we turned that corner and were a little ways past it, I am sure I was speaking on the radio, because the White House Communications Agency has about the time I gave the 5 minutes away warning signal, and within seconds after that the shots were fired.

Representative FORD. As you came or as the lead car came down Houston Street—

Mr. LAWSON. Yes, sir.

Representative FORD. You were facing the Texas School Depository?

Mr. LAWSON. Right.

Representative FORD. Did you look at or scan that building?

Mr. LAWSON. I do not, no, because part of my job is to look backwards at the President's car. The speed of the motorcade is controlled by the President's car, unless it is an emergency situation. If he stands up and is waving at the crowd and there are quite a few crowds then, of course, the car goes slower. If the density of the crowd is quite scarce or there is a time factor why you are going faster. So the person in the lead car in this rolling command car usually keeps turning around and watching the President's car. If his car comes up on our bumper that means we are not going fast enough and we should go faster, and you tell the command officer to call the motorcycles, the pilot car, et cetera, to move out faster. If you notice that his car is dropping back from you, that means their car wants to go slower and you do the same thing in reverse. So I was watching the crowds along the sides, requesting Chief Curry to move motorcycles up or back, depending on the crowd, move them up towards the President's car because at certain times people were almost out to the car, and to use them as kind of a wedge. Other times they were able to drop back or go forward, so that I was looking back a good deal of the time, watching his car, watching the sides, watching the crowds, giving advice or asking advice from the Chief and also looking ahead to the known hazards like overpasses, underpasses, railroads, et cetera.

Representative FORD. But as the lead car turned from Main onto Houston and proceeded toward Elm, you were more preoccupied with looking at the President?

Mr. LAWSON. I don't know whether I was looking sideways or backwards then, but I do recall noticing the Book Depository Building and that corner and then deciding that we must be about 5 minutes away, and asking Chief Curry if this was not so and then making a radio broadcast.

Representative FORD. So as you drove down Houston Street, you didn't have an opportunity to look at the Texas School Depository?

Mr. LAWSON. I may have, but I don't remember if I saw this. I was doing so many things all at once.

Representative FORD. What was Sorrels' responsibility at this point?

Mr. LAWSON. His responsibility would be again to watch the crowds and the windows a little bit more than I because it was my responsibility to be watching the Presidential car.

Mr. STERN. He was sitting in the rear right, was he not?

Mr. LAWSON. Yes, sir; and I was in the right front.

Representative FORD. He didn't have the responsibility of looking back like you did?

Mr. LAWSON. Not as much as I would have; no, sir.

Representative FORD. In light of the problem of trying to have individuals in numerous buildings, inspecting the buildings and so forth, is it desirable to have more people in another car ahead of the lead car for the purpose of scanning buildings?

Mr. LAWSON. Giving a personal opinion now, I would say that that would be a good factor. However, if someone stayed back from the window until you went by and then stuck his gun out the window, why it might not be as good.

Representative FORD. It wouldn't be any worse.

Mr. LAWSON. No, sir; but if they did see something that wasn't a likely occurrence, then they could broadcast over the radio stop the President or turn right or turn left.

Representative FORD. But as I understand your responsibilities in the lead car, it doesn't appear that you had an opportunity to do the scanning?

Mr. LAWSON. No, sir.

Representative FORD. Which was necessary.

Mr. LAWSON. No, sir; I would not.

Representative FORD. So you are really left up to one individual in the lead car in the Secret Service for that purpose?

Mr. LAWSON. Yes.

Representative FORD. I raise the question whether that is adequate for the overall purpose.

Mr. SMITH. Sir, I don't want to interfere with the procedures but could I ask a question off the record?

(Discussion off the record.)

Mr. McCLOY. I think you might go on the record with this. There has been some question as to whether we are referring directly only to the lead car or whether to all the personnel in the cavalcade. I gather, Mr. Ford, you were referring to the personnel in the lead car as distinguished from the other Secret Service personnel and other police in the motorcade as a whole?

Representative FORD. That is correct. I am cognizant of the fact we have a followup car. What are the responsibilities of those in the followup car?

Mr. McCLOY. By followup car do you mean the President's car because there will be Secret Service men in the President's car too?

Representative FORD. There was only one on this occasion, or two, the driver and Mr. Kellerman. The driver was certainly preoccupied, and as I remember Mr. Kellerman's testimony, he was so engaged he didn't have an opportunity to do the kind of scanning that would appear to be necessary. So whatever scanning there was done by either the lead car or the Presidential car or the followup car primarily had to be done by the people in the followup car. Is that a fair analysis?

Mr. LAWSON. I don't recall if you mentioned the pilot car, but they would have had an opportunity in the pilot car to do some scanning.

Representative FORD. But there are no Secret Service people there.

Mr. LAWSON. No Secret Service people in that one.

Mr. McCLOY. There would be Secret Service men in the Vice Presidential car, and of course there is the Secret Service car that follows the Presidential car, all through the route there are interspersed Secret Service men.

Mr. DULLES. It must have been the third or fourth or fifth car in the motorcade that was right opposite the window at the time the assassin put the rifle well out of the window and shot.

Mr. McCLOY. Why do you say that?

Mr. DULLES. The shooting took place when the President's car was somewhere here (indicating to photograph of scene). It had made the turn, you see. Here is the building. Now there is the window up here roughly. He didn't shoot here. They went around the turn and were down here. There was a barricade there. There was something there that obstructed the view you will remember.

Mr. McCLOY. That is the sign here like this.

Mr. DULLES. It would be down that far.

Mr. McCLOY. It might have been there.

Mr. DULLES. As close as that? Whatever it was, the car that was right opposite the window and going in this direction at that time must have been the fourth or fifth car—the car which had the best view of the assassination. You wouldn't be looking I shouldn't think, if you were in a car here, you wouldn't be looking back there. You would be looking off here and off here for protection.

I should think that car in this strange situation, where he was shooting right down the street—isn't that correct? I don't know if you have ever followed that up. I don't know what car it is. It is some car along here, though, that would have been right opposite the window at the time the shooting took place, not one of the lead cars or the President's car.

Mr. STERN. By these cars you mean, sir—

Mr. DULLES. In the motorcade. Some of these down here. It might have been even the wire services or the press cars. I don't know how many cars but I think from our photographs we ought to be able to identify that.

Representative FORD. A man named Jackson who was a photographer in one of the cars with photographers is an individual who identified the fact that somebody was in that window with a rifle as I recall.

Mr. DULLES. He was in one of the press cars was he?

Representative FORD. Yes.

Mr. DULLES. The wire service car is the seventh car including the lead police vehicle. Well, the lead car, if you count the lead car, six, the sixth car.

Representative FORD. He testified as I recall that the car in which he was—was halfway down the block between Main and Elm at the time that he looked up and saw the building and saw people in windows.

Mr. DULLES. This is Houston and this is Elm. Houston and Elm isn't it, not Main. Main and Elm, or yes.

Representative FORD. However, the time span between the time that the lead car, the President's car and the followup car came down Houston and turned down Elm is a relatively short period of time.

Mr. LAWSON. Yes, sir.

Mr. McCLOY. By the way, at what speed were you going as you came around the turn and into Elm Street? You said 7 to 10 downtown. Would it be about the same speed there?

Mr. LAWSON. I imagine it was a little faster at this time, sir, because the downtown section where it was quite heavily populated with people watching the motorcade, we had been out of that for a while before we got to the Houston Street turn. So we were probably back up to perhaps 12 or 15 miles an hour by then.

Mr. McCLOY. But you would have had to slow up a bit coming around the curve.

Mr. LAWSON. Yes, sir.

Mr. STERN. Mr. Lawson, can you tell us why you didn't plan the motorcade so that it went straight down Main Street to turn right on to the entrance to the freeway instead of taking this dogleg on Houston and Elm?

Mr. DULLES. Jerry, will you take over.

Representative FORD. Will you proceed please, Mr. Stern?

Mr. STERN. Yes.

Mr. LAWSON. You mean why we didn't come straight down Main Street to the Stemmons Freeway?

Mr. STERN. Right.

Mr. LAWSON. Because it is my understanding there isn't any entrance to the freeway on Main Street.

Mr. STERN. But you don't yourself recall now or do you?

Mr. LAWSON. Yes, I was told that there wasn't any entrance that way, and I myself once when I went to the Trade Mart, not knowing that there was any entrance to it, went down Main Street. You must enter the freeway going in the direction that we wanted to go from the Elm Street extension.

Mr. STERN. When you went down Main Street you found that you could not get on to the entrance to the Stemmons Freeway?

Mr. LAWSON. Going the direction on the freeway towards the Trade Mart, that is correct.

Mr. STERN. Which is the direction the motorcade was to go?

Mr. LAWSON. Was to go; yes, sir.

Mr. STERN. Have you ever had occasion to provide for building checks along a motorcade route when you were doing an advance, or is it just never done? This is as of the time of Dallas.

Mr. LAWSON. I have never had an advance where I had buildings checked on our route.

Mr. STERN. It is not a question—

Mr. LAWSON. On a moving route.

Mr. STERN. It is not a question of your instructions? You could if you wanted to, I take it? It is just a matter of your discretion and your training, is that correct?

Mr. LAWSON. I don't believe it is discretion. It is just that to my knowledge only inaugurations or when a foreign president or king comes to Washington, like that where it is a motorcade route known practically for years in advance of how you are going to go do we check, start out with enough men, enough time ahead of time to check the whole route up to that time.

Mr. DULLES. Is there any practice of going to the superintendent of a building and putting any responsibility on him to see that strangers don't come into the building at that time, or assuming any responsibility at all with respect to the inmates of the building? I don't know what the practices are.

Mr. LAWSON. As I stated, sir, there was for inaugurations here in Washington—we have done building surveys of buildings that overlook the White House, that overlook the grounds, that overlook areas where the President goes quite often or where he might be out or something like that. Yes, sir; we keep those quite up to date. Out on a trip away from Washington, I have never requested building superintendents to do this. This was not the usual practice.

Mr. SMITH. May I ask a question there, sir. Is any of that information that you just gave the type of thing that is not supposed to be known publicly? I just don't know how necessary this is to the record, I mean about checking the buildings around the White House and so on. Is there anything about that that is sensitive?

Mr. LAWSON. I would assume that most of the people thought that we did.

Representative FORD. I think that is the general impression.

Mr. LAWSON. Yes, sir.

Mr. SMITH. I can check on that. If there is something in there I might want to come back on.

Representative FORD. I think as far as we are concerned if you do check on it and find that it is something that ought to be left off the record we could certainly do so.

Mr. DULLES. It might be declassified as a whole or lower the classification, so I think it is well to put in the record what you have said, that this part of the record should be reviewed by the Secret Service, and if it is a security matter I think they ought to raise it. I don't think we want to ever disclose anything that the responsible agency thinks would imperil the life of any President.

Mr. SMITH. I have in mind what he said and I will check on it right away. Unless I come back and make some point about it, why you can rest assured that there will be no problem.

Representative FORD. Will you call the attention of the Commission to what you find out, whether it should or should not be in the record?

Mr. SMITH. Yes, I will. May I tell Mr. Stern?

Representative FORD. Surely.

Mr. STERN. Were you aware of a suggestion that a vehicle with representatives of the Dallas homicide squad be in the motorcade, I believe behind the Vice President's car, a decision that was changed just before November 22?

Can you tell us anything about that?

Mr. LAWSON. I believe I recall some mention of them asking—I don't remember if they asked if there should be a car or not but I believe there was some mention that there be a car, that they could have a car in the back there. This was not usual procedure. In New York it is, and on foreign trips it is.

Mr. DULLES. I understood that car was to be between the lead car I think and the President's car, was it not, or is it between—no, between the lead car and the President's car.

Mr. STERN. I haven't yet seen the transcript of yesterday's session, sir, and I am not quite sure.

Representative FORD. My recollection is that it was to follow the President's car, either behind the followup car or behind the Vice President's car.

Mr. DULLES. We can check that. It is somewhere in there. I have a feeling it was ahead of the President's car but I may be wrong.

Mr. STERN. I understand we have been advised that at one point there was such an arrangement and that this was changed, and that Captain Fritz, the head of the Homicide Division, who was to ride in that car, went instead at someone's request to the Trade Mart where he was to participate in security at the speaker's table. Do you know anything about that?

Mr. LAWSON. I remember it being mentioned. Whether it was a request or whether they had already laid it on I do not know, but I do remember it being mentioned that they could have a car if it was so desired.

Mr. STERN. If they desired?

Mr. LAWSON. I don't recall if it was that they would put it in if we wanted it or if they said that they definitely would put it in or what.

But it was mentioned, and I hadn't thought of this since. That is why I am a little hazy on it. But I don't know even who cancelled it, whether they did or whether we had just said well it is not the normal procedure so that they did. But as far as Captain Fritz going to the Trade Mart, I don't know anything about that.

Mr. STERN. But you did say, I take it, it is normal procedure in New York?

Mr. LAWSON. In New York, New York has a special squad of people. One of their main functions is protection of foreign dignitaries when they come to visit the U.N. or for any other reason. These people are used—

Mr. DULLES. Do we give more protection to foreign dignitaries than we do to our own Chief of State?

Mr. LAWSON. Is that a question for me?

Mr. DULLES. That is a question.

Mr. LAWSON. No, sir; I don't believe we do. I don't believe the security, the advance security arrangements, are quite as stringent.

Mr. STERN. This New York procedure is something you have worked out with the New York authorities?

Mr. LAWSON. I am not aware of the policy arrangements that were made. I do know that there is a detective car used in New York quite often filled with this special detail of men.

Mr. STERN. Do they have a special responsibility in the motorcade?

Mr. LAWSON. They act as Secret Service agents act in the motorcade. They help out if there is a stop and we need extra men and so forth. But I am not aware of why they are there. It wasn't my decision that they be there.

Mr. DULLES. Could I ask one question right there. Whose duty is it, whose responsibility is it to decide how many of these cars will be in the motorcade, how many protective cars let me say? I am not speaking of cars for dignitaries or

press and so forth, but how many protective cars are in a motorcade? Does the Secret Service decide that or do the local police decide it to some extent or do you decide it in consultation?

Mr. LAWSON. We have our usual motorcade, and usually it is in consultation. They take our recommendations quite frankly.

Mr. DULLES. Have you been giving any consideration to reviewing that procedure to see whether the existing procedure is the best from the protective angle?

Have you any suggestions to give us on that?

Mr. LAWSON. I believe that the chief's office is, but I am not in a position to say what they are going to do.

Mr. DULLES. I think it would be interesting if that was being done. Maybe it should be done, just to have a good look at it. If you could advise us as to whether that is under consideration, it might be helpful.

Representative FORD. I think it was my understanding that the Treasury Department is making a review of this whole setup, are they not?

Mr. SMITH. Yes, I understand so. I understand that we have discussed with the Chief Justice an arrangement, sort of a question and answer thing to begin with on this because of the sensitive nature of this information, to see if adequate information for your purposes can be developed that way, and then at that point or at some point in the future it will be decided how this question of the review and new procedures will be handled. That is my understanding of it.

(Discussion off the record.)

Mr. SMITH. I am Fred B. Smith, Deputy General Counsel of the Treasury Department.

Representative FORD. Will you stand and be sworn.

Do you solemnly swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

Mr. SMITH. I do.

Mr. DULLES. I wonder if the witness would just repeat.

(Discussion off the record.)

Mr. STERN. On the record.

Representative FORD. Would you repeat what you indicated a moment ago, Mr. Smith?

Mr. SMITH. Yes, sir; I have been informed that an arrangement was worked out with the Chief Justice with respect to the question of improving procedures for the protection of the President that certain information would be provided in the form of questions and answers, and that after that procedure had been fulfilled, consideration would be given as to such questions as the necessity of further testimony on such questions and appropriate security arrangements with respect to such information.

This is on hearsay. I haven't been involved in that myself. I would like to ask Mr. Stern if that is in accordance with his understanding.

Mr. STERN. It is my understanding.

Mr. DULLES. If it is appropriate I suggest that maybe this question of the number of protective cars in a motorcade of this nature might be one of the questions you would be willing to consider, or whoever is considering this matter would be willing to include among the subjects of consideration.

Representative FORD. Will you proceed, Mr. Stern.

Mr. STERN. I would like to finish on this special New York practice with you, Mr. Lawson. If an incident were to occur during a motorcade in New York, is it your understanding that the responsibility of these New York officials, detectives, would be to investigate the incident or to stay with the motorcade as the Secret Service would?

Mr. LAWSON. I am afraid I couldn't answer that. I don't know.

Mr. STERN. Is there something special about the New York circumstances that makes it desirable to have these additional detectives that you don't ordinarily have?

Mr. LAWSON. Again I don't know. I conceive myself personally—where we go through quite often—I believe there are more people in the State of New York than there are in Billings, Mont., and you might have more of a chance

of something occurring in New York. But again I don't know why it is in New York and not usual in other places.

Mr. STERN. Was the organization of the motorcade in Dallas typical, apart from New York?

Mr. LAWSON. Yes. Quite typical.

Mr. STERN. Would it be the same in Billings, Mont., or would you have additional strength in the motorcade in Dallas?

Mr. LAWSON. As far as escorting people, there were more people in Dallas.

Mr. STERN. More celebrities?

Mr. LAWSON. No; by escorting people I meant motorcycles or something like that. Again it depends on where you are, even if they have motorcycles or how many they have. But the makeup of the motorcade vehicles itself, again depending on who is coming and how many cars you have is pretty generally the same. A pilot car, a lead car, the President's car, motorcycles if you have them, some motorcycles if you have them along the side of the motorcade to help keep it intact or if it gets split up as it has on occasion to be able to catch them up and rear vehicles to keep them from passing the motorcade, et cetera.

Mr. STERN. And the one Presidential followup car.

Mr. LAWSON. And the Secret Service followup car; yes, sir. This was my first movement with the President and the Vice President all at the same time. That was quite out of the ordinary.

Mr. STERN. And there you added a Vice-Presidential followup car?

Mr. LAWSON. Yes, sir.

Mr. STERN. Performing the same function as the Presidential followup?

Mr. LAWSON. That is correct.

Mr. STERN. But apart from the motorcycles, I take it if you had been in Billings, Mont., the organization of the motorcade would have been the same; is that correct?

Mr. LAWSON. Just about the same; yes, sir.

Mr. STERN. I would like to touch briefly on the selection of the Trade Mart and the security measures there, having in mind that your three memorandums cover this in great detail. If you could just highlight and indicate if in any respect your memorandums are inaccurate or incomplete. The record will rely primarily on your memorandums.

Mr. LAWSON. I don't know of any incorrectness in it. There might be.

Mr. STERN. Or any detail that you would want to add?

Mr. LAWSON. No; I can't. If you have some specific questions.

Mr. STERN. Why don't you just summarize then how the Trade Mart was selected, your participation in it, the consideration of alternatives, the decision ultimately to use the Trade Mart, whether you had any particular preference between the Trade Mart and the other building that was considered. Take that part of it first.

Mr. LAWSON. Yes, sir. The morning after we arrived in Dallas, late in the morning, we, Mr. Sorrels and Mr. Puterbaugh and myself and another agent from Dallas, Agent Stewart, went to Mr. Cullum's office who is the president of the Dallas Chamber of Commerce, a local businessman who was acting as subcommittee chairman I guess for the local host committee.

Mr. STERN. I don't think we need this much detail because we have your memorandum. If you could just tell us in general terms where you went and the considerations.

Mr. LAWSON. Some of us went to Mr. Cullum's office and after talking with him there for a while we went to the Trade Mart, met with representatives of the Trade Mart, the general manager of the Trade Mart, and were shown generally around the building, told how they usually handled luncheons or dinners or dances that are held there.

Mr. STERN. Were there particular security problems that the Trade Mart presented?

Mr. LAWSON. There were balconies there and also it was a building that would be used by other people that day. However, this is somewhat good because it wasn't exactly a public building where anyone could wander in. The lessees of the showrooms there or their customers have to be checked in. You either have to be a lessee or a bona fide customer of a showroom in order to even get

in the building. They have kind of a semisecurity of their own that way. So it was good in that respect. There were hanging bridges and balconies, as I have said, side corridors and what not. After we left there, we went to the Women's Building at the fairgrounds, to look that over, and in this particular case the food would have had to have been brought in because there isn't any kitchen there, which was a plus at the Trade Mart. They had a regular cafeteria there and a catering service, which the Women's Building didn't have. The Women's Building is on one floor, quite low ceilinged, and the press coverage that is usually quite in evidence when the President is anywhere, both from the traveling press with him and the local press would have required their usual press coverage, and it would not have been as good in the Women's Building, because of the low ceilings.

They usually like to be up at least as high as the President or higher, 1, 2, or 3 feet. So we could put them in a balcony at the Trade Mart but we could not do so, at least get them any higher because of the low roof at the Women's Building. There were numerous columns in the Women's Building that would have blocked everybody's view of the people at the head dinner table, guests, and the guests there. So there were pluses and minuses for both buildings, and I so informed people in Washington and Mr. Puterbaugh informed people in Washington also.

Representative FORD. Who made the decision as to the Trade Mart or the Women's Building at the fairgrounds?

Mr. LAWSON. That was made in Washington, sir.

Representative FORD. By whom, do you know?

Mr. LAWSON. I am assuming by the White House. I know that Mr. Puterbaugh was in contact with the National Democratic Headquarters people, and they were in contact with the White House and with the various groups down in Texas, the Governor's office as well. When the decision was finally made, we were told that it had been made but not to tell anyone yet because the announcement would come probably from the Governor's office.

Representative FORD. Do you make a report in writing in this kind of a situation, the relative advantages and disadvantages of the two buildings?

Mr. LAWSON. No, sir.

Representative FORD. From a security point of view?

Mr. LAWSON. No, sir.

Representative FORD. How do the people in Washington make the decisions then?

Mr. LAWSON. Mr. Puterbaugh told the people he was in contact with and I told Mr. Behn's office what I saw.

Mr. STERN. Who is Mr. Behn?

Mr. LAWSON. Mr. Behn is the agent in charge of the White House detail. What I saw in both buildings. As I say the decision was made back here in Washington.

Representative FORD. You summarized your views on this kind of a situation to Mr. Behn?

Mr. LAWSON. Yes, sir.

Representative FORD. Who is your superior. By telephone, not in writing?

Mr. LAWSON. No, sir.

Representative FORD. Is this the case in all instances?

Mr. LAWSON. Well, it usually doesn't happen. Usually I know when you are going some place if the function is to be at the Statler Hotel or something like that.

Representative FORD. Do you know whether or not Mr. Behn made any recommendations on this?

Mr. LAWSON. I have no idea.

Representative FORD. You gave him your observations and your recommendations?

Mr. LAWSON. I don't know if I gave it to him. I gave his office. Now there were at that time two assistants.

Representative FORD. Did you make a recommendation one over the other?

Mr. LAWSON. No; I did not. I said that I was sure we could effectively handle

both situations. Again the motorcade was to be taken into consideration also. If you went to the Trade Mart you would have certain ways to go and if you went to the Women's Building you would have certain ways to go. And so they had to decide, someone had to decide whether they wanted the Trade Mart or certain motorcade specifications also, in the 45-minute time lapse.

Mr. STERN. On the basis of your experience, if you had had a strong preference from a security point of view for one building over the other do you think that would have been followed in this case?

Mr. LAWSON. I could have only told them what I thought, and how much weight it would have had I don't know.

Mr. STERN. Can you tell us roughly the total number of police, sheriff's office officials, and Secret Service agents that were engaged in protecting the President in Dallas and break them down if you can as between people at the Trade Mart, people on the motorcade route, people at Love Field?

Mr. LAWSON. I can give you what I was told was going to—that the police were going to provide but I won't be able to tell you exactly what they did provide, and also inform you that I was told that certain police were going to be shifted from one spot to another. I understood that as we went by a certain part of the motorcade some of those police then would be shifted perhaps over to the motorcade route on the way back in the intervening 1½ or 2 hours that would still elapse. And I have that in my report if I can turn to it.

Mr. STERN. Yes; why don't you tell us in total numbers at each location.

Mr. LAWSON. But again I cannot tell you if these police figures, being the ones that they gave me, show that these are the same amount of men that were shifted or if these are separate men, because they were going to use part on the motorcade and shift them to another spot.

Now, whether that would double it or what I do not know. At the Trade Mart 108, and I believe this includes out in the parking lots and on there. That doesn't mean they were inside the Trade Mart. Along the Route 90. And escorts 20. Love Field 55, cruising 100.

Mr. STERN. Cruising?

Mr. LAWSON. Chief Curry said that naturally they have the rest of the city to protect and we can't go in and take every policeman that they have so that someone knows that all the police are going to be involved and it would be easier to commit certain crimes. But in addition to his regular police coverage of police cars throughout the city, there were also going to be some other police cars fairly close to our motorcade area, so that they could be called in if they had to be.

Mr. STERN. I see.

Mr. LAWSON. Detectives, 40; department of public safety uniformed, 40; rangers, 5; plainclothes, 16; Dallas County Sheriff Department, 14; fire department, 26; the White House detail agents, 20; agents from the Vice President's detail, 4; agents from the Dallas office, 4.

Mr. STERN. So there were 28 Secret Service agents involved?

Mr. LAWSON. Yes, sir.

Mr. STERN. At the various locations. Do you know whether the Dallas police who were used were full-time policemen or were auxiliary policemen?

Mr. LAWSON. I do not know.

Mr. DULLES. Do you happen to know the circumstances under which there were some certain changes made as to the location of the motorcycle escort that went close to the President's car?

Mr. LAWSON. I know that their position varied, depending on the crowds.

Mr. DULLES. No; I mean apart from that, apart from the crowd situation do you recall that any orders were given by or on behalf of the President with regard to the location of those motorcycles that were particularly attached to his car?

Mr. LAWSON. Not specifically at this instance orders from him. Just what I know to be the case from other advances, that unless it is necessary, it was my understanding that he did not like a lot of motorcycles surrounding the car. That is why we had four just back of the President's car, so that they could come up and intercept anyone running out from the sides easily, or we could call the other motorcycles back to him if we had to.

But if there are a lot of motorcycles around the President's car, I know for a fact that he can't hear the people that are with him in the car talking back and forth, and there were other considerations I believe why he did not want them completely surrounding his car.

Mr. STERN. Can you summarize for us briefly the security arrangements at Love Field?

Mr. DULLES. Could I ask one question about the car before we get to Love Field. There has been testimony here that the back seat, the seat in which the President and Mrs. Kennedy had sat, could be raised or lowered I believe by the President himself, could be raised so he could get a better view of the surrounding people, and then it could be lowered and put in a normal position. Do you know anything about that or how that mechanism worked and who worked it?

Mr. LAWSON. No, sir; I am not familiar with his car except for the fact that I know that you can raise or lower the seat. Now whether that is done by him or in the front seat, we do have people that would be competent to tell you that, however.

Mr. DULLES. You don't know whether that seat was raised at this particular time?

Mr. LAWSON. No, sir.

Mr. DULLES. As the car went——

Mr. LAWSON. I don't believe it would have been starting out.

Mr. DULLES. I was talking about it at the time of the shooting.

Mr. LAWSON. No, sir; I have no idea.

Mr. STERN. Could you now just very briefly and generally summarize the security arrangements at Love Field and your participation in them. Were they under your control and supervision?

Mr. LAWSON. Yes, sir; they were under my control and supervision. We held our police meeting at the airport last because of problems involved in finding an area big enough for his motorcade to start and the planes to park and so forth. This was not actually resolved until the day before he arrived, and that is why the police meeting was held at that point quite late. But arrangements were made to have the general public contained behind a chain link fence which is there anyway, and any overflow general public to be in a parking lot a little ways further away from the President, if there was not enough room behind this chain link fence. Police were along both of these fences to keep the people in their place.

There were two service roads which came in between these two general public areas. We closed off one and used the other because it was the only service road that most of the wings from the Dallas Air Terminal were able to use, catering trucks going together, airplanes, mechanics and people being ferried, crews being ferried and so forth so we couldn't cut it off directly.

However, these roads were to be shut off when his plane touched down, and kept shut off until after his motorcade departed inward, and then they were to be used again while we were gone and then just before we returned to the airport they were to be shut off again.

Mr. STERN. What about police on buildings?

Mr. LAWSON. Police were requested on the wing of the air terminal that came out closest to where he would stop, and police were requested to be on the air cargo building to the rear of this crowd area, which is a little higher than the small building, the customs building. Any policeman on the air cargo building would be able to control anybody on the roof at the customs building.

Mr. STERN. Were these police stationed to watch the crowd, to watch persons who might be on the roofs of these buildings, to watch persons who might be in these buildings? What was their function?

Mr. LAWSON. The police on the building tops were to make sure that no unauthorized people were on the building tops, and to watch generally anything else that they could watch, that they were keeping their building top clear. And there were police along the fences to watch the crowd and to keep the people from coming onto the field who were not supposed to. There were detectives to be assigned throughout the crowd, to mingle with the crowd so that the people in the crowd would not know they were detectives.

Mr. STERN. Was there any particular check of offices inside the buildings

which might present a vantage point overlooking the place where the President was to land and be received?

Mr. LAWSON. No, sir.

Mr. STERN. Were there such overlooking places?

Mr. LAWSON. There wouldn't have been except in a certain wing way up to the right of where he landed, quite a ways away.

There wasn't any building directly in front on the side where he would come off the plane and walk down. There would be a building to his right at the very end of a wing that came out, and there was police on that. The crowd behind the fences would go over to the customs building, and no one would be able to see out of this one-story customs building. And behind that was the air cargo building where a policeman was requested on top. The police were then also requested all the way along our exit route along the parking lots and the runways as we went out of the airport and the motorcycle escort vehicles were waiting down closer to where we made our exit, again because of the room factor.

Mr. STERN. Did you confer with Air Force representatives who had responsibility for the President's plane and the Vice President's plane?

Mr. LAWSON. Yes, sir. I learned that they had been in for a general meeting of their own the morning of the 13th that I had not been aware of, but because of the Presidential trips the week before he came to Dallas, he went to Maryland and he went to New York and he went to a couple places in Florida, they were not able to send someone out to help with setting up the airport as soon as was usual.

And because of a personal problem, the one that was to arrive on Wednesday morning, didn't arrive until Wednesday evening. I was quite certain that the area that we were being provided by the local airport was not going to be sufficient for our motorcade formation, the parking of three jet planes and so forth. But being a layman, I couldn't really impress them that this was so. But when the Air Force people did come in, they agreed that as set up it would not work, and Mr. Sorrels and the assistant airport director were able to get some extra space from a couple of companies nearby there, and it was able to be worked out, still really not enough room but it was adequate.

Mr. STERN. Ultimate responsibility for determining those arrangements—whether those arrangements are adequate is with the Air Force, is that right?

Mr. LAWSON. I don't really believe I understand your question. Would you make it again please?

Mr. STERN. You were concerned that the arrangements were not adequate.

Mr. LAWSON. Yes.

Mr. STERN. But you had to have the Air Force recommendation to straighten things out with the local authorities?

Mr. LAWSON. Well, I know the size of the planes because I have the dimensions of them that I take with me on a trip, and other things, and also from past experience. However, they make measurements and they know their own FAA rules, Air Force rules as to how close you can park jet planes to one another, what the turning radiuses are and so forth, so I was certain that the room that we had been provided wasn't enough, but I was also quite certain that when the Air Force got there, they would bear me out, which was true.

Mr. STERN. If the Air Force is satisfied with the arrangements though, is that the end of it?

Mr. LAWSON. Only for certain things. They would say if they definitely had enough room to park, how they would be parked, how they would come in, how they would go out and so forth. But again final security responsibility would be up to us. If it is an area where you can't possibly fit the press area in, the motorcade can't line up, the people can't come out without creating a lot of confusion so that you can't tell what is going on, then it delves into security, because the more confusion you have the worse off you are security-wise.

Mr. STERN. I think we might touch briefly on press arrangements. Will you tell us, if you know, how the final arrangements for the President's visit were announced, and particularly the motorcade route.

Mr. LAWSON. I know from reading in the paper how it was announced, but I do not know who announced it. I believe it appeared in the Tuesday morning paper. That would have been the 19th I believe. There was quite a bit of

speculation before that perhaps the motorcade would go here and perhaps the motorcade would go there, but I believe that the one that was finally used was put in the paper on Tuesday morning, the 19th from my recollection. Let me make sure that Tuesday is the 19th.

Mr. STERN. It is the 19th. Had there been a meeting on the 18th at which this was considered?

Mr. LAWSON. Yes, sir; there was a meeting late in the afternoon of the 18th, in a private club in Dallas that I arrived at late. The meeting was called primarily as I understand it because of the various political groups that wanted certain things, and what Washington wanted, and there were various problems to work out as to who got tickets, who sat at the head table, who rode in what cars and so forth. And the local host committee had designated a certain individual to be their representative there, and then these other groups also had people represented. Mr. Puterbaugh, for example, the liaison man that went with me from Washington, was there. And I had just come from going over the route with the police earlier that afternoon, and I told them as a point of information that this was the route as we had it now, unless it was changed later.

Representative FORD. The following morning—

Mr. LAWSON. The following morning.

Representative FORD. It was announced in the newspapers?

Mr. LAWSON. Yes, sir.

Mr. DULLES. It was Tuesday morning, isn't it the 19th.

Mr. LAWSON. Yes, sir; Tuesday morning.

Mr. STERN. Is this a normal amount of advance publicity for this kind of motorcade, regarding the actual route?

Mr. LAWSON. Well, it depends on how much notice you have that the President is going there. It was announced this morning that he is taking a trip tomorrow on Appalachian poverty, so we sent agents out this morning. Naturally even if they wanted to publicize the motorcade route they wouldn't be able to do so in this instance. But on other occasions it had been announced sooner than that or about as soon in various areas; yes, sir.

Mr. STERN. Did you set up the areas at which the press would be located at Love Field and at the Trade Mart?

Mr. LAWSON. Yes, sir; I did, with the approval of Mr. Hawkes from the White House staff, when he made a trip a little bit later. Time was of the essence. Sometimes we do it all when they do not send out someone to represent the press office from the White House, and sometimes they do it. In this case, because telephone lines, power lines, various engineering data would have to be disseminated and fixed up, we had to know where the press areas were going to be before Mr. Hawkes was able to come.

So I told them that I would set it up in the belief that I knew what they usually wanted from the White House press office, but that he would have the power to overrule me, and I requested assistance of a local TV technician as to the angles and what not that the cameramen would like.

Mr. DULLES. May I ask one question there. Do you know whether any consideration is now being given to withhold the announcement of the actual route to be followed by the Presidential party until say the morning that the trip is actually taken?

Mr. LAWSON. Does this go into the realm of what we were talking about before as to what we are going to do in the future?

Mr. SMITH. It might. Do you suppose, sir, that that is one of the things that—

Mr. DULLES. One has to do it in time so that those who want it could get it, but it seems to me that say if the party was going to move here about noon, now if the morning papers gave that that would give people plenty of time to get to the positions they wanted, but wouldn't give a prospective assassin very much time to prepare.

Mr. SMITH. Sir, I don't know what the answer to that question is, but the question arises as to whether this isn't in that area where, you know, we are sort of deferring because of the sensitive nature of it. I don't really know what

the answer is, and I don't know whether it is sensitive or not. Apparently Mr. Lawson thinks that it might be.

Mr. LAWSON. No, just from your previous things, I can give you an off-the-record answer and you can tell me if it is.

Representative FORD. Why don't we make the same arrangement on this as we had on the previous. Why don't you state for the record what you know and then we will have the same arrangement in this case as we had in the other.

Mr. SMITH. Sir, I don't want to quibble but that was sort of an after the fact arrangement in the sense that that it came out in the testimony there after the fact. I was a little bit concerned about it.

I am not sure we would want to make this arrangement on questions and then reserving on the handling of them, because that isn't completely in accord with what I understand to be the present arrangement with the Chief Justice.

Representative FORD. I suggest we do it this way then. Mr. Lawson now shouldn't answer but I suggest that Mr. Stern in the questions that are being prepared, for which answers will be given, that this question be included.

Mr. DULLES. That is entirely satisfactory to me.

Mr. SMITH. I am sure you are aware we have no desire to withhold any information whatsoever. It is just a question of procedure here.

Representative FORD. This question is among those that are to be asked in this interrogatory. Then the issue can be raised at that time.

(Discussion off the record.)

Mr. STERN. Mr. Chairman, if you have questions to ask, or Mr. Dulles, about the advance preparation up to the time of November 22, I think this would be an appropriate time to cover it.

Representative FORD. Do you have any, Mr. Dulles?

Mr. DULLES. I don't think of any at the moment; no. It has been very well covered.

Representative FORD. Mr. Lawson, I would like to clear up in my own mind some details. You were notified November 4 that you had this assignment for the Dallas trip.

Mr. LAWSON. Yes, sir.

Representative FORD. Who actually notified you?

Mr. LAWSON. Mr. Boring called me. He is assistant agent in charge of the White House detail, one of two.

Representative FORD. That was November 4?

Mr. LAWSON. November 4; yes, sir.

Representative FORD. Do you recall the time of day?

Mr. LAWSON. I believe it was late in the afternoon.

Representative FORD. What did you do next after being notified?

Mr. LAWSON. He told me that there wouldn't be any information available of any consequence until about the 8th. So I still had my regular duties and I was working.

Representative FORD. What was the first thing you did officially in reference to the Dallas trip?

Mr. LAWSON. I went to Mr. Behn's office and called to Mr. Kellerman on the 8th of November, and got the information that they had up to that time, the proposed itinerary for the Texas trip, the time my airplane left, the name of some contacts and so forth, and then after that, went to the Protective Research Section, picked up this paraphernalia, called the Dallas office that I was coming, and so forth.

Mr. DULLES. Were you advised that this information should be kept secret or is that just understood, when you were first given the information about your assignments? That was kept entirely secret?

Mr. LAWSON. Well, I wasn't advised that it should be kept secret.

Mr. DULLES. But you never would give out this information.

Mr. LAWSON. No, sir.

Mr. DULLES. Until it is actually published.

Mr. LAWSON. That is right. I believe it was published before that though, however, anyway.

Mr. DULLES. It was published that the President was going to Texas before you went?

Mr. LAWSON. That is my recollection, but it is in the newspapers.

Mr. DULLES. Do you remember the date of that? Don't delay on this account. Go right ahead.

Representative FORD. Approximately how many such trips had you handled prior to this one?

Mr. LAWSON. I had assisted on some with a more experienced agent, and I had had a few of my own responsibility with people assisting me. I had assisted in Berlin.

Representative FORD. Will you speak a little louder please?

Mr. LAWSON. I had assisted in West Berlin in June. I had assisted in Cincinnati on one of the congressional campaign trips in October before they discontinued because of Cuba. I assisted in Albuquerque, N. Mex., on one of his AEC trips. My responsibility, where I had the responsibility myself, had been Cherry Point, N.C.; Billings, Mont.; Little Rock, Ark.

The Billings one was in September of 1963, and the Little Rock stop was in October, the month before the assassination. Those were my two responsibilities. I assisted in San Diego. That was my first assist. Then I have had other assists and responsibilities here in Washington, fund-raising dinners or speeches, lunches.

Representative FORD. I gather then you had the principal responsibility in five?

Mr. LAWSON. Yes, sir.

Representative FORD. Or thereabouts?

Mr. LAWSON. Yes, sir.

Representative FORD. In each of those cases was the procedure the same as far as PRS is concerned?

Mr. LAWSON. Yes, sir.

Representative FORD. You would go to the PRS and get a list of the names of individuals and this other equipment?

Mr. LAWSON. That is correct.

Representative FORD. Now in the five or thereabout times that you did this in the past, what was your experience with PRS?

Mr. LAWSON. I was told in Buffalo, N.Y., of a couple individuals, a couple of nuisance-type individuals more than actual threats. Also told that there were a couple of individuals that came up after I had left Washington on the Little Rock advance. Subsequent to the time that I left, they notified the field office that things were under investigation.

Representative FORD. But only in the one instance, Buffalo, were you actually given the names of a threat, prior to your departure?

Mr. LAWSON. Yes; I believe that is so. The other ones were subsequent to that time.

Representative FORD. And in the case of Little Rock you subsequently received—

Mr. LAWSON. Yes.

Representative FORD. A name or names?

Mr. LAWSON. Yes, sir; and also in Buffalo there were some phone calls to the office that there was a threat involved.

Representative FORD. In the case of Buffalo you had a name or two before you went?

Mr. LAWSON. Yes, sir.

Representative FORD. But in the other cases where you had the responsibility?

Mr. LAWSON. Nothing.

Representative FORD. The PRS gave you nothing?

Mr. LAWSON. That is right.

Representative FORD. Do you know from your own knowledge, conversation with others who have similar responsibilities, whether PRS normally had names to give to the agent in charge?

Mr. LAWSON. Yes; there have been occasions when that has happened, and they are constantly sending over things in Washington, for example. If we are just going out to the Sheraton for a dinner, you always call up and say is there anything particular right now that we should know about, a recent escapee

or anything like that that we might not know of yet. They put out lookout notices, send us a notification of people who have lost their White House passes, etc.

Representative FORD. Now, when you actually went to Dallas, who in the Secret Service was under your jurisdiction, or what individual did you work with down there in the Secret Service?

Mr. LAWSON. I worked with Mr. Sorrels. He wouldn't really be under my jurisdiction because he was the local agent in charge, and he had various agents, also. On the day of the event his agents would be under my jurisdiction, and also his, because he is normally their boss.

Representative FORD. Howlett; what is his responsibility?

Mr. LAWSON. He is an agent of the Dallas office.

Representative FORD. Responsible to Mr. Sorrels?

Mr. LAWSON. To Mr. Sorrels; yes, sir.

Representative FORD. You got to Dallas when?

Mr. LAWSON. The evening; Tuesday evening, the 12th.

Representative FORD. When did you make the decision to investigate this group of extremists down there?

Mr. LAWSON. I heard that there were films available, I believe, on Wednesday, or Thursday. I believe it was Wednesday.

Representative FORD. That would be November 13?

Mr. LAWSON. The 13th; yes, sir. And I kept it in mind so that I could talk to the local office about that. I asked individuals in the local office, Mr. Sorrels and also Special Agent Howlett, if they had any knowledge, if they had done any informant-type work, if they had any knowledge of anything that was going to go on that we might not know in PRS, because PRS would only know of definite trips by the President. But they might know of something else that might occur. And also at another time I talked to Special Agent Howlett and asked him if he would view the films of this.

Representative FORD. You arrived there on the 12th, Tuesday?

Mr. LAWSON. Yes, sir.

Representative FORD. You met with Sorrels when?

Mr. LAWSON. On Wednesday morning.

Representative FORD. Wednesday morning?

Mr. LAWSON. Yes, sir.

Representative FORD. Did you bring up, or did he bring up, the problem of so-called extremist groups?

Mr. LAWSON. I believe I brought them up, but I am not sure I brought them up that morning. It was sometime later.

Representative FORD. Sometime that day?

Mr. LAWSON. It was that day or the next day that we talked about it. We talked about these extremist groups off and on, of course, all the time that I was there.

Representative FORD. Did you limit it to so-called rightwing groups, or did you have a broader view than that, about groups that might be a problem on this trip?

Mr. LAWSON. I believe that I specifically talked about the rightwing groups; yes.

Representative FORD. Did you ever have any responsibility for a trip to New York at any time?

Mr. LAWSON. No; I did not. I just assisted in one, the World's Fair opening yesterday, but at that time I had not.

Representative FORD. This would have to be hypothetical under the circumstances, but if in the time prior to November 22 you had the responsibility of a Presidential trip to a community where you knew the Fair Play for Cuba Committee was active, would you have taken any special interest in that group?

Mr. LAWSON. I don't know. If at that time I had ever heard that they were particularly, might be any threat to the President, a particular group, if I knew that there was a particular group that advocated the killing of the President, yes. If it was just a political group of one kind or another, no, I probably wouldn't unless I had definite information.

Representative FORD. Did you have any evidence that the groups you in-

investigated in Dallas had any program or interest in killing the President?

Mr. LAWSON. No; I did not.

Representative FORD. You had this investigation made of this group in Dallas because of the Stevenson incident?

Mr. LAWSON. Yes, sir; I didn't have the investigation made, because I don't think I would be in the position to have it made. Mr. Sorrels or PRS or something like that could have. I asked, since we knew that there were these individuals, and an incident had occurred in the past; although no threat to the President was known, perhaps we had better at least try to find out if they were going to do anything, which is what I did.

Representative FORD. When you go on with responsibility to a particular community, do you normally inquire of groups of one kind or another that have a reputation for political activity of one sort or another?

Mr. LAWSON. Not for just political activity; no, sir.

Representative FORD. I meant political activity in the broader sense; not one political party versus another, but political extremist groups.

Mr. LAWSON. No, sir; usually, if there is going to be any picketing, an extremist group or something like that, it will come from the police sources or another Federal source. They will tell us that they have heard that certain individuals are going to hang signs from a window as we go by, or demonstrate, or something like that.

Representative FORD. Did you ask the Dallas police or any other local authorities if they knew of any individuals or groups that might be a threat to the President?

Mr. LAWSON. I knew that Special Agent Howlett had been in contact with them, both about the informants and going over to view the films. I did not, except when I saw this one piece of literature, and asked them if they knew anything about it.

Representative FORD. Did Special Agent Howlett report to you of what contacts he had made with the Dallas police or other local law-enforcement authorities on this point?

Mr. LAWSON. In generalities, yes, sir. He told me that he had seen an informant outside of the city of Dallas, and that this informant had been active in some of the movements; that he had quit because he was afraid, but to his knowledge there was nothing going to occur.

Representative FORD. Do you when you have this responsibility rely on somebody else to ask the local people, or do you ask the questions yourself of any groups that they know of or any individuals that they know of locally?

Mr. LAWSON. I believe it would depend on the circumstances. In this case I knew that Special Agent Howlett was in contact with them. At no time—you usually ask the police if they know of anything that is going to occur, but, as I said, just regular political groups, unless I know that they have anything to do with the President, I have never done so.

Mr. DULLES. Would that include the Fair Play for Cuba Committee or Communist groups or extreme rightist groups?

Mr. LAWSON. It would have up until that time; yes, sir.

Representative FORD. Certainly the Fair Play for Cuba Committee was one that took violent exception to this country's policies, and they were active in a number of communities, including New York, as I recall. It is my recollection that the President, prior to the assassination, had been to New York at a time that this organization was active. What I am trying to find out is, if the PRS doesn't provide you with information about an individual or an organization, is it your responsibility to actually make extra checks locally, based on your own knowledge or your own experience?

Mr. LAWSON. Well, I believe it would be my responsibility if I knew of any organization that did advocate the killing or the harming of the President.

Representative FORD. There was no specific information that you had in this case that the so-called rightwing extremist groups—

Mr. LAWSON. That is right.

Representative FORD. Had that in mind?

Mr. LAWSON. That is right; that is correct. It was also my understanding that, if anything was known about some of these other groups going to plan

anything to embarrass the President or hurt the President, we would be notified by the people whose jurisdiction it is to look into those matters or who might have a little bit more knowledge about them than the Secret Service.

Representative FORD. When you got to Dallas, did you personally check with the local FBI office about any individuals or any groups?

Mr. LAWSON. No, sir; I did not. All the liaison either would be handled from the local SAC's office or through Washington.

Representative FORD. That would be between some Secret Service office—

Mr. LAWSON. Either Mr. Sorrel's office and the local FBI office or from our office to the FBI headquarters in Washington.

Representative FORD. In the ordinary course of events that information would be given to you?

Mr. LAWSON. Yes, sir.

Representative FORD. In this case there was none?

Mr. LAWSON. I did find out that the police had sent over a couple of copies of these pamphlets, but that is the only information that I had of any liaison locally between the two.

Mr. DULLES. Are you referring to Commission Exhibit No. 770?

Mr. LAWSON. Yes, sir; I am.

Mr. DULLES. Do you know what action was taken with respect to this pamphlet by the Dallas police?

Mr. LAWSON. No; I do not, subsequent to that time.

Mr. DULLES. How long before the President's visit to Dallas was this brought to your attention; do you remember?

Mr. LAWSON. Yes, sir; Thursday afternoon.

Mr. DULLES. Thursday afternoon; Thursday before the Friday?

Mr. LAWSON. Yes, sir.

Representative FORD. In this preliminary report dated November 19, which is Commission Exhibit 767, I notice there is no information in here about this extra effort that was made down there over and above the PRS.

Mr. LAWSON. Yes, sir.

Representative FORD. Is the format for this laid out in advance?

Mr. LAWSON. Yes, sir; it is.

Representative FORD. Do they give you an opportunity to add anything to it if you want to or feel you should?

Mr. LAWSON. It could be; yes; I am sure it could.

Representative FORD. Was there any reason why you didn't indicate in this preliminary report what you had done in this regard?

Mr. LAWSON. No; that belongs in our PRS section of the report. If this had occurred in September or October, and this report as it is here now, the final report had been sent in early, that would have been in there.

Representative FORD. I don't understand that.

Mr. LAWSON. Approximately a month before the Dallas trip, we changed the reports, if there was time, of course, on all these. In Washington, D.C., for an on-the-record movement we have a report made up like this final one, only it isn't called final. It is a survey report, and it has everything in the introduction, PRS, and everything right in it, and then a supplemental report. For our out-of-town trips they had a preliminary survey report, and then a final survey report, so that if the report had been done in September, let's say, that would have been in it, because it is in the regular format under PRS. You put in under the PRS section anything containing any untoward incident, any information that you receive from PRS or anything that developed later.

Representative FORD. This report I have here, final survey report, Commission Exhibit 768, does include that information?

Mr. LAWSON. Yes, sir; it does.

Representative FORD. Do you know whether or not Mr. Kellerman had this preliminary report prior to his departure for Dallas?

Mr. LAWSON. Yes, sir; I prepared this Tuesday, late afternoon, and Tuesday evening, the 19th, and made arrangements to have it flown by airline to Washington, and then have an agent from the White House detail pick it up from the airplane, which is normal procedure both on the preliminary report, and when we use it to send the complete report ahead of time.

Then I called to make sure that it arrived, which it had.

Representative FORD. This was prior to Mr. Kellerman's departure with the President?

Mr. LAWSON. Yes, sir; it had to be done that early because they were gone out of Washington the day before they got to me.

Representative FORD. Are your current regulations for preliminary report different now than they were at this time?

Mr. LAWSON. I believe for out-of-town trips we have a preliminary report and a final survey report.

Representative FORD. Is the current format any different now than it was November 19?

Mr. LAWSON. I don't believe so. Again, there are things that you can add here, certain stops; you might have a motorcade list and you might not, if there isn't any motorcade.

Representative FORD. I believe that is all. Do you want to proceed?

Mr. DULLES. I have one or two questions that were brought up by your own questions. Did you have any discussion with the Dallas police about General Walker's activities?

Mr. LAWSON. No; I did not, but I knew that he was in this rightwing group and that Special Agent Howlett was pursuing this.

Mr. DULLES. Was following its activities?

Mr. LAWSON. Yes, sir.

Mr. DULLES. And he was one of your local——

Mr. LAWSON. He was the local agent.

Mr. DULLES. Agent in Dallas. This morning when Agent Bouck testified, he left with us some memoranda, Commission Exhibit 762, setting forth 10 cases which had been looked into by the Dallas office during the period October 25, 1961 to October 30, 1963.

I note that a good many of these cases are marked closed, but I wanted to ask whether the reports of these cases were brought to your attention either before you left or after you got to Dallas, or are you familiar with them?

Mr. LAWSON. I am not familiar with them, but if they are active cases, people that——

Mr. DULLES. In some cases it is stated, "Investigation completed." This particular case, CO2-34007, says:

"Investigation completed on December 12, 1963, by the Dallas office in Texas."

That means that this case at least was closed after the assassination. You don't recall that.

This is a report from a student at the university about a subject that made derogatory remarks against the President. You don't recall that case having been brought to your attention?

Mr. LAWSON. I know that Special Agent Howlett told me, I believe this might be connected with one of those informant things outside of Dallas that I was speaking about, but I don't know this—I know it was Texas. Whether this is the same one or not I don't know. But I would only have knowledge of something that was brought to their attention that the President's life was threatened, and I was given no information that such had occurred.

Mr. DULLES. And so you don't recall any of these 10 or 9 other cases here? A good many of them are noted as closed. That situation would not be brought to your attention?

Mr. LAWSON. No; they would not.

Mr. DULLES. Would not?

Mr. LAWSON. No.

Mr. DULLES. In some cases it is noted, "Subsequent activity none." It is stated, "Periodic checkups were not deemed necessary. Prosecution was declined."

This was the case of a remark made by a gentleman at a bridge party. You don't recall that case?

Mr. LAWSON. No, sir; I wouldn't have any occasion to know what cases have come into PRS.

Mr. DULLES. Even if they related to Dallas?

Mr. LAWSON. Only if they related to Dallas, and I have been told that these individuals were in the active file, it was an open case, and that we should be watchful of this particular individual, but I was given none of this information.

Mr. DULLES. In your case when you left Washington you weren't given any cases that you considered dangerous in the Dallas area?

Mr. LAWSON. No, sir.

Representative FORD. When they do give you the name and the case of an individual such as in the instance of Buffalo, what do you get? What is given to you, I mean?

Mr. LAWSON. You are given the name and the number of the case, and then there is a file in Buffalo just like there is a file in Washington, and you can review that file there, and depending on the circumstances you would again have the person followed, or try something to keep him away from the President.

Mr. DULLES. I see. You are simply given the name and the file number.

Mr. LAWSON. Yes, sir.

Mr. DULLES. Of the individuals?

Mr. LAWSON. You might be given some other information, like what it concerns, but I mean you wouldn't sit down and read the whole thing because you could get that in the Buffalo office or wherever.

Mr. DULLES. What would have been your normal practice so far as you can judge if you had been informed that a man, an American had defected to the Soviet Union and had returned to the United States and was living in Dallas and was working in the Texas School Book Depository, would that have been sufficient cause alone to cause you to make an investigation or report it to the Dallas police?

Mr. LAWSON. If I had had that information—again this is supposition.

Mr. DULLES. I realize that.

Mr. LAWSON. But I probably would have asked advice on it from either the PRS section or the White House detail ahead of it; yes, sir.

Mr. DULLES. Supplementing a point that was raised earlier, I find that President Kennedy's visit to Texas was reported in the Dallas Morning News as early as September 26, 1963, and the pertinent sections of this press report—it is headed, "Kennedy to Visit Texas November 21-22," and there is also included in the heading, "Dallas Included." The first two paragraphs of this story reported from Jackson Hole, Wyo., that area, where the President was then on a visit:

"White House sources told Dallas News exclusively Wednesday night that President Kennedy will visit Texas November 21 and 22.

"The visit will embrace major cities of the State including Dallas."

That is just to check on the point of the date when it was first published. So it was published sometime before you were notified of your assignment.

Mr. LAWSON. Yes, sir; I was doing the Billings advance. He left Billings to go to Jackson Hole, Wyo., and then returned the next morning again to Billings.

Mr. DULLES. You don't recall having heard that though?

Mr. LAWSON. No.

Mr. DULLES. In connection with your work with the President's party on that trip?

Mr. LAWSON. No.

Representative FORD. Will you proceed, Mr. Stern?

Mr. STERN. To conclude the advance work, Mr. Lawson, would you describe the advance work for the Dallas visit as the same as or different from typical advance preparations for a trip of this nature?

Mr. LAWSON. I don't know if that is too general, but I would say that it was quite a typical trip.

I tried to do everything I could think of to make the advance run smooth, and this trip work all right.

Mr. STERN. The length of time you spent doing the advance, the contacts you had, the time spent by other people, this was typical of this kind of trip?

Mr. LAWSON. Sometimes you go out earlier than other times. Actually this was out just a little bit earlier than usual.

An average, if you have to give an average, I would say you are out about 7

days ahead of time. But like I say, some fellows left this morning for a trip tomorrow.

Mr. STERN. Now on the period up to November 22, as I said before, we will rely substantially on what is in your memorandum. If there is anything now that you would like to add or correct in the statements you have made there, anything you would like to add to your testimony so far today before this Commission, will you do so?

Mr. LAWSON. I can't recall any.

Mr. STERN. I would like to move then to the actual events of November 22. I show you first a two-page document marked for identification Commission Exhibit 771. Can you identify that?

Mr. LAWSON. I can.

Mr. STERN. Will you tell us what it is and why it was prepared?

Mr. LAWSON. It was a statement prepared by me on request of inspectors in the chief's office as to my knowledge of the event of the shooting of President Kennedy itself, and I prepared this the day after I returned from Dallas, which was the 23d of November.

Mr. STERN. I now show you a five-page memorandum marked for identification Commission Exhibit 772. Could you identify that for us and tell us how it was prepared?

Mr. LAWSON. This is a statement that I gave about as many of my activities, official activities concerning the President's visit the whole day of November 22, and until I returned to Washington early on the morning of November 23, as I could.

Mr. STERN. Mr. Chairman, may these be admitted?

Representative FORD. They may be.

(The documents marked Commission Exhibits Nos. 771 and 772 for identification were received in evidence.)

Mr. STERN. So that 772, the memorandum prepared on December 1 would include everything that you put in your memorandum of November 23 which was done immediately upon your return?

Mr. LAWSON. Yes.

Mr. STERN. Turning to your memorandum of December 1, Commission Exhibit 772, it mentions on page 1 discussion of weather conditions and the decision whether or not to use the bubble-top on the Presidential automobile. Could you expand on that for us and tell us what happened?

Mr. LAWSON. Yes, sir; it was quite rainy early in the morning of the 22d in Dallas, and I received a phone call from the Assistant Agent in Charge Mr. Kellerman, who was in Fort Worth with the President, asking about weather conditions in Dallas, and what they probably would be, and discussing whether to use the bubble-top on the President's car or not. I was told the bubble-top was to be on if it was raining, and it was to be off if it was not raining.

Mr. STERN. And then what happened? Did the weather clear?

Mr. LAWSON. The weather cleared quite fast. I can't recall now. It was approximately an hour or 45 minutes before the President was scheduled to arrive, and we had purposely put off changing the top until the last minute when we could find out what the weather was going to be.

But it cleared and the weather became quite sunny all of a sudden. Also I received a phone call from Fort Worth from Agent Hill, who was assigned to Mrs. Kennedy, asking what the weather was and whether the top would be on or not. I suppose that was so he could let her know whether she had to wear a hat or something because of the weather.

I told him that it looked like it was starting to clear, but we still had not made up our minds whether to have the bubble-top on or off at the point of his call. But I told him if it was raining it would be on, and if it was clear it would be off.

Mr. STERN. Were you involved in the final decision respecting the bubble-top?

Mr. LAWSON. Yes, sir; the weather was clear so I told them to have it off.

Mr. STERN. Then from your memorandum you visited, early on the morning of November 22, the Trade Mart?

Mr. LAWSON. Yes, sir.

Mr. STERN. And checked the final arrangements there, returned to Love Field, checked the final arrangements there?

Mr. LAWSON. Yes.

Mr. STERN. The President arrived. You might tell us a bit about the reception and the President's greeting the crowd.

Mr. LAWSON. Yes. The press plane came in. It was the first plane in, and some agents that were on the press plane that were coming in early were sent to their respective posts at the Trade Mart.

The traveling press that comes with the President were shown the press area, were shown where the plane would be, and so forth, told a little bit about the arrangements there.

The transportation staff and people from the White House press office were told a little bit more in detail about what would happen at Love Field, and the motorcade, and the press arrangements down at the Trade Mart.

Ordinarily you need to provide transportation to the function for the Presidential Seal, the flags, heavy sound equipment that comes on the press plane and all that, and it was arranged for station wagons and trucks to take that.

But they told me upon arrival that they had sent these direct to Fort Worth since it was so close and that we didn't need those. Shortly after this, the Vice President's plane arrived, and I went out to greet it with the agent from the Vice Presidential detail, and showing people where to go if they wanted to get in their cars, and telling them where the President's plane would be, and making myself useful to the people coming off the Vice Presidential plane.

While it was stopping, the Presidential plane was landing and taxiing over, so that they went practically directly from their plane, those people who wanted to greet the Presidential plane, to the rear ramp where he would be arriving. The President's plane stopped and the greeting committee and the Vice President and Mrs. Johnson and any of those people on the plane that had wanted to greet the President, local Congressmen, et cetera, were over at the President's rear ramp, and then I was at the rear ramp across from the greeting committee and the other dignitaries when he arrived.

He went through the greeting committee. I was on his left, the opposite side of the greeting committee, and the other dignitaries. He walked toward the fence. At that time I made sure that the motorcade was all ready to go, and the drivers were in their cars, and told people that were in the motorcade to please get in their cars because as soon as the President was ready, and we didn't know if that would be 1 minute or 10, and as soon as he was in the car, why they would go.

And gave instructions for moving the press ropes out of the press area, because of the tightness there. We had to move part of the press area before our motorcade could drive by. And in general doing all of these little last-minute things.

Then went over to the fence and went along with the President, watching the crowd and talking to a few of the agents on some of their responsibilities, and went to look to see if the lead cars and the other police cars were about ready to go, and saw that the President was not yet, so went back to him, and then got him to his car and ran for my lead car and the motorcade proceeded from the airplane.

Mr. STERN. Is it typical that the advance agent rides in the lead car?

Mr. LAWSON. Yes, sir.

Mr. STERN. Why is that?

Mr. LAWSON. I suppose for various reasons. No. 1, the Presidential driver, although you might have given him a route or all that, he wouldn't really be familiar probably with the streets and all that, and this is the car that has the command police officials in it, and the Secret Service agent that knows the most about the start.

So in any emergency situation the Presidential car will follow that lead car if possible unless told otherwise. It is the best place for an agent, and also he controls the motorcade speed, and so forth, from there.

Mr. STERN. Was there anything unusual in the motorcade until you got to Main and Houston?

Mr. LAWSON. Not unusual. There were crowds along the way, sometimes heavier than others in about the spots that it was expected to be that way.

Mr. STERN. What was your impression of the attitude of the crowd generally?

Mr. LAWSON. It looked quite friendly, not as hopping and skipping as much as some other places, but very friendly and sometimes people just jumped up and down and screamed and yelled. This one seemed to be a quite friendly group by and large.

On one occasion I noticed a sign, I can't recall what it is right now, but it was an out-of-the-ordinary sign, a sign designed to catch someone's attention, and I thought right then that probably it would catch the President's attention if he was looking to the right-hand side of the car, which he was, and he stopped there, which is not unusual.

Sometimes he would stop for certain groups, certain types of people at certain places unannounced, if there was something that caught his fancy or caught his eye, and he did there. And of course the crowd pressed around, and the other agents got off the followup car, got around his car.

Mr. Kellerman got out. I was a little bit more ahead than I had been. We back up, stopped the motor car, told everybody by radio what was happening, the other police that we were stopped. Before I was out of the car to give any assistance, why we were moving again.

Mr. STERN. Was that a built-up area with high buildings or were you still in the suburbs?

Mr. LAWSON. No; that was a suburban-type of area, a shopping center-type of area out away from the downtown area.

Mr. STERN. I think perhaps now you could tell us what you observed and what transpired from the time your car turned into Houston Street off of Main.

Mr. LAWSON. As I have said previously today, right around that corner I gave this radio broadcast that we were 5 minutes away.

Mr. STERN. Was this while you were on Houston or had you turned?

Mr. LAWSON. We had turned the corner. We were either at the corner, I believe we were just about at the corner when I asked the question if I shouldn't give about a 5-minute signal now so we must have been around the corner then when I actually finished broadcasting. It doesn't take long.

Mr. STERN. Around the Houston-Elm corner?

Mr. LAWSON. Yes, sir; right in front of the Book Depository Building, and then a little ways away from that probably by the time I had finished broadcasting.

I noticed a few people along the right-hand side I can recall now, and more people on the right-hand side than out in the center strip median which is there, a grassy center strip. There weren't many people on the left at all.

I recall thinking we are coming to an overpass now, so I glanced up to see if it was clear, the way most of them had been, the way all of them had been up until that time on the way downtown, and it was not. There was a small group, between 5 and 10 that looked like workmen. I got the impression, whether it was wrong or not I don't know, that they were railroad workers. They had that type of dress on.

And I was looking for the officer who should have been there, had been requested to be there, and I noticed him just a little bit later, that he was there, and I made a kind of motion through the windshield trying to get his attention to move the people from over our path the way it should have been.

But to my knowledge I never got his attention, and I have said in one of these statements that we were under the bridge, and I have said in another one that we were just approaching this overpass when I heard the shot. I really do not know which one is so, because it was so close, but we were about at the bridge when I heard the first report.

Mr. STERN. Now just to finish up with the people on the overpass, were they in a crowd together, or spread out?

Mr. LAWSON. They were spread out 1 or 2 deep, and as I say, between 5 and 10 of them to my knowledge, and I noticed the police officer standing behind them about in the middle of the group.

Mr. STERN. And as far as you can remember now, in a position to observe all of them? Were they in close enough a group?

Mr. LAWSON. Oh, yes; observed them from the back.

Mr. STERN. Observed them from the back. Did you notice any unusual movement?

Mr. LAWSON. I did not.

Mr. STERN. Did you know whether the policeman saw your signal or acknowledged it?

Mr. LAWSON. I didn't have any acknowledgment of it, and I don't know if he saw the signal or not. At least the people didn't move. They still stayed there in the middle.

Mr. STERN. Were you able to see the sides of the overpass, apart from the area directly over the lane you were traveling in? Could you observe more?

Mr. LAWSON. I am sure I could have, but I can only recall the people. My immediate problem was right up there on the bridge, and I was concentrating right there. I don't recall anything on either side of the embankments.

Mr. STERN. Or any people?

Mr. LAWSON. No, sir; I do not recall any.

Mr. STERN. Just this group?

Mr. LAWSON. This group up on the bridge.

Mr. DULLES. Could I ask one question there. I think you testified just now that your car was very close to the overpass.

Mr. LAWSON. I believe it was.

Mr. DULLES. And yet your car was only—well, how many feet ahead of the President's car was your car at that time, roughly?

Mr. LAWSON. I am not sure because I wasn't looking back right at that time at the President's car. I was looking at the bridge because of the people up on the bridge.

Mr. DULLES. What was the normal distance?

Mr. LAWSON. I think it was a little further ahead than it had been in the motorcade, because when I looked back we were further ahead.

(Discussion off the record.)

Mr. STERN. Then what happened?

Mr. LAWSON. I heard this very loud report which at first flashing through my mind did not say rifle shot to me. It sounded different than a rifle shot. It sounded louder and more of a bang rather than a crack.

My first impression was firecracker or bomb or something like that. I can recall spinning around and looking back, and seeing people over on the grassy median area kind of running around and dropping down, which would be this area in here.

Mr. DULLES. I might just add the witness is now referring to an aerial photograph.

Mr. STERN. Indicating the area between Elm Street and Main Street, the grassy area between the two streets.

Did you observe anything on the grass strip to the right of Elm Street?

Mr. LAWSON. No; I didn't, and it is my impression that my car was in this direction, so that when I looked back, that is why I saw this particular area here and not things over here that we had actually, see, started this curve so that when I looked back I was looking this way.

Mr. STERN. You were looking to the grass strip?

Mr. LAWSON. Yes, sir.

Mr. STERN. In between Elm and Main and not to the grass strip across Elm Street?

Mr. LAWSON. That is correct.

Mr. STERN. North of Elm Street.

Mr. DULLES. The curve you referred to is the curve to the right.

Mr. LAWSON. It curves to the right just as it starts at the underpass, and continues to the right.

Representative FORD. Why did you look back? Is that the direction of sound?

Mr. LAWSON. The direction of the sound and the direction of the President.

Representative FORD. Are you sure that the sound you heard came from the rear and not from the front?

Mr. LAWSON. I am positive that it came from the rear, and then I spun back that way to see what had occurred back there.

Mr. DULLES. Could you tell at all whether the sound came from above you?

Mr. LAWSON. No; I could not. It was quite a general loud bang, an echoing-type bang.

Representative FORD. At the time of the sound you were within 15 or 20 feet of the overpass approximately?

Mr. LAWSON. I was quite close to the overpass, yes, sir; but I don't know exactly how close.

Representative FORD. You are sure that the sound didn't come from the overpass?

Mr. LAWSON. I am in my own mind that it didn't. It came from behind me. Then I heard two more sharp reports, the second two were closer together than the first. There was one report, and a pause, then two more reports closer together, two and three were closer together than one and two.

Mr. STERN. What else did you observe when you looked back?

Representative FORD. May I ask a question here. Had you turned around by the time the second and third shots had been fired?

Mr. LAWSON. Yes; I had.

Representative FORD. Did you get an impression from where they came?

Mr. LAWSON. Again just behind me is the only impression I got, but in relation to behind me, where I do not know.

Representative FORD. Certainly not in front of you?

Mr. LAWSON. No.

Mr. STERN. You were in a closed car?

Mr. LAWSON. Yes; I was. The windows were open.

Mr. STERN. And you were on the right-hand side in the front?

Mr. LAWSON. The right-hand side; yes, sir.

Mr. DULLES. Could you see the President's car when you looked back?

Mr. LAWSON. Not that first time. As I looked back I looked right straight and saw the grassy median. Then the second and third shots, reports, I noticed the President's car back there, but I also noticed right after the reports an agent standing up with an automatic weapon in his hand, and the first thing that flashed through my mind, this was the only weapon I had seen, was that he had fired because this was the only weapon I had seen up to that time.

The events after that are a little bit jumbled, but I recall seeing Agent Hill on the rear of the President's car receiving a radio message that we should proceed to the nearest hospital. The nearest hospital was a continuation of our route.

Mr. STERN. Did you know that or were you told that?

Mr. LAWSON. I knew that. Let me make a correction. I don't know if it was the nearest hospital, but I knew that it would be the fastest one that we could get to under the circumstances of where we were going under this freeway.

Mr. STERN. Did you know as part of your preparation or did you merely observe it in the arrangements you were making?

Mr. LAWSON. I had observed this from all the times I had passed the hospital going over the route; yes, sir.

Mr. STERN. But it is not ordinarily a part of your advance work, or is it, to locate hospitals?

Mr. LAWSON. This is not a part of our report, but quite often in my own report in other times I have listed hospitals and so forth, bed facilities in some of my other reports. I did not in this case, but I had noted this hospital.

Mr. STERN. But it is something you pay attention to yourself?

Mr. LAWSON. Yes, sir; it is. Again we depend upon the police knowing the city even better naturally than the advance agent to get us to a hospital depending where we are or anything like that, that would occur.

Mr. DULLES. What was the lead car doing at this time?

Mr. LAWSON. The car that I was in, sir?

Mr. DULLES. I thought you were in the second car.

Mr. STERN. The pilot car.

Mr. DULLES. The pilot car, not the lead car.

Mr. LAWSON. The pilot car was up ahead of us, so appeared other things I recall noting a police officer pulled up in a motorcycle alongside of us, and mentioned that the President had been hit.

When the Presidential car leaped ahead, although there was quite a distance, not quite a distance but there was some distance between the two cars, they came up on us quite fast before we were actually able to get in motion. They seemed to have a more rapid acceleration than we did.

Mr. DULLES. Did they actually pass you?

Mr. LAWSON. No, sir; they never did. We stayed ahead of them. The route was clear to the Trade Mart anyway, which was part of the route that we used to get to the hospital.

And then from the Trade Mart on, the route was going to be policed after we arrived at the Trade Mart, so that on the route from the Trade Mart to the Parkland Hospital, which isn't very far, we had to do some stopping of cars and holding our hands out the windows and blowing the sirens and the horns to get through, but we made it in pretty good time.

I also asked Chief Curry to notify, to have the hospital notified that we were on the way. I heard Chief Curry broadcast to some units to converge on the area of the incident down by where it happened. I don't recall how he phrased it, so that they would know to go to the Texas Book Depository area. He told them to converge on a certain area, and that is what it turned out to be.

When we arrived at the hospital, as our car pulled up and was still moving, I jumped out and a couple of the motorcycle policemen that had arrived there ahead of us, I asked them to keep any crowd back, any press people back, etc., as I went running in the building.

I was looking for the stretchers that might be coming our way, and didn't notice any at first until I looked quite a ways down the corridor and saw two stretchers being pushed my way, and I ran down, turned around, put one hand on each one and then as they pushed and I pulled, we ran outside.

The stretchers had to be placed in tandem because of the ambulance area and Governor Connally being ahead of President Kennedy was placed on the first one and taken immediately away. President Kennedy was placed on the second one by myself and some other individuals, and we went into the emergency room area and were shown into a particular emergency room.

(Discussion off the record.)

Mr. STERN. Mr. Lawson, your memorandum is quite complete on the events from arrival at the hospital to your return to Love Field. If there is anything you would like to add to that, please do so, or to anything you have told us from the departure from Love Field to the arrival at Parkland Hospital.

Mr. LAWSON. I can't recall anything.

Mr. STERN. I would like then to cover with you just a few points on your opportunities to observe Lee Harvey Oswald following his arrest. As I understand it, you returned to the Dallas Police Headquarters with Chief Curry and other police officials after he was informed that a suspect has been arrested, and arrived at the police headquarters somewhere between 3:30 and 3:45; is that correct?

Mr. LAWSON. I believe the Presidential plane took off at 2:40 something, 2:47, so that I didn't leave Love Field until after that. It was probably at least 10 minutes after that that we left.

We made certain that the agents had all arrived back from the various places that they were to return to Washington, and that the White House staff, none of them had been left any place, and that the Air Force II was going to pick up any stragglers. The press was going to depart on a press plane, and so forth, so it was probably a little after 3 o'clock before we left.

I recall that it was very bad traffic in the downtown area. We were bumper to bumper and didn't move a few times because apparently the chief thought everybody was converging on the downtown area to see this, plus all the people who had been there when it happened and just stayed there. I arrived sometime quite late.

Mr. DULLES. You were still with Chief Curry?

Mr. LAWSON. I was. I was told by Chief Rowley rather than to come back to remain in Dallas. It was quite late in the afternoon we arrived at police headquarters.

Mr. STERN. What were the conditions at police headquarters when you arrived?

Mr. LAWSON. Quite a bit was happening. I got the impression they had squads of detectives doing all kinds of things, people working on the Presidential assassination, people working on the Tippit killing. I know that they had squads of men going out doing various things and coming back, and it was quite hard just to keep abreast of things that were breaking as to what each group was finding out as it was happening, and quite often we were way behind.

Mr. STERN. What about the appearance of the press and television reporters and cameramen at that time?

Mr. LAWSON. At least by 6 or 7 o'clock they were quite in evidence up and down the corridors, cameras on the tripods, the sound equipment, people with still cameras, motion picture-type hand cameras, all kinds of people with tape recorders, and they were trying to interview people, anybody that belonged in police headquarters that might know anything about Oswald—

Mr. STERN. Can you estimate how many reporters?

Mr. LAWSON. There were quite a few. The corridors, up and down the corridors towards the chief's office to the right of the elevator, around the elevator landing and down the corridors to the left of the elevator towards the homicide area were quite packed. You had to literally fight your way through the people to get up and down the corridor.

Representative FORD. Did you stay with Chief Curry most of the time?

Mr. LAWSON. No, sir; I was in various rooms and with various people for the rest of the evening. I saw Chief Curry quite often that evening.

Mr. DULLES. Who was in command at that time of the Secret Service detachment in giving the orders and coordinating the Secret Service men?

Mr. LAWSON. Sorrels. My advance as such, was over, and I was just another Secret Service agent.

Mr. DULLES. He was in command?

Mr. LAWSON. Sorrels would be in command of any Secret Service activity.

Mr. DULLES. Subject of course to orders from Washington; I realize that.

Mr. LAWSON. Yes, sir; and we understood that Inspector Kelley, on one of our frequent phone conversations with Washington, we were told that Inspector Kelley, one of our inspectors, was being sent out to coordinate the Secret Service investigation and to be the overall commander of the Secret Service out there, and he did arrive at approximately 11 o'clock that evening and was met by an agent.

Mr. DULLES. Does the Secret Service have a facility for commandeering, getting airplanes when it needs them fast?

Mr. LAWSON. In certain instances, sir, I believe we use the Air Force and the MATS people for advance trips, or if the Presidential airplanes are full and they still need agents to go some place, why they will put on another airplane for us. Sometimes we use Air Force transportation, sometimes commercial.

Mr. DULLES. You have adequate facilities, have you, to get around in time of emergency like this, quickly?

Mr. LAWSON. I wouldn't be in a position to answer that, sir.

Mr. DULLES. Chief Rowley would probably be the one.

Mr. LAWSON. Yes, sir.

Mr. STERN. When did you first observe Lee Harvey Oswald, Mr. Lawson?

Mr. LAWSON. It was early in the evening of November 22. He had been in police headquarters for a little while at least before I first saw him, and they had already interrogated him as I understand it, and various detectives, police officials, and Mr. Sorrels and a couple other agents and myself saw Lee Harvey Oswald when he was brought in for Mr. Sorrels to talk to at Mr. Sorrels' request.

Mr. STERN. Did you interrogate him?

Mr. LAWSON. No, sir; I did not.

Mr. STERN. Did Mr. Sorrels handle the interrogation alone?

Mr. LAWSON. Yes, sir; that particular one.

Mr. STERN. What were the questions and answers as best you can recall?

Mr. LAWSON. He asked information as to name.

Mr. DULLES. Who is "he" now?

Mr. LAWSON. Mr. Sorrels in asking the questions already had some background on Mr. Oswald before he started questioning Mr. Oswald. The detectives or

other individuals had told them what they knew up to this point about Oswald, his name, that he had been out of the country previous to this time to Russia, and a few other things. It was known at the particular time, perhaps 6 or 7 o'clock.

Mr. STERN. I take it you had phoned his name to your headquarters in Washington as soon as you knew Oswald's name?

Mr. LAWSON. I didn't. Perhaps Mr. Sorrels did.

Mr. STERN. Did your office advise you whether they knew anything about Oswald or had found out anything about Oswald?

Mr. LAWSON. Not me personally.

Mr. STERN. That you know of?

Mr. LAWSON. Not me personally.

Mr. STERN. Were any other questions asked?

Mr. LAWSON. Yes; I recall Mr. Sorrels asking if he had been out—where he had been living, where he had been employed over the last years, and other information Mr. Sorrels already knew about.

Representative FORD. What was his attitude? What was the attitude of Oswald during this period?

Mr. LAWSON. Oswald just answered the questions as asked to him. He didn't volunteer any information. He sat there quite stoically, not much of an expression on his face.

Mr. DULLES. Quite what?

Mr. LAWSON. Stoically.

Mr. DULLES. Stoical?

Mr. LAWSON. Yes, sir.

Representative FORD. Was he belligerent?

Mr. LAWSON. No, sir; he didn't seem to be belligerent at all.

Representative FORD. Did he resent the interrogation?

Mr. LAWSON. I didn't get the impression that it was a great resentment. He just answered the questions as they were asked of him.

Mr. DULLES. Did he answer all the questions?

Mr. LAWSON. I believe he did.

Mr. DULLES. These were questions that Mr. Sorrels put to him?

Mr. LAWSON. Yes; of course, Mr. Sorrels, I don't believe at that time, as I remember it, didn't ask him everything that we knew about him.

Representative FORD. Was there a transcript kept of this interrogation?

Mr. LAWSON. I don't know.

Mr. STERN. Do you recall any other questions that were asked?

Mr. LAWSON. I don't. At this time they were just general-type questions.

Mr. STERN. What was his physical condition?

Mr. DULLES. Could I ask one question there? The question wasn't asked him at this time, at least while you were present, whether he was or was not guilty of the attack on the President?

Mr. LAWSON. This I do not recall. During this I recall I was called out for a phone call a couple of times. We were given information from Mr. Max Phillips, who was in our PRS section, and I believe it was during this that someone, an agent, was wanted on the phone, and I went out and answered this, and they gave us some information on people that it might have been—a case that wasn't Oswald.

Mr. STERN. What was his physical condition?

Mr. LAWSON. He was quite, well, unkempt looking, and I recall that he had a few bruises on his face.

Mr. STERN. A few bruises?

Mr. LAWSON. I believe over an eye, a bruise or two. I can recall that he had a bruise over an eye or on a cheekbone, or someplace on his face, in looking back. And had a shirt and a pair of pants on. He wasn't very tidy looking, a little unkempt in his appearance.

Mr. STERN. Was he handcuffed, do you recall?

Mr. LAWSON. I don't recall. I know I saw him handcuffed around police headquarters quite a bit, but during this interrogation I don't remember if he was handcuffed or not.

Representative FORD. How long did this interrogation go on?

Mr. LAWSON. This was not long.

Representative FORD. Five minutes?

Mr. LAWSON. Five to ten minutes at the most; yes, sir.

Mr. STERN. Then what happened? Did Mr. Sorrels finish?

Mr. DULLES. May I ask one other question there? Was there an interrogation just conducted by Mr. Sorrels, or were there others in on it, the police or the FBI?

Mr. LAWSON. I don't know if there were FBI agents there. There were other plainclothesmen there, and a few uniformed officers.

Mr. DULLES. Mr. Sorrels conducted the investigation?

Mr. LAWSON. Mr. Sorrels was asking these particular questions, general-type questions, and when he finished the police took him back to another area.

Mr. STERN. When did you next see Oswald?

Mr. LAWSON. I recall seeing him in another room in homicide headquarters with a couple of plainclothes people and their talking to him. I saw him later in the evening, perhaps 9:30, 10 o'clock, when he was brought down to a showup room, because we had information that a gentleman had seen someone at a window, and so—

Mr. STERN. Do you know who that was, the witness?

Mr. LAWSON. I do not know; no, sir.

Mr. STERN. Could it have been someone named Brennan?

Mr. LAWSON. The name doesn't mean anything to me. Mr. Sorrels had sent an agent out to bring him down to police headquarters to talk to him, and he informed us he had seen someone in the window, but he had also seen Lee Oswald on television in the meantime, and he didn't know of how much value he would be.

Mr. STERN. Did he say anything about whether he thought—

Mr. LAWSON. He could not say yes or no, whether Oswald was the individual or not.

Mr. STERN. Did you notice any irregularity in the way the showup was conducted?

Mr. LAWSON. No, sir.

Mr. STERN. Did it seem like a normal one to you, the size of the people?

Mr. LAWSON. I didn't notice any irregularity.

Mr. STERN. And their dress?

Representative FORD. Had Oswald had any additional physical damage done?

Mr. LAWSON. No, sir.

Representative FORD. The last time you saw him?

Mr. LAWSON. No; he had not. That was not the last time I saw him, however. Then I later, approximately 11:30, or around midnight, it was announced that there would be a press conference again down in the showup room, and Inspector Kelley had arrived by that time, not too long before that, and Inspector Kelley and I and another agent or two went down to this press conference where it was just completely packed. Everyone couldn't get in the room, the cameramen, reporters, broadcasters, and so forth. Upon a signal—

Mr. DULLES. Who conducted that meeting?

Mr. LAWSON. I believe it was the assistant district attorney and Chief Curry and perhaps Captain Fritz. We were just there watching.

Mr. STERN. Tell us more about what—

Mr. LAWSON. He was brought in through the crowd and through a side door there, through the corridors, brought in, and I believe the chief and the district attorney each gave statements, and Oswald was asked a few questions then by the press, but I don't recall of it except that he was whisked out again fairly rapidly after that.

Mr. STERN. Do you remember what any of the questions were and his responses?

Mr. LAWSON. No, I don't.

Mr. STERN. How many people were in this room?

Mr. LAWSON. It was overflowing. You could hardly hear because everyone was shouting questions. That is why I don't remember what the specific questions were and what his responses were.

Mr. STERN. Do you have any impression why this interview was conducted?

Mr. LAWSON. No; I do not.

Mr. STERN. Do you recall anything else that was said by the eyewitness that Mr. Sorrels had arranged to be brought in for the showup, anything else that he said while he was standing talking to you or Mr. Sorrels or while Oswald and others were on the—

Mr. LAWSON. No; I don't

Mr. STERN. Then shortly after this showup, or shortly after this interview in the showup room, you left for Washington, I take it?

Mr. LAWSON. Yes; there had been quite a bit of discussion during the evening as to what evidence they had up to this time, the rifle, clothing, et cetera, would be brought to Washington to the FBI lab to be worked on, or whether the police would keep it in their custody for a little while longer for their investigation, and there was quite a bit of discussion by various people all evening long.

And when it was finally decided it would be released by the Dallas police, the rifle and other evidence to return to Washington, Inspector Kelley told me to return on the special plane that was flying the evidence and the accompanying FBI agent back to Washington.

Mr. DULLES. Was the evidence turned over to you or the FBI?

Mr. LAWSON. To the FBI, sir. I just returned on the plane.

Mr. STERN. Was there at one point a reluctance on the part of the Dallas police to release the evidence?

Mr. LAWSON. Yes, sir. They felt, from what I overheard, they felt they might be able to get an identification of the rifle from one of the local gunshops. There were various leads that they wanted to follow out on that rifle that evening and the next day. I believe there was some talk that they couldn't locate some of the gunshop owners, and some of the other things they wanted to do. So they wished to keep this rifle for a day or so and then release it.

Mr. STERN. I am told this has been covered with other witnesses, so there is no need to pursue it. I have nothing further.

Representative FORD. How long was this interview where Oswald was present?

Mr. LAWSON. The press interview, sir?

Representative FORD. How long was he before the press?

Mr. LAWSON. I would say 5 minutes at the most.

Representative FORD. I have no other questions.

Mr. DULLES. I have no other questions.

Representative FORD. Is that all, Mr. Stern?

Mr. STERN. Yes, sir.

Representative FORD. Thank you very much, Mr. Lawson, you have been very helpful.

Mr. DULLES. We appreciate it very much.

(Whereupon, at 5:35 p.m., the President's Commission recessed.)

*Thursday, April 30, 1964*

#### TESTIMONY OF ALWYN COLE

The President's Commission met at 9:25 a.m. on April 30, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator John Sherman Cooper, Representative Gerald R. Ford, and John J. McCloy, members.

Also present were J. Lee Rankin, general counsel; and Melvin Aron Eisenberg, assistant counsel.

The CHAIRMAN. The Commission will be in order.

The purpose, Mr. Cole, of today's hearing is to take the testimony of Mr. James C. Cadigan and yourself. Mr. Cadigan is a questioned documents expert

of the Federal Bureau of Investigation, and as we all know, you are a questioned documents expert of the Department of the Treasury. We desire your testimony for technical assistance to the Commission in connection with the papers used in this hearing concerning the assassination.

Mr. COLE. I understand.

The CHAIRMAN. Would you raise your right hand and be sworn, please?

Do you solemnly swear the testimony you are about to give before this Commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COLE. I do.

The CHAIRMAN. Mr. Eisenberg, you may conduct the examination.

Mr. EISENBERG. Mr. Cole, could you state your full name, please?

Mr. COLE. That is Alwyn Cole.

The CHAIRMAN. I am obliged to spend the morning with the Court. We are hearing arguments today and when I leave, in a short time, Congressman Ford will preside at the meeting and conduct it.

Mr. EISENBERG. What is your position, Mr. Cole?

Mr. COLE. I am employed as examiner of questioned documents with the U.S. Treasury Department.

Mr. EISENBERG. Can you state your specific duties in this position?

Mr. COLE. I am required to examine any document in which the Treasury Department is interested when a question arises about the genuineness of the document or the identity of any of its parts. A good deal of this work includes the identification of handwriting.

Mr. EISENBERG. From what sources is work referred to your laboratory, Mr. Cole?

Mr. COLE. From the several divisions of the Office of the Treasury of the United States, and from the various Bureaus of the Treasury Department, including the enforcement agencies: Secret Service, narcotics, customs, internal revenue service.

Mr. EISENBERG. Mr. Cole, can you tell us how you prepared yourself to carry on this work of questioned documents examination?

Mr. COLE. I served an apprenticeship of 6 years under Mr. Burt Farrar from 1929 to 1935. Mr. Farrar at that time was the document examiner for the Treasury Department, and at the time of my association with him he had had over 40 years of experience in the work.

Under Mr. Farrar's tutelage I studied the leading textbooks on the subject of questioned documents, which includes handwriting identification, and I received from him cases for practice examination of progressively increasing difficulty, made these examinations, prepared reports for his review, and also during this period I had assignments to other Government laboratories, those of the Bureau of Engraving and Printing and the Government Printing Office, and I had close association with other technical workers in the government service.

I succeeded Mr. Farrar in 1935, and I have had daily practical contact with questioned problems from 1929 to the present date.

Mr. EISENBERG. Mr. Cole, are you a member of any associations of persons engaged in questioned documents examination?

Mr. COLE. Yes, sir; I am.

Mr. EISENBERG. Could you state those positions?

Mr. COLE. I am a member of the American Society of Questioned Document Examiners, of the International Association for Identification, and of the American Academy of Forensic Science.

Mr. EISENBERG. Do you give instructions to others in this work, Mr. Cole?

Mr. COLE. I do. I am an instructor at the Treasury Department Law Enforcement Officer Training School.

Mr. EISENBERG. Have you had occasion to testify in Federal or other courts?

Mr. COLE. Yes, sir; I have, many times.

Mr. EISENBERG. Mr. Chairman, I ask that this witness be permitted to give expert testimony on the subject of questioned documents.

The CHAIRMAN. The witness is qualified.

Mr. EISENBERG. Mr. Cole, I now show you a photograph of an envelope and a purchase order. The envelope is addressed to Klein's, in Chicago, from one

"A. Hidell," and the purchase order, which is included in the photograph, is an order also addressed to Klein's from "A. Hidell," and I ask you whether you have examined this photograph.

Mr. COLE. I have.

Mr. EISENBERG. Mr. Chairman, may I have this admitted into evidence as Commission Exhibit 773?

The CHAIRMAN. It may be admitted.

(Commission Exhibit No. 773 was marked and received in evidence.)

Mr. EISENBERG. For the record, this photograph was produced from a roll of microfilm in the possession of Klein's, a Chicago firm which sells weapons of various types, and which sold the assassination weapon.

Now, Mr. Cole, I am going to hand you a group of documents which I will identify for the record.

The first is an application form to Cosmos Shipping Co., Inc., signed Lee H. Oswald, and containing handprinting and cursive writing. Have you examined that document, Mr. Cole?

Mr. COLE. Yes, sir.

Mr. EISENBERG. May I have this admitted as Commission Exhibit 774, Mr. Chairman?

The CHAIRMAN. It may be admitted.

(Commission Exhibit No. 774 was marked and received in evidence.)

The CHAIRMAN. I wonder if it might not be better to put the tab on the document itself because someone in handling it might take it out of the envelope.

(Discussion off the record.)

Mr. EISENBERG. The second document is a letter addressed to the American Embassy, entitled "Affidavit of Support," and signed Lee H. Oswald.

Mr. COLE. I have examined this document.

Mr. EISENBERG. I would like that admitted as 775, Mr. Chairman.

The CHAIRMAN. It may be admitted.

(Commission Exhibit No. 775 was marked and received in evidence.)

Mr. EISENBERG. The third is a group of checks made payable to the order of Lee H. Oswald, and the company listed on the top of the check is Jaggars-Chiles-Stovall, Inc. These checks are endorsed on the back "Lee H. Oswald," and I ask you whether you have examined these documents?

Mr. COLE. I have examined these documents.

Mr. EISENBERG. Mr. Chairman, may these be admitted as 776?

The CHAIRMAN. They may be admitted.

(Commission Exhibit 776 was marked and received in evidence.)

Mr. EISENBERG. Here I would like to mark the envelope.

The fourth item is a library card for the New Orleans Parish, or the Orleans Parish, and the signature is Lee H. Oswald.

Mr. COLE. I have examined this document.

Mr. EISENBERG. May I have this admitted as 777?

The CHAIRMAN. It may be admitted.

(Commission Exhibit No. 777 was marked and received in evidence.)

Mr. EISENBERG. The next item consists of photographs of two letters to the Department of State, both concerning payments on loans, repayments of loans, and both signed "Lee H. Oswald," and I ask whether you have examined these documents?

Mr. COLE. I have examined these photographs.

Mr. EISENBERG. May these be admitted as 778?

The CHAIRMAN. They may be admitted.

(Commission Exhibit No. 778 was marked and received in evidence.)

Mr. EISENBERG. Next are two pages of writing on lined and holed paper entitled "The Communist Party of the United States Has Betrayed Itself!" and numbered "1" and "2," with some discoloration. Mr. Cole, have you examined those?

Mr. COLE. I have examined these. The discoloration mentioned was on the documents when I first saw them.

Mr. EISENBERG. Mr. Chairman, may these be admitted as 779?

The CHAIRMAN. Admitted.

(Commission Exhibit No. 779 was marked and received in evidence.)

Mr. EISENBERG. Next is a file entitled "Oswald, Lee Harvey, USMC"—which stands for Marine Corps—serial number or file number 1653230, and then another number appears, 8812, and this has various writing, certain of which are signed by Lee H. Oswald, together with letters to Lee H. Oswald, and I ask you if you have examined this file, Mr. Cole?

Mr. COLE. Yes; I have.

Mr. EISENBERG. May this be admitted as 780, Mr. Chairman?

The CHAIRMAN. It may be admitted.

(Commission Exhibit No. 780 was marked and received in evidence.)

Mr. EISENBERG. Next is a passport application signed "Lee H. Oswald," dated in the upper right "Passport Issued June 25, 1963," and there are other dates which appear—principally June 24, 1963—in other portions of the application. Mr. Cole, have you examined that?

Mr. COLE. I have examined this document.

Mr. EISENBERG. May I have this admitted as 781, Mr. Chairman?

The CHAIRMAN. It may be admitted.

(Commission Exhibit No. 781 was marked, and received into evidence.)

Mr. EISENBERG. Next is a letter entitled "Dear Sirs: This is in regard to my wife's file" and so forth, addressed apparently to the Immigration and Naturalization Offices in San Antonio, Tex., signed "Lee H. Oswald," together with another such letter addressed to the same—addressed to Dallas, Tex., the Office of Immigration and Naturalization, Dallas, Tex., signed "Lee H. Oswald," and a third letter to Room 1402, Rio Grande Building, 251 North Field Street.

These letters, all signed "Lee H. Oswald", and all having to do with aspects of immigration and naturalization, are entitled or numbered on the backs respectively 00645, dated July 5, 00146, dated—that is July 5, 1962, in the first—00146, dated July—

Mr. COLE. I believe it is 6.

Mr. EISENBERG. July 6, 1962, and 010156, dated July 10, 1962. Have you examined these three documents?

Mr. COLE. I have.

Mr. EISENBERG. May these be admitted as 782A, 782B, and 782C, Mr. Chairman?

The CHAIRMAN. They may be admitted under those numbers.

Mr. EISENBERG. And finally, an item consisting of two subitems, one a short note signed "Lee H. Oswald" and beginning, "Please enroll me as an associate member at \$2.00," relating to the ACLU, and the second item being an application to the American Civil Liberties Union national office, "Please enroll me as a new member of the ACLU," name printed "Lee H. Oswald," and I ask you whether you have examined these two items.

Mr. COLE. I have.

Mr. EISENBERG. May these be admitted under the common caption 783?

The CHAIRMAN. They may be admitted.

(Commission Exhibits Nos. 782A, 782B, 782C, and 783 were marked and received in evidence.)

Mr. EISENBERG. Now, Mr. Cole, have you compared the documents 774-783, all signed "Lee H. Oswald," with the document 773, the photograph of a purchase order to Klein's Sporting Goods, for purposes of determining whether the author of the documents 774-783 also authored the document 773?

Mr. COLE. Yes, sir; I have.

Mr. EISENBERG. What is your conclusion?

Mr. COLE. It is my conclusion that the author of the standard writing bearing the exhibit numbers which you just related—

Mr. EISENBERG. 774-783?

Mr. COLE. 774-783, is the author of the handwriting on Commission Exhibit 773.

Mr. EISENBERG. Now, you referred to the term "standard writing," Mr. Cole. Can you explain that term?

Mr. COLE. I used these as the standard writing, as a basis for comparison.

Mr. EISENBERG. "These" referring to 774-783?

Mr. COLE. Yes.

Mr. EISENBERG. Those standards would be what you would refer to, therefore, what might also be referred to as "known" items?

Mr. COLE. Yes, sir.

Mr. EISENBERG. And the Document 773 is the "questioned" item?

Mr. COLE. Yes, sir.

Mr. EISENBERG. Now for the record, in the future I will refer collectively to 774-783 as the standards.

The CHAIRMAN. They were all written by the same person?

Mr. COLE. Yes, Your Honor.

Mr. EISENBERG. Mr. Cole, were these the only standards or potential standards from which you had to draw, or were a larger group of potential standards furnished to you?

Mr. COLE. I saw a larger group of papers of potential standards.

Mr. EISENBERG. Can you state the circumstances under which this larger group was given to you?

Mr. COLE. I came to your office and reviewed a very large group of papers, and I pointed out what I would regard as a cross section or representative sample from that larger group of papers.

Mr. EISENBERG. And can you explain the basis on which you took the actual standards 774-783, that is, on which you selected those documents from the larger possible group of documents which might have served as standards?

Mr. COLE. Well, two bases: One, that the writing is fairly clear and legible; most of these documents are not stained or mutilated in any way; all the writing can be seen clearly. And, two, I think that this group of papers gives a complete, reasonably complete record of the writing habits of the author.

Mr. EISENBERG. Mr. Cole, continuing on these standards for a moment, have you examined other questioned documents besides Commission 773 at my request?

Mr. COLE. I have.

Mr. EISENBERG. Do the standards which you selected, that is, items 774 through 783, in your opinion provide a sufficient basis for comparison of the other questioned documents which you also examined?

Mr. COLE. They do provide a satisfactory basis for comparison.

Mr. EISENBERG. Are they sufficiently close in time, both to 773 and to the other questioned documents which you have examined?

Mr. COLE. Yes, sir.

Mr. EISENBERG. Does handwriting change over the course of time, Mr. Cole?

Mr. COLE. Handwriting does change over the course of time, but usually fairly large periods are involved, 5 or 10 years or such.

Mr. EISENBERG. Is there any variation in the writing instruments which were used to produce the various standards?

Mr. COLE. Yes; I think a variety of instruments were used.

Mr. EISENBERG. Does this affect your ability to use the standards as against the questioned documents or as against those questioned documents produced with other writing instruments?

Mr. COLE. It does not adversely affect my ability to make a comparison.

Mr. EISENBERG. That is, you are able to compare a document produced by a ballpoint pen with a document produced by a fountain pen and vice versa?

Mr. COLE. Yes, sir.

Mr. EISENBERG. Do the standards show both cursive writing and handprinting?

Mr. COLE. Yes.

Mr. EISENBERG. Can you explain meaning of the term "cursive writing"?

Mr. COLE. Cursive means connected writing, as the term is used, with a running connected hand, whereas handprinting refers to the separate writing of letters without the connection of letters and usually involves a somewhat different style for the formation of letters, that is Roman capital letters or the lower case letters.

Mr. EISENBERG. Cursive writing then is the type of writing which we normally use, which connects—in which the letters are connected, the type which is taught in schools?

Mr. COLE. Yes, sir.

Mr. EISENBERG. Mr. Cole, some of the standards which are in the group 774 to 783 are photographs rather than originals.

Mr. COLE. That is correct.

Mr. EISENBERG. Does a photograph in your opinion provide a sufficient stand-

ard on which to base a conclusion as to a questioned document?

Mr. COLE. Well, I believe these particular photographs are satisfactory for that purpose.

Mr. EISENBERG. Would you draw a conclusion as to the origin of a questioned document if your only standard was a photograph?

Mr. COLE. If the photographs were comparable to the photographs we have in this case; yes.

Mr. EISENBERG. Mr. Cole, you examined the standards in their entirety, did you?

Mr. COLE. I did.

Mr. EISENBERG. And you have stated in answer to an earlier question they were all prepared by the same person, as I understood it?

Mr. COLE. Yes, sir.

Representative FORD. What is unique about these photographs that gives you this certainty or—

Mr. COLE. Well, I did not mean to indicate they are of a specially good quality, but I had in mind the possible existence of other photographs which would be much poorer and would not provide a satisfactory basis. I think that on these photographs I can see everything that is necessary to see to appreciate writing habit.

Mr. EISENBERG. Now, when you say the standards were all written by one person, that is with the exception of initials put on by law enforcement officers and the like?

Mr. COLE. That is correct.

Mr. EISENBERG. Now, Mr. Cole, returning to 773, the questioned document, can you tell the Commission how you formed the conclusion that it was prepared by the author of the standards, that is, what steps you followed in your examination and comparison, what things you considered, what instruments or equipment you used, and so forth?

Mr. COLE. I made first a careful study of the writing on Commission Exhibit 773 without reference to the standard writing, in an effort to determine whether or not this writing contained what I would regard as a basis for identification, contained a record of writing habit, and as that—as a result of that part of my examination, I concluded that this is a natural handwriting. By that I mean that it was made at a fair speed, that it doesn't show any evidence of an unnatural movement, poor line quality, tremor, waver, retouching, or the like. I regard it as being made in a fluent and fairly rapid manner which would record the normal writing habits of the person who made it.

I then made a separate examination of the standards, of all of the standard writings, to determine whether that record gave a record of writing habit which could be used for identification purposes, and I concluded that it, too, was a natural handwriting and gave a good record of writing habit.

I then brought the standard writings together with the questioned writing for a detailed and orderly comparison, considering details of letter forms, proportion, pen pressure, letter connections, and other details of handwriting habit, and as a part of my examination I made photographs of the standard writings and brought certain parts of them together on a chart for greater convenience in comparing the standards with the questioned writing.

The CHAIRMAN. Gentlemen, I think it will be necessary for me to leave now, Congressman Ford, you will preside, will you, please? I appreciate it.

(Discussion off the record.)

(At this point, the Chief Justice left the hearing room.)

Representative FORD. Proceed.

Mr. EISENBERG. Mr. Cole, you mentioned that the writing in both the questioned document, 773, and the standard seem to be produced at a natural speed.

Mr. COLE. Yes.

Mr. EISENBERG. How do you determine that any document is produced at a natural speed?

Mr. COLE. Because that conforms to a large number of other specimens that I have examined over a period of years which I knew to be normal writing. Specifically, it agrees with respect to the quality of the line, which is reasonably good in this handwriting and which I would expect to be quite poor in an

unnatural specimen, one that had been made at an abnormally reduced writing speed.

Mr. EISENBERG. Can you expand further on what you mean by "quality of the line"?

Mr. COLE. Well, quality of line is—refers to the sharpness of the edges of lines, to the absence of tremor, waver, patching, retouching, and similar defects.

Mr. EISENBERG. Mr. Cole, could you explain the basis on which you were able to make an identification of a questioned writing as being authored by the person who wrote a standard writing?

Mr. COLE. This is based upon the principle that every handwriting is distinctive, that since the mental and physical equipment for producing handwriting is different in every individual, each person produces his own distinctive writing habits. Of course, everyone learns to write in the beginning by an endeavor to repeat ideal letter forms, but practically no one is able to reproduce these forms exactly. Even though a person might have some initial success during the active period of instruction, he soon departs from these and develops his own habits. It may be said that habit in handwriting is that which makes handwriting possible. Habit is that which makes handwriting efficient. If it were not for the development of habit, one would be obliged to draw or sketch.

Some habit would be included even in those efforts. But the production of handwriting rapidly and fluently always involves a recording of personal writing habit. This has been confirmed by observation of a very large number of specimens over a long period of time, and it has further been demonstrated by, on my part, having a formal responsibility for rendering decisions about the identification of handwriting based upon an agreement of handwriting habit in situations where there would be a rigorous testing of the correctness of these decisions by field investigators, for example, of the law-enforcement agencies, and a demonstration that these results were confirmed by other evidence.

This is the basis for identification of handwriting.

Mr. EISENBERG. As I understand it, you mean you would make a preliminary identification of a suspect on the basis of handwriting and it has been your experience that field investigation confirms that determination with additional evidence?

Mr. COLE. This is not what I would call "a preliminary identification." This would be a formal presentation and formal report to other persons who are interested in the problem, and the investigation would be continued from that point.

Mr. EISENBERG. Mr. Cole, is handprinting as well as cursive writing unique to every individual?

Mr. COLE. Well, I would say much of it is. Not all of it. Handprinting doesn't always give the same amount of information about writing habit as does cursive writing.

Mr. EISENBERG. Are you always able to identify the author of a writing if you have a questioned document and a standard document?

Mr. COLE. No, sir; not always.

Mr. EISENBERG. And can you expand on that?

Mr. COLE. Well, some handwriting doesn't include enough distinctive features, or in some cases there may not be enough of it to give a complete enough record of handwriting habits to be certain that you have a basis for identification.

Mr. EISENBERG. Do you need a sufficient basis in both the questioned and the standard?

Mr. COLE. Yes.

Mr. EISENBERG. Do the standards that you have selected provide a sufficient basis for making identification?

Mr. COLE. They do.

Mr. EISENBERG. Without going into every questioned document separately, do the questioned documents which you have reviewed at my request each individually provide a sufficient basis for comparison?

Mr. COLE. Yes, sir.

Representative FORD. Is there a difference of opinion in your profession as to how much or how little you need for this purpose?

Mr. COLE. Yes; I think it would vary from one worker to another, depending upon his experience in the work.

It sometimes happens that a person with limited experience may go to either one extreme or to the other. He may sometimes be rather reckless. Other times he may be extremely cautious.

Representative FORD. But the decision you have made in this case would be what other experts, in your opinion, would agree to?

Mr. COLE. I would say others with whom I am familiar, with whom I have worked and talked to, corresponded with over the years.

Mr. EISENBERG. Mr. Cole, can you characterize the skill of the author of the standards and Exhibit 773?

Mr. COLE. I would say it is an average skill.

Mr. EISENBERG. Are some of the standards prepared more skillfully than others?

Mr. COLE. Yes.

Mr. EISENBERG. Can you account for that at all?

Mr. COLE. I think there is a natural range of the use of skill in handwriting, possibly depending upon the purpose or the physical surroundings for producing handwriting or the writing instruments. When the conditions for producing handwriting are the best, and one's purpose is a perfectly free expression of his handwriting habit, then he may produce a better handwriting than when conditions are poor, such as an awkward writing position or poor writing tools.

Mr. EISENBERG. Mr. Cole, you mentioned earlier that you had prepared some photographs or charts—

Mr. COLE. Yes.

Mr. EISENBERG. Showing the standards or portions thereof?

Mr. COLE. Yes.

Mr. EISENBERG. Could you produce those charts?

Mr. COLE. Yes, sir.

Mr. EISENBERG. Now, Mr. Cole, you have produced here three large charts, each entitled "Standard Writing" and bearing the designations "A," "B," and "C" in the upper left-hand corners. Can you tell us precisely what is reflected on these charts A, B, and C?

Mr. COLE. These charts show excerpts from the standard writings, sometimes showing a portion of a line, other times showing a single word or a block of writing from the standard exhibits.

Mr. EISENBERG. Were these charts, which are in the form of photographic reproductions, prepared by you or under your supervision, Mr. Cole?

Mr. COLE. They were.

Mr. EISENBERG. Are they true and accurate reproductions of the portions of the standard writings they purport to reproduce?

Mr. COLE. They are.

Mr. EISENBERG. Mr. Chairman, may these be admitted as 784A, B, and C?

Representative FORD. They may be admitted.

(Commission Exhibits Nos. 784A, B, and C were marked and received in evidence.)

Mr. EISENBERG. Mr. Cole, have you prepared a photograph of Exhibit 773?

Mr. COLE. I have.

Mr. EISENBERG. Will you produce that photograph, please? Was that photograph 773 made by you or under your supervision?

Mr. COLE. Yes, sir.

Mr. EISENBERG. And is it a true and accurate reproduction of 773?

Mr. COLE. Yes, it is.

Mr. EISENBERG. May this be admitted as 785, Mr. Chairman?

Representative FORD. It may be.

(Commission Exhibit No. 785 was marked and received in evidence.)

Mr. EISENBERG. Now, the quality of 785, the reproduction, seems to be somewhat brighter or whiter than 773. Can you explain that? The contrast seems sharper.

Mr. COLE. Yes, that was purposely done in an effort to improve the legibility

of the handwriting shown on 773. It simply involves the technique of developing the negative and making the print. It doesn't add to or take anything away from 773.

Representative FORD. It doesn't change the quality of the handwriting?

Mr. COLE. No, sir.

Mr. EISENBERG. Mr. Cole, could you please explain by reference to 785 and 784A, and B, and C, why you concluded that the author of the standards reproduced in part on 784A, B, and C was also the author of 785?

Mr. COLE. There is an agreement in details of the formation of letters which I think are distinctive to this writer.

In other words, it involves unusual departures from the conventional or copybook method of forming letters. One example is the capital letter "A" on 785 in the name "A. Hidell." The stroke on the left side of that capital is first a down stroke, which is almost exactly retracted by an upstroke.

In other words, this is more than necessary to give the bare outline of the letter, and this extra stroke is a characteristic of the standard writing, and it may be observed in a number of places on the charts A, B, and C. One place where it may be observed is on chart "C," item 8 in the capital "A" in "Orleans." We have a downstroke on the left side of the letter which is almost exactly retracted by the upstroke.

Mr. EISENBERG. This downstroke starts just above the left side of the bar across the "A," is that the downstroke you are referring to?

Mr. COLE. Yes, that is correct.

Representative FORD. Would that also be true in chart C, item 4, in the "A" in "Harvey"?

Mr. COLE. Yes. As a matter of fact, virtually every "A," capital "A" produced in the standard writing has that feature. There are some few that lack it, but it occurs often enough to show that it is a habit of this writer, and it corresponds with the "A" shown on 785.

Now, not all features of this writing are regarded as being useful for identification. Some of the more simplified forms naturally have less individuality. That would be true of the capital letter "H" in "Hidell." While I don't see any significant difference, neither does the letter have any identifying feature.

When we pass over to the letter "i" though, in "Hidell," we see a feature which is distinctive, and that is the emphasis on the first stroke of the letter, the elongation of the approach stroke. Here again is something which the writer does as a matter of habit, it is not an essential feature for producing a legible "i." And we also have the circumstance that most small letter "i's" show an increase in forehand slant. Both of these features, the emphasis of an approach stroke and the increase in forehand slant, are found in the standard writing.

Representative FORD. Would you explain in lay terms what you mean by "an increase in forehand slant"?

Mr. COLE. A slant to the right.

One place where that may be observed in the letter "i" is on chart A, item 8, in the word "it." Another place where rather an exaggerated effect of the elongation of the approach stroke may be observed is on chart A, item 3, in the "t" of the "the." Of course, this requires a similar movement as that used in producing the letter "i," and this elongation of the approach stroke agrees with the effect found on 785.

Mr. EISENBERG. Mr. Cole, in chart A, item 8, the word "in" appears. Do you see the same elongated approach stroke in that word?

Mr. COLE. It is not elongated, but it is made somewhat with extra pressure. We also have an instance of extra pressure on "i"—there is a very small bulb of ink which indicates an extra pressure on the beginning stroke. I might point that out as being a feature of the approach stroke shown in the letter "t" on chart A, item 3.

Mr. EISENBERG. Proceed.

Mr. COLE. Now, I won't mention each and every letter in this writing. When I pass over a letter, the meaning is that at that particular point I don't find anything distinctive with respect to writing habit, although at the same time I do not find any significant difference.

I now move to the combination of "l," the double "l's" in "Hidell" in 785. Here we observe that the second "l" is somewhat larger than the first, and we find from time to time in the standard writing where there are a pair of "l's" that the second is larger than the first, one example is chart A, item 5, the word "filled."

In the capital letter "B" of the word "Box" on 785, still in the upper left corner, we observe that the upper lobe of the "B," that is, the closed circular form near the top of the letter, is somewhat smaller than the lower lobe. These proportions I observed in the standard writing, one item is found on chart A, item 9, "B" of "Board."

In the capital "D" of "Dallas" on 785, the relationship of the capital loop, I mean the looped form at the top of that capital letter, is similar to that relationship which we found in "D's" of the standard writing, one item being on chart B, item 2, in the abbreviation "Dept.," and in that same item 2 the capital "D" of "D.C." along the bottom line.

Mr. EISENBERG. Mr. Cole, on chart A-6 there is another initial "D." Would you say that bears the same conformation?

Mr. COLE. Yes; it is similar, although the loop is not complete. The aspect of the cap loop, I would say, would be the same if the loop had been completed. It is not as complete there as it is in other examples.

In the word "Dallas," the terminal "s," still referring to 785, is modified from the conventional or copybook method of making that letter by being flattened out, forced far over on its side. In other words, it has an extreme forehand slant rather than standing up in a more vertical position which we would find in a copybook. The same is true of the terminal "s" in the word "Texas" in that area. Now this, too, is a habit found in the standard writings, one good example being chart B at the end of item 3, the "s" of the word "this."

In the word "Texas" a very distinctive method of forming the letter "x" is observed. Now, this involves first the production, passing directly from the letter "e," first the production of a point or cusp, and then an underhand movement similar to that which would be required for the letter "u," then with the pencil on the paper another point or cusp is produced. The word is finished with the letters "as," and then the cross bar is made in such a manner that it runs along the side of the second cusp. In other words, the basic part of the "x" form, that is, the part which is connected to the other writings, is somewhat in the shape of a shallow "u." May I demonstrate that on a pad here?

Mr. EISENBERG. Please, Mr. Cole.

Mr. COLE. I have just drawn here an "x" diagramming the form observed on 785 which shows its production of a shallow "u" shape, with the cross bar striking across the second point of that "u" shaped form. This, I say, is highly distinctive, and it is found in the standard writing in several places.

Mr. EISENBERG. Pardon me. Mr. Chairman, may I introduce that diagram as 786?

Representative FORD. It may be admitted.

(Commission Exhibit No. 786 was marked and received in evidence.)

Mr. COLE. This distinctive formation of the "x" is observed on chart B, item 4, in the word "Texas," also in the same chart B, item 13, in the word "Texas," and also item 12 on the same chart.

Mr. EISENBERG. Mr. Cole, did you say there was no pen lift after finishing the second cusp, until the letters "as" are added?

Mr. COLE. That is correct.

Mr. EISENBERG. So that the "x" is not crossed, so to speak, until the entire word is completed?

Mr. COLE. That is correct.

Mr. EISENBERG. How distinctive would you regard this form as being?

Mr. COLE. Well, I regard it as highly unusual and carrying a good deal of weight for identification purposes, because it is a wide departure from the copybook method or conventional method of making the letter, and it involves the addition of a part rather than an omission which might come from carelessness.

Still considering Exhibit 785 and inspecting the word "Air" of "Air mail," just under the stamp, I find a correspondence in the letter forms with the standard writing. Chart B, item 5, where the same word is reproduced, "Air."

One distinctive feature there is the simplified method of making the shoulder of the letter "r." Where the copybook or conventional form would show first a point at the top of the "r" and then the production of a rounded shoulder, this omits the point form and develops immediately into a rapidly sloping or curving down stroke.

Mr. EISENBERG. Will you illustrate the copybook form on your chart paper, Mr. Cole?

Mr. COLE. The conventional or copybook form of this "r" would be approximately in this manner: Cusp at the top, broad shoulder on the right side.

Mr. EISENBERG. May I have that admitted as 787, Mr. Chairman, the copybook form of the "r"?

Representative FORD. It may be admitted.

(Commission Exhibit No. 787 was marked and received in evidence.)

Mr. COLE. The letter "m" in "mail" in 785, with respect to the unusually broad spread of the arches of that letter, corresponds with the letter "m" on chart B, item 6, top line, in the word "me," where we have a similar spreading of the width of the arches of the "m."

The capital "K" in the word "Klein's" on 785 compares favorably with "K's" in the standard writing, chart A, items 13 and 14.

Again, this word "Klein's" demonstrates a habit on 785 of a somewhat greater forehand slant for the letter "i," that is, as contrasted with the slant observed for the letter "e," and it also shows this tendency to flatten out or run the letter "s" along the writing lines, rather than giving it a more vertical position, and this has already been observed in the standard writing. The entire word "Dept.," that is, the abbreviation "Dept.," on 785, compares favorably with that word as shown on chart B, item 2, that is the same abbreviation, "Dept."

I will mention specifically two details of the letter "p." One is that it lacks an upper extension, which is a part shown in most copybook forms. In other words, there is no part of the staff—which, of course, is connected to the lower extension—which extends above the body of that letter, and that is true both as between the questioned "p" on 785 and that shown on chart B, item 2, in the abbreviation of "Dept." Another feature is the failure to bring the body in to a point where it touches the staff, and this is a frequent feature in the "p's" in the standard writing. Now, on chart B, not only in the abbreviation of the word "Dept." in item 2, but moving down to consideration of item 3 and the word "receipt," we observe a similar effect in the letter "p."

In the letter "t," a distinctive feature is the abruptness of ending that letter just before it reaches the writing line, which would differ from other letters, which touch the writing line, and many of which have a rising terminal stroke. In the questioned writing on 785 in "t" of "Dept.," and also in the "t" in the abbreviation of "street" in the line below, we have just such a thing in the letter "t" which is shown from time to time in the standard writing—one example being chart A, item 13 in the abbreviation of "street." We have the same effect on chart A, item 8, in the word "it."

In the word "Washington" on 785, one distinctive feature is the curved staff of the letter "g." In other words, there is a continuous curve from the apex of the "g" down to the bottom of the lower extension, and this method of treating a "g" is repeated in the standard writing, one example being chart A, item 2, in the word "obligations."

Mr. EISENBERG. Would that also be true in chart B, item 10, in the word "Washington"?

Mr. COLE. Yes, sir; a very good example of it.

Mr. EISENBERG. Mr. Cole, that item B-10 is spelled differently from the standard, from the questioned document, rather. Does that—what is your opinion as to that variation in spelling?

Mr. COLE. There are a number of misspellings in the standard writings, and sometimes in the standard you will find words repeated in a correct spelling and at other times with an incorrect spelling. In other words, there is a variation in that respect. I think it comes partly from carelessness, not essentially from lack of knowledge of how to spell the word.

Representative FORD. These variations would be in the same letter or the same document?

Mr. COLE. Yes; sometimes.

Mr. EISENBERG. Actually there is an example of that in B-2, where Washington is spelled incorrectly?

Mr. COLE. That is correct. Now, in the combination of letters "cago" just below the word "Washington" on 785, we also have a repetition of this curved right side of the letter "g" found also in the standard writing, and another feature worth noticing there is the closing of the letter "o" rather far back on the upper left side of the letter. This is distinctive because many writers are reluctant to make leftward strokes, since the normal movement of handwriting is from left to right, and this I would say represents a writing habit in the questioned writing which is also repeated in the standard in a number of places. Chart B, in the abbreviation "no," of item 10, that is, the second segment of item 10, and also in the zero, item 11, you see a similar method of closing that circular form far back on the left side of the letter.

Representative FORD. That would appear also in B-13 in the word "to"?

Mr. COLE. Yes, sir.

Representative FORD. Is there a difference in B-15 "you"?

Mr. COLE. Yes, sir; there is, but we are dealing with a terminal form in the questioned writing. In other words, the opportunities for expressing this particular habit is present in terminal forms and not medial forms, the forms inside a word.

Mr. EISENBERG. Do you find generally or often that a writer's terminal forms or beginning forms will differ from the forms inside of the—the letters inside of the word?

Mr. COLE. Yes; in that it gives a different opportunity for expression of writing habit.

Mr. EISENBERG. So is this an unusual—is this unusual, then that the terminal form should be different?

Mr. COLE. No; not at all.

I invite attention to the exaggerated length of the comma following the figure "6" on 785. This is repeated in the standard writing on chart B, item 2, the comma following the word "chief." Also on chart B the commas in items 1 and 9, following the word "Dallas." The double "l's" of the abbreviation "Ill" on 785, again show the habit of making the second "l" somewhat larger than the first, which was previously pointed out as corresponding to the standard writing on chart A, item 5 in the word "filled."

The form of the capital letter "I" of "Ill" on 785 compares favorably with that form as shown on chart B, items 3 and 4 where we have the personal pronoun "I." Now, moving now to the writing which is a part of the order form bearing the name "Klein's" on this same Exhibit 785, I will draw attention to the method of making the dollar sign before the amount "19.95." In the copybook or conventional method of making this particular sign the "S" shape is usually fairly prominent. In other words, the crossbars are usually subordinated to the "S" shape. Here we observe a very heavy pressure and exaggerated length and wide spacing of those crossbars, which almost obliterate the "S" shaped part of the dollar sign. This is shown in the standard writing chart B, item 6, second line, the dollar sign preceding "\$2."

On this order form the figure "5" of the amount "\$19.95" shows an exaggerated length of the final stroke of the "5," I mean the approximately horizontal stroke across the top of the letter. That same habit was previously observed in the "5" of the combination "2915" at the upper left of 785. Now, this method of—excuse me, let me mention one more example of that letter "5" on 785. On the order form, the figure "5" of the post office box number "2915" shows the same feature. Moving now to the standard writing, we find that treatment of the letter "5," of the figure "5," on chart C, item 7, in the combination of figures "6225." It is also shown on chart B, item 1, in the combination of figures "2915," and again in the same position, item 9 of chart B.

In the name "A. Hidell," I observe that we have a capital "H" and we have capital forms of the "l's" but the remainder of the name uses lower case letters, "ide" as lower case letters.

Mr. EISENBERG. This is in the order blank again?

Mr. COLE. Yes, sir.

This habit of using a combination of capital and small letters is a habit in the standard writing. One example would be chart C, item 6, where various words show a similar mixture. For example, in the name "Oswald" we have capital forms for "O," "S," "W," and "A," but a lower case letter for the "l" and "d." Dropping down to the word "Mercedes," we have capital forms for "M," "R," "C," and "S," but in that same word the letters "e" and "d" have lower case forms. And this mixture of capitals and small letters, as I say is found frequently in the standard writing.

Mr. EISENBERG. Well, is a mixture like that infrequent—apart from the particular letters which you use as small or large letters?

Mr. COLE. Well, I would say it is a part of this man's handwriting habit to make such mixtures. Another person who might mix capital and lower case forms might perhaps select different letters for that purpose. In other words, I think in this writing we find that very frequently as to the letter "i" and the letter "e."

Mr. EISENBERG. Is the fact of mixture itself significant?

Mr. COLE. Yes; it is a part of his writing habit.

Mr. EISENBERG. How highly individualistic is the fact of mixture to this person's writing?

Mr. COLE. I regard it as having a fair weight. I wouldn't classify it with the very considerable weight we give to that distorted form of the "x" but I think it is just one more point for consideration with all of the other similarities.

A similar mixture is found in the word "Texas." Again referring to the order form of 785, we have all capital letters except the letter "e," and then moving over to the standard writing, see the word "Texas" on chart C, item 1, the use of capital letters except as to the "e" form.

Representative FORD. The same would be true, I gather, on C-7 in the use of "e" in the word "Texas"?

Mr. COLE. Yes, sir. This combination of agreement in the details of forms of letters, proportions, and other features between the writing on Commission Exhibit 785 and various parts of the standard writing constitute the basis for my opinion that the writings are in the hand of the same person.

Mr. EISENBERG. Mr. Cole, in many cases you have either pointed to, or it can be noted, that there are differences or variations within the writing of the standards or in the writing of the questioned documents. Is this unusual?

Mr. COLE. No; as a matter of fact, it is usual to find variations in handwriting, and, of course, that is demonstrated by the various standard writing that we have here, where you find the same combination of letters they are not identical with a photographic sameness, but they have a range of variation. I would say that no part of the questioned writing that we have considered on 785 would go outside of that normal range of variation which is true in the standards.

Mr. EISENBERG. Did you find any differences between 785—or 773, of which 785 is a reproduction—and the standards?

Mr. COLE. I don't find anything that I would regard as a significant difference, but, of course, there are points where there is not a perfect identity. For example, in the combination of letters "Ill," an abbreviation for Illinois, while we don't have that same abbreviation in the standards, we have got the full name written out on chart B, item 5, and item 14. We have a smooth curved connection between the "I" and the following "l" in those particular parts of the standard, but there is an angular connection on 785 between the same letters. That is a difference or variation, but I don't regard it as necessarily being a significant one. It could be merely an accidental feature, a momentary hesitation on 785 before proceeding into the making of the "l."

Mr. EISENBERG. Why don't you conclude on the basis of that difference that the questioned document was written by a different author than the standard documents?

Mr. COLE. Because it is not nearly enough to raise such a question. There would be required for an opinion that this was made by some other person, a similar body of differences corresponding to the similarities that I have talked about. In other words, if in fact this was in the handwriting of some other person, I would expect to be able to make about the same demonstration with respect to differences as I have already made with regard to similarity.

Mr. EISENBERG. Would you need to find as many differences as similarities in order to say there was a different author involved in the questioned and standard?

Mr. COLE. No; depending upon the character of the differences. A fairly small number would prevent a conclusion of identity or show the hand of some other person, if they were really distinctive differences.

Mr. EISENBERG. Mr. Cole, did you find any evidence in 773 that the author attempted to disguise his handwriting?

Mr. COLE. Were you referring to 785?

Mr. EISENBERG. 785 is a reproduction of 773. You can use 785 to answer the question, yes.

Mr. COLE. There is one faint suggestion of that possibility. It doesn't permit a conclusion that that was the purpose. But I refer to the use of a lower case "t" in the word "texas" in the return address in the upper left corner. Since this writer demonstrates a good knowledge about the formation of capital letters, it is possible that the choice to make a lower case "t" was a deliberate one, and it could have been at that particular point for the purpose of disguise. But I say if that was his purpose, it certainly was not maintained, and would be a very faint effort toward disguise.

Mr. EISENBERG. Mr. Cole, do you consider it unusual for a person to use an alias without attempting to disguise his handwriting?

Mr. COLE. No; I would not.

Mr. EISENBERG. Have you had any experience along those lines?

Mr. COLE. Yes; I have observed a number of aliases where there is no particular effort to disguise.

Mr. EISENBERG. In your capacity as questioned document examiner of the Treasury Department, do you receive for examination checks, the endorsements on which have been forged?

Mr. COLE. Yes.

Mr. EISENBERG. And on any occasion does the endorsement, the forged endorsement, does the forged endorsement indicate that no effort, no attempt has been made to disguise the endorsements?

Mr. COLE. That is a rather frequent condition, that the spurious endorsement is made without an attempt to conceal or disguise writing habit or to imitate the writing of any other person.

Mr. EISENBERG. Mr. Cole, do you know on the basis of your experience whether individuals ever resort to handprinting as an attempt at disguise?

Mr. COLE. Yes; it is a rather frequent method of disguise.

Mr. EISENBERG. Now, you testified earlier that handprinting can be identified as to author?

Mr. COLE. Yes.

Mr. EISENBERG. Is this common knowledge, that is to say—

Mr. COLE. It is common knowledge among document examiners. I don't think it is common knowledge among others.

Mr. EISENBERG. Might a layman attempt to disguise his handwriting simply by resorting to undisguised handprinting?

Mr. COLE. Yes; he might.

Mr. EISENBERG. What are the usual evidences of disguise, by the way, Mr. Cole?

Mr. COLE. Well, in cursive handwriting the usual evidences of disguise involve some unnaturalness, such as a reduction of writing speed, and other distortions such as writing very large, with an exaggerated freedom, where parts of letters of various words are run together; such as an exaggerated length of lower extensions and upward extensions which tends to intermingle forms and make it difficult to see the details of them; or writing very small, in almost microscopic size where, again, the width of a pen stroke itself tends to conceal details of handwriting; alterations of slant, such as a person who normally writes a forehand slant or slanting to the right, changing to a vertical or a backhand slant. Most efforts at disguise are not well planned. They usually involve a determination to alter the writing along one particular line such as writing very large, very small, or a change in the slant. Other features are the simplification of letter forms. For example, a person attempting to conceal a writing habit may feel that his

writing habit is revealed mostly by capital letters so you might have him using printed forms for capitals, but cursive forms for most other letters.

Representative FORD. Can you tell the difference between a right-handed and a left-handed person by either cursive or capital letters?

Mr. COLE. No, sir; not definitely. Left-handed writers tend to write more vertically, and for that particular left-hand writer who holds his hand above the writing line, this gives a reversal of the pressure on what would ordinarily be regarded as upstrokes and downstrokes, and when you see that reversal this is an indication of left-hand writing. But it is only when you have that special circumstance that you get that signal about it.

Representative FORD. Is there anything in any of the writings that you have analyzed of Lee Harvey Oswald of an indication that he was left-handed?

Mr. COLE. Well, I wouldn't say that I could make a determination of whether he was left-handed or right-handed.

Mr. EISENBERG. Mr. Cole, in your expert work do you draw a distinction between a spurious and a forged document?

Mr. COLE. Well, I think of the word "forgery" as having that legal connotation of malice or intent. The production of a false writing with an intention to deceive or defraud somebody else. Spurious writing means a false writing.

Mr. EISENBERG. That is, a writing produced by one hand calculated to look as if it had been produced by another?

Mr. COLE. Well, not necessarily, that situation that you just discussed would involve simulation of the person's, another person's writing. But the word "spurious" could refer to a false writing, the writing of the name of one person by another who had no particular right to do it. But, of course, if the element of an intent to defraud is not there, I suppose in a legal sense it is not forgery.

Mr. EISENBERG. Now, what are the elements which you look for to see whether a person, A, has attempted to reproduce the handwriting of another person, B, with intent to deceive or otherwise?

Mr. COLE. Two categories of differences. One, defects of line quality, by which is meant tremor, waver, patching, retouching, and noncontinuous lines, pen lifts in awkward and unusual places. And the other class of differences is details of the forms of letters, by which I mean that when the person attempting to simulate another writing concentrates upon the reproduction of one detail, he is likely not to see other details. He may, for example, be able to imitate the gross form of a letter but he may get proportions wrong or letter connections wrong.

Mr. EISENBERG. What is the probability that person A could imitate the handwriting of person B without leaving a telltale trace in one of these two categories?

Mr. COLE. I think it is only a very remote possibility. But I would add to that the need for having a fairly extensive specimen of writing. Of course the possibility of a successful simulation is better with smaller specimens of writing.

Mr. EISENBERG. Now, did you find any evidence in either category that a person had attempted to simulate the writing of the author of the standards in this case in producing either 773 or any of the other questioned documents which you examined?

Mr. COLE. No; I did not find such indications.

Mr. EISENBERG. And you feel, did you say, there would be only a remote probability that in the absence of such indication such a simulation could exist?

Mr. COLE. Yes, sir.

Mr. EISENBERG. When you say remote, could you put this in terms of figures?

Mr. COLE. I would say there is no reasonable possibility of it, and I will put it this way: That from my study of these documents, there is no particular element or elements of the handwriting that I can point to and say this could be evidence of simulation.

Mr. EISENBERG. You mentioned before that you need to have a sufficient amount of writing to make that type of determination. Do you feel that the questioned documents provided a sufficient amount of writing for that?

Mr. COLE. They do.

Mr. EISENBERG. Is that individually or collectively?

Mr. COLE. Individually.

Representative FORD. All of the illustrations on 784 A, B, and C are taken from Commission exhibits—

Mr. EISENBERG. 774-783.

Representative FORD. Collectively?

Mr. COLE. Yes, sir.

Mr. EISENBERG. Carrying that question forward, on what basis did you select excerpts from 774 to 783 to reproduce 784 A, B, and C?

Mr. COLE. The chief effort was to collect together in a fairly small space items that were appropriate for comparison through repetition of the same material, and in doing that there was kept in mind the general purpose of giving a good representative cross section of all of the writing habit illustrated in the standard writings.

Mr. EISENBERG. Well, that anticipates my next question, which is, whether this is a representative cross section or was selected in order to reproduce those particular characteristics you find in the questioned documents.

Mr. COLE. I think it is a representative cross section, and I say a part of the effort was to bring here some letters and combinations for convenience of comparison. It was in no way an effort to substitute these charts for the originals.

Mr. EISENBERG. Your actual examination was made on the basis of the originals or the charts, Mr. Cole?

Mr. COLE. Yes; all of the—the chief examination was made upon the basis of the originals and all parts of the originals, not limited to the parts shown in the charts.

Mr. EISENBERG. These charts are only for demonstrative purposes, making your testimony easier to follow, is that correct?

Mr. COLE. Yes, sir.

Mr. EISENBERG. You discussed briefly, Mr. Cole, or perhaps more than briefly, the use of a photograph as a standard. Now, in the case of 773, a photograph is used as a questioned document, or rather a questioned document consists of a photograph. Are the comments you made on the use of a photograph as a standard applicable to the use of a photograph as a questioned document, that is, can you make a determination on the handwriting in a photograph?

Mr. COLE. With these photographs I think a satisfactory determination can be made. I would not necessarily include all photographs.

Mr. EISENBERG. Yes?

Mr. COLE. Because there is a widely varying quality in photographs.

Mr. EISENBERG. When you say these photographs, do you include the other photographs included among the questioned documents you have examined at my request?

Mr. COLE. Yes, sir.

Mr. EISENBERG. Mr. Cole, I now hand you an item consisting of a U.S. postal money order in the amount of \$21.45, payable to Klein's Sporting Goods, from "A. Hidell, P.O. Box 2915, Dallas, Texas." For the record I will state that this money order was included with the purchase order in Exhibit 773 which has just been identified, and was intended and used as payment for the weapon shipped in response to the purchase order, 773. I ask you, Mr. Cole, whether you have examined this money order for the purpose of determining whether it was prepared by the author of the standards?

Mr. COLE. Yes, sir.

Mr. EISENBERG. What was your conclusion, Mr. Cole?

Mr. COLE. It is my conclusion that the handwriting on this money order is in the hand of the person who executed the standard writing.

Mr. EISENBERG. Mr. Chairman, may I have this money order admitted as 788?

Representative FORD. It may be admitted.

(The document was marked as Commission Exhibit No. 788, and was received in evidence.)

Mr. EISENBERG. Have you prepared a photograph of that Exhibit 788, the money order?

Mr. COLE. Yes; I have.

Mr. EISENBERG. And you have produced that photograph for me just now, Mr. Cole?

Mr. COLE. Yes.

Mr. EISENBERG. Was this prepared by you or under your supervision?

Mr. COLE. Yes, sir.

Mr. EISENBERG. Is it an accurate photograph of 788?

Mr. COLE. It is.

Mr. EISENBERG. May this be admitted as 789, Mr. Chairman?

Representative FORD. It may be admitted.

(The document referred to was marked Commission Exhibit No. 789, and received in evidence.)

Mr. EISENBERG. Mr. Cole, before you discuss your conclusion, the handwriting on 788 seems to have a slight blur in some parts. Could you explain that in any way?

Mr. COLE. Yes; it is my view that this document has been in contact with moisture which affected the ink of the handwriting. Such contact might have been through an effort to develop fingerprints.

Mr. EISENBERG. Was it or is it discolored at this point at all, do you think?

Mr. COLE. There are only two small areas of discoloration on this document, one of them being along the upper edge just above the figure "9," and the other along the right edge just opposite the figure "5." This indicates to me that at one time this document was more deeply stained but has been cleared up by some chemical bleach.

Mr. EISENBERG. Was it in the same condition when you examined it as it is now?

Mr. COLE. It was.

Mr. EISENBERG. Mr. Cole, would you explain by use of charts 784 A, B, and C, and the photograph 789, why you conclude 788 was prepared by the author of the standards in this case?

Mr. COLE. On the photograph, 789, I invite attention to the capital "K" of "Klein's," which compares favorably in form to the "K's" of exhibit—of chart A, items 13 and 14, with the exception of a larger circle at the center of that "K" on the right side of 789, which is not reproduced in the standards, but it is my belief that this writer might well produce such a circular form when a letter is somewhat larger and more freely made.

Mr. EISENBERG. On what do you base that belief, Mr. Cole?

Mr. COLE. That that would be a normal result of greater freedom and a larger writing, it would produce a circular form rather than an angle.

Mr. EISENBERG. Is this based upon your experience with questioned documents and making analyses?

Mr. COLE. Yes, sir; now, in that—

Mr. EISENBERG. Excuse me 1 second. Just to elaborate on that. Do I take it that your experience is such that you have found you can predict forms of letters based upon the samples you have before you, predict forms which may be used in other samples by the same author?

Mr. COLE. Well, within certain narrow limits. That is, having information about the range of variation in the body of standard writing, it is reasonable to make a small allowance for the production of forms not actually illustrated there, as long as they are consistent with the forms that are actually available for examination. In other words, I would regard it as a consistent thing in this writing to occasionally produce a circle at the center portion of a letter "K"; it does not, in my opinion, represent a difference of writing habit.

Now, in that same word we observe a habit heretofore mentioned of increasing the amount of forehand slant in the letter "i"—that is in "Klein's" of the photograph 789—which has previously been observed in the standard writing. Several examples have been pointed out. For the present, I will mention the one on chart A, item 1 in the word "obligations," the second letter "i" there shows an increased forehand slant. The same is true of the "i" of the word "firm" on the same line.

The combination of letters in the word "sporting," that is, the combination "port," are illustrated in the standard writing, chart A, item 2 in the word "support," item 3 in the word "port," in item 4 in the word "transportation," and here we find very close agreement in all details of those letter forms. With respect to the letter "p," the absence of an under extension, that is, the

absence of any part rising above the arched part of the letter on the writing line, and the circumstance that the body of the letter or arch, as it is shown here on the photograph 789, is not brought all the way into the staff, it is made almost as a pure arch form with no movement in here towards the staff, which is the same movement we have here on chart A, item 3 in the word "port," repeated also on item 4, and in the two "p's" of item 2. Now, there is a distinctive method of making the connection between the letters "o" and "r," by drawing a very straight line, horizontal line almost exactly paralleling the base of the word across from the letter "o" to the "r" on the photograph 789, and this movement is also repeated on chart A, items 3 and 4, in the combination letters "or," also in item 2 in the same combination of letters.

This writing demonstrates the habit in the figure "5" of a considerable exaggeration of the final stroke of the letter, or the cap stroke, a horizontal stroke at the top of the letter observed on the photograph 789, and shown in several places in the standard writing, some of which have already been mentioned, one being on chart C, item 7, and on chart B, items 1 and 9, the figure "5."

Also in this writing, we find that highly distinctive "x" form in the word "Texas," involving the production of a shallow U-shaped form with the cross-bar passing across the second point of that U-shaped form for the word "Texas." This is the basis for my conclusion that the questioned writing on the money order is in the hand of the author of the standard writing.

Mr. EISENBERG. Mr. Cole, I now hand you Commission Exhibit 135, which, for the record, consists of the purchase order to Seaport Traders from "A. Hidell" for the revolver which was used in the murder of Officer Tippit.

Mr. Cole, have you examined Commission Exhibit 135 to determine whether it was produced by the author of the standards in this case?

Mr. COLE. I have.

Mr. EISENBERG. What is your conclusion?

Mr. COLE. It is my conclusion that this handwriting is in the hand of the person who produced the standard writing.

Mr. EISENBERG. Have you taken a photograph of 135?

Mr. COLE. Yes, sir; I have.

Mr. EISENBERG. Would you produce that, please?

Was this photograph prepared by you or under your supervision?

Mr. COLE. Yes, sir.

Mr. EISENBERG. Is it an accurate reproduction of 135?

Mr. COLE. It is.

Mr. EISENBERG. Mr. Chairman, may I have that admitted as 790?

Representative FORD. It may be admitted.

(The document referred to was marked Commission Exhibit No. 790, and received in evidence.)

Mr. EISENBERG. Mr. Cole, could you explain your reasons for your conclusion by reference to the charts 784 A, B, and C, and to the photograph, 790?

Mr. COLE. On the photograph 790 I invite attention to the first line of hand-printing, which has a long horizontal line drawn through it. Toward the ends of that line there is an amount which appears to read "\$1.35," and I draw attention to the form of the dollar sign, which sign has already been mentioned in other writing, and here we find that same feature of subordinating the S part of the dollar sign to the crossbars, the crossbars being, or the verticals being made in such a way as to practically obliterate the S-shaped part. There, again, that is a feature of writing habit of the author of the writing on 790 which corresponds with the habit in the standard writing shown on chart B, item 6, second line, in the amount "\$2.00."

Next, I draw your attention, in the approximate area as that just discussed on 790 there, to the amount "29.95." Now, with respect to the form of the figure "2" we observe a rounded cap or top to the letter and a rather prominent loop to the base, and it is observed that the leftward extension of the cap of the letter is considerably short of the amount of leftward motion across the base. This corresponds to the form and placement of parts as shown in the standard writing chart B, item 1, in the combination "2915."

In that same amount, on the photograph 790, again we observe the exaggerated

length of the cap of the figure "5" which corresponds to the standard writing, chart B, item 1, the figure "5" there.

The dollar sign which was previously described is repeated in the amount "\$10.00" on the left side of the photograph 790, and I believe that the treatment of the verticals there is the same, that is, an unusually heavy pressure, but it appears that the pen was not delivering a normal quantity of ink at that point. Nevertheless, there is this same effect of almost obliterating the S-shaped part of the dollar sign.

Now, moving on down to the bottom part of the photograph 790, and considering first the form of the "B" in the word "Box" on the address line, here again we observe that tendency of a fairly small upper lobe relative to the size of the lower lobe of the "B," and this is repeated in the standard writing, one place being chart B, item 1, in the "B" of "Box."

The word "DALLAS" on the photograph 790 shows capital "L's" which have a compound curve across the base: that is, instead of a simplified form of letter, where there would be a simple straight line across the base, we have first a rising stroke and then a stroke that curves downward towards the writing line. This compound curve across the base of "L's" is repeated in the standard writing, chart B, items 1 and 9, in the same word "DALLAS."

Again, on the photograph 790, the second letter "A" in "DALLAS" illustrates a habit previously mentioned of using a downstroke to begin the left side of the "A," which stroke is almost exactly traced, and this too is repeated in the standard, chart B, item 1, the second "A" of "DALLAS." Opposite the printed word "State" on photograph 790, the word "Texas" again shows this mixture of capital forms and lower-case forms, specifically the use of a lower case "e" in combination with capital letters, which is true in the standard writing, chart B, items 1 and 9, in the word "Texas."

This constitutes my reasons for believing that the questioned writing shown in the photograph 790 is in the hand of the author of the standard writing.

Mr. EISENBERG. Mr. Cole, there seems to be a very varying amount of blackness or color in the ink on Commission Exhibit 135, which is shown up in your photograph. Do you have any explanation for that?

Mr. COLE. I think the pen was not functioning properly, that very heavy pressure was used on the document to bring the ink down from the pen, and we can see that the writer is reacting to this, for example, in the word "Box" on the address line, where you have only a moderate quantity of ink and then as you move along to the figures "2915" you observe that heavier pressure is used. In other words, it is my view that the writer observed that the pen was tending to fail, and that he increased pressure in order to persuade more ink to come down from the pen.

Mr. EISENBERG. There also seems to be a doubling of lines in some parts, such as the "J" in "A. J. Hidell," and the upper area also of "A. J. Hidell."

Mr. COLE. Yes; that could very well be for the same reasons, because if you move to the upper part of this exhibit there are other places where the pen almost failed. You have strokes that have a shallow center with ink only on the outside borders of strokes.

Mr. EISENBERG. Mr. Cole, can you make out the writing which is printed in and then crossed out in this exhibit?

Mr. COLE. Well, a part of it.

Just below the printed word "Snubbie" there appears to be a line of writing which says, "1 AMMO," if that is "A-M-M-O"—the second "M" is somewhat indistinct. And then there is parenthesis, BOX of 25, close parenthesis, dollar mark, 1.35. Then just below that there is a line of writing, the first word of which I cannot make out, that is, I cannot make any intelligible word of it, but the second word appears to be "holster." In other words, the word "holster" would lie just above the words "total price" and then there follows some figures which appear to be "1.95."

Representative FORD. Is it your judgment on this exhibit that at the point where the applicant is required to give his age that it is "23" or "28"?

Mr. COLE. I would read that as "28."

Mr. EISENBERG. Can you make out the date which is next to that age, Mr. Cole?

Mr. COLE. Well, I read the first part of the date as 1/27, and I am unable to read the last figure, which is through a part of the very heavy dotted line.

Mr. EISENBERG. Do there seem to be one or two figures?

Mr. COLE. It looks like a single figure there following a diagonal.

(Discussion off the record.)

Representative FORD. Back on the record.

Mr. EISENBERG. Mr. Cole, I now hand you an item consisting of part of an application for a post office box, dated "box opened October 9, 1962," and also dated in the lower right "October 9, 1962," with the signature "Lee H. Oswald" and I ask you whether you have examined that item?

Mr. COLE. Yes, sir; I have.

Mr. EISENBERG. May I have that admitted as 791, Mr. Chairman?

Representative FORD. It may be admitted.

(Commission Exhibit No. 791 was marked and received in evidence.)

Mr. EISENBERG. Have you compared it with the standards in this case, Mr. Cole?

Mr. COLE. I have.

Mr. EISENBERG. What is your conclusion?

Mr. COLE. It is my conclusion that the handprinted name "Lee H. Oswald," the address "3519 Fairmore Ave.," and the signature "Lee H. Oswald" on this document are in the hand of the person who executed the standard writing.

Mr. EISENBERG. Have you prepared a photograph of 791?

Mr. COLE. Yes, sir; I have.

Mr. EISENBERG. Can you produce that?

Thank you. Is this photograph which you have handed me an accurate reproduction prepared by you or under your supervision?

Mr. COLE. Yes, sir; it is.

Mr. EISENBERG. May I have this admitted as 792?

Representative FORD. It may be admitted.

(Commission Exhibit No. 792 was marked and received in evidence.)

Representative FORD. Continue.

Mr. EISENBERG. Before we go any further, what is your conclusion concerning the words "Dallas, Texas" appearing after "Fairmore Ave."?

Mr. COLE. It is my conclusion that that wording is not in the writing of the author of the standard writing.

Mr. EISENBERG. And that in "2915"?

Mr. COLE. That is not in the handwriting of the author of the standards.

Mr. EISENBERG. Do you have any idea who inserted that?

Mr. COLE. No, sir; I don't but I think in the handling of this kind of material it happens from time to time that a postal clerk may complete a document.

Mr. EISENBERG. Now, with reference to 792 and 784 A, B, and C, could you explain the reasons for concluding that 791 is in the handwriting of the author of the standards as to those portions which you have designated as being in the handwriting of the author of the standards?

Mr. COLE. In the printed name at the upper left of the photograph 792 the capital "L" of "Lee" shows a compound curve across the base, which has previously been mentioned as a handwriting habit found in the standards, one example being on chart B, item 9, another example on chart C, item 4.

The name "Oswald" shows the use of capital forms except for the letters "ld." This particular use of a mixture of capitals and lower-case forms is found on chart C, item 1, at the top line where the final forms "l" and "d" are lower case forms.

I will mention also the particular writing movement used for constructing the letter "d," referring to the photograph 792. There is first a moderately long downstroke, and then without lifting the pen there is a rising movement which at the same time moves towards the left to complete the body of the letter. This method of construction is also observed in the standards, chart C, item 1, top line, in the "d" of "Oswald." Since there is a slightly more open effect at the base in this standard "d," the method of construction can be seen clearly, but it was made in the same way in the photograph, as shown by the photograph 792.

In the word "Fairmore," it is observed that on the photograph 792 there is a

tendency to reduce the size of the small letter "i" and, of course, this is again an example of the use of the lower case form in combination with the capitals. The size relationship and the particular mixture of this form with capitals is shown in the standard writing chart C, item 5, in the word "deportations" and in the word "diet," also in item 9 in the word "curtailment."

The word "Fairmore" also shows the use of a lower case "e" in combination with capital letters, which has been observed frequently in several parts of the standard writing, one example not mentioned heretofore is item 3 of chart C in the word "discharge."

The signature "Lee H. Oswald" along the lower line shown by the photograph 792 compares favorably in all details with the signatures in the name of "Lee H. Oswald" in several standard charts, being on chart A, item 15; on chart B, again item 15; also on chart B, item No. 1; and on chart C, item 6, the next to the last line. Now, one distinctive feature of this signature is the writing movement employed in the combination of letters capital "O" and the "s" following, where the "s" form is rather blurred or corrupted. It does not give a complete capital "s" form, but instead the upper part of the "s" is represented only by a line which is approximately horizontal, sinking downwards to the base of the "s," and then a looped form at the base.

Mr. EISENBERG. You said a capital "s" form; did you mean that?

Mr. COLE. No; I meant that it is not a complete "s" form. It is somewhat slurred or blurred with respect to a true "s" form. This particular method of slurring the form is clearly illustrated on chart B, item 1, in the name "Oswald" and is also shown on chart B, item 15, in the name "Oswald."

(At this point Senator Cooper entered the hearing room.)

Mr. COLE [continuing]. In the signature shown by the photograph 792, in the capital "L," we observe with regard to the base loop, this would be the lower half of the letter, we see a vertical aspect of that base loop. Now, in a more conventional or, say, a copybook form of a letter "L" you would find the base loop with a horizontal aspect, that is, stretched out along the writing line. Here we find a vertical aspect of that part, which is reproduced in the standard writing on chart A, item 15.

That last reference was to the base loop of the capital "L" of the signature "Lee H. Oswald" as shown by the photograph 792 as compared with chart A, item 15.

Now on the photograph 792, we observe that between the two upright strokes of the letter "H" there is a very thin diagonal line of joining. This is repeated in the standard writing, chart B, item 1, top line. Now, again in this "H" as shown on 792 we see this more or less vertical aspect of the treatment of a looped formation near the base of the right side of the letter "H," that is, instead of moving fully to the left to give a normal cross bar, there is only a base loop there which, I say, is made in a vertical direction. This is repeated in the standard writing, chart A, item 15, in the middle initial "H."

The "w" of "Oswald" shown by the photograph 792 is characterized by a rather full rounding across the base of the letter, and this degree of roundness is shown in the standard writing, chart B, item 15. There is a horizontal stroke which constitutes the letter connection between "w" and "a" shown by the photograph 792, and this method of making a connection is repeated in the standards, chart B, item 15.

Mr. EISENBERG. You say "w" and "a"?

Mr. COLE. "w" and "a".

The size relationship between the letter "l" and the letter "d" as shown by the photograph 792 is the same as that found on chart A, item 15. The relationship of the body of the "d"—by which I mean that part which would ordinarily rest on the writing line, and in a conventional form would be more or less circular—and the upper extension is also similar as between the photograph 792 and chart A, item 15. In other words, there is practically no roundness of the body. Again, we have got an emphasis of the more or less vertical strokes for what should be a rounded portion for the body.

This constitutes my reasons for believing that the questioned writing as shown by the photograph 792 is in the hand of the person who executed the standard writing.

Mr. EISENBERG. Any further questions on this application?

Representative FORD. No questions.

Mr. EISENBERG. Mr. Cole, I now hand you an item consisting of a change-of-address card addressed to the "Postmaster, Dallas, Texas," dated May 12, 1963, relating to Post Office Box 2915 in Dallas, Tex.; setting forth a new address at Magazine Street, New Orleans, and signed "Lee H. Oswald," and I ask you if you have examined that change-of-address card?

Mr. COLE. Yes, I have.

Mr. EISENBERG. May this be admitted as 793, Mr. Chairman?

Representative FORD. It may be admitted.

(Commission Exhibit No. 793 was marked and received in evidence.)

Mr. EISENBERG. Have you compared that change-of-address card, 793, with the standards in this case?

Mr. COLE. Yes, sir; I have.

Mr. EISENBERG. What is your conclusion?

Mr. COLE. It is my conclusion that the author of the writing on Exhibit 793 is the same person who executed the standard writings.

Mr. EISENBERG. Did you prepare a photograph of 793?

Mr. COLE. I did.

Mr. EISENBERG. Can you produce that?

Is this an accurate photograph, an accurate reproduction, of 793, prepared by you or under your supervision?

Mr. COLE. Yes, it is.

Mr. EISENBERG. Mr. Chairman, may this be admitted as 794?

Representative FORD. It may be admitted.

(Commission Exhibit No. 794 was marked and received in evidence.)

Mr. EISENBERG. By reference to the photograph 794 and reference to your charts 784 A, B, and C, could you discuss the reasons which led you to your conclusion concerning this change-of-address card?

Mr. COLE. Handwriting habits shown by this exhibit, and I am looking now at the photograph 794, have been mentioned heretofore. If it is agreeable, I will simply review these in a body before proceeding to the standard writing.

Mr. EISENBERG. Mr. Chairman, is that agreeable?

Representative FORD. You may proceed.

Mr. COLE. On line 1, shown by the photograph 794, the use of a lower case "l" and "d" in combination with capital letters, the compound curve across the base of the "L" in "Lee," the exaggerated length of the comma between the two names; below, in the word "BOX," the somewhat larger upper lobe of the capital "B"—excuse me, the somewhat smaller upper lobe of the capital "B" as contrasted with the larger lobe of that letter; in the "O" of "BOX" the connection or the closing of the "O" fairly high on the left side instead of towards the center or the right side, the same habit being also illustrated in the "O" in the combination "P.O."; the form of the "2" with the rather prominent base loop; the exaggerated length of the cap of the figure "5"; in the word "Dallas," the compound curve across the base of the "L"s; the circumstance that the "A" begins with a down stroke which is almost exactly retraced; the circumstance that the word "Texas" includes a lower case "e"; the use of the small letter "i" in combination with capital letters in the word "Magazine"; and similar features to those just described in the word "New Orleans."

Now, all of these things on the charts Exhibit A, B, and C—

Mr. EISENBERG. I don't think you need to point to them in detail, since you have already pointed to those items.

Mr. COLE. Yes.

I also find a substantial agreement in details of the signature, "Lee H. Oswald," as shown by the photograph 794, and signatures shown in the standard writing, with particular regard to the signature of chart C, item 6, next to the last line.

This constitutes my reasons for believing that the writing on Commission Exhibit 793 is in the hand of the person who made the standard writing.

Mr. EISENBERG. Mr. Cole, there seems to be a double line in several of these letters on the reverse side of this change-of-address card, such as the "D" in "DALLAS," the "e" in "Texas" and so forth. Can you give any explanation for that?

Mr. COLE. Well, I think the double line is more evident in the address "4907 Magazine Street, New Orleans, La."

Mr. EISENBERG. Yes?

Mr. COLE. And a possible reason is that the writer was dissatisfied with the width of the line as shown on the two lines above. While I regard it as having a fair legibility, the only explanation I can see is that for this particular document the writer wanted a heavier writing and, of course, one way to get it is to go over it again.

A thing of this kind can also be related to a writer's knowledge of the functioning of a certain pen.

If he knows that the pen he is using usually gives a heavier line, and for a particular writing he sees a thinner line, he may then make some modification in his handling of the pen and get the kind of line he wants.

Mr. EISENBERG. Is this similar to the retouching you mentioned earlier as being an evidence of forgery?

Mr. COLE. I would say no, since it is done in such an apparently spontaneous and confident manner. There is not the slightest evidence that any effort was made to conceal the presence of this retracing. I think I should say that generally the person producing a false or spurious writing does retouching in order to correct some imperfection of a letter, that is, he criticizes his work as he goes along and if he encounters a part which he thinks is incorrect with respect to form, he may then retouch it in order to correct it. It would be very unusual in any false or spurious writing to see any extensive retracing.

Mr. EISENBERG. Any further questions on this card?

Representative FORD. No further questions.

Mr. EISENBERG. Mr. Cole, I now hand you an item which appears to be a selective service system notice of classification with the name "Alek James Hidell" printed and the same signature, and a photograph which appears to be the photograph of Lee Harvey Oswald—and I state for the record that this item was obtained from the wallet of Lee Harvey Oswald following his apprehension after the assassination and the murder of Officer Tippit—and I ask you whether you have examined that item?

Mr. COLE. I have.

Mr. EISENBERG. May that be admitted as 795, Mr. Chairman?

Representative FORD. It may be admitted.

(Commission Exhibit No. 795 was marked and received in evidence.)

Mr. EISENBERG. When did you first examine that item, Mr. Cole?

Mr. COLE. May I refer to a note?

Mr. EISENBERG. Yes, certainly.

Mr. COLE. I first saw that item on December 6, 1963.

Mr. EISENBERG. Did you make an examination at that time?

Mr. COLE. I did.

Mr. EISENBERG. At whose request was that?

Mr. COLE. At the request of the Chief, U.S. Secret Service.

Mr. EISENBERG. What was your conclusion at that time?

Mr. COLE. It was my conclusion that that is not an original document but that it is in fact a photographic reproduction of some original document.

Mr. EISENBERG. Did you draw any conclusions as to how the reproduction might have been prepared?

Mr. COLE. Yes; it was my conclusion that a photograph was made of some original document, and that the resulting film negative was retouched for the purpose of blocking out certain parts, and by that I mean that the person processing a negative in this way would take an opaque compound and where you had clear areas of the negative, the negative, of course, showing clear areas where there was black on the original, that he would cover up this clear area of the negative so that in a resulting print nothing would come through. This would be a way of eliminating information which was actually on the original document.

Mr. EISENBERG. Such as the name of the person to whom the document had been issued?

Mr. COLE. Yes.

Mr. EISENBERG. Draft board and so forth?

Mr. COLE. Yes; then a print would be made of that retouched negative, and this, I believe, is such a print.

Mr. EISENBERG. There is information on this item consisting of the name "Alek James Hidell," a selective service number, and so forth. Could you draw any conclusion as to how this information had been put into the item if the card was prepared in this way?

Senator COOPER. What information, do you mean the name?

Mr. EISENBERG. Yes; the name "Alek James Hidell," the selective service number, the date of mailing, the signature of the member or clerk of local board, color of eyes, and so forth, all of the information appearing in print or color on the card.

Mr. COLE. That information was typed directly onto the photographic print which is Exhibit—

Mr. EISENBERG. That is 795?

Mr. COLE. 795.

Mr. EISENBERG. Does this item consist of one or two photographic prints, Mr. Cole?

Mr. COLE. There are two photographic prints, one for the front and one for the back, and they are pasted together.

Mr. EISENBERG. Is it on ordinary photographic paper?

Mr. COLE. Yes.

Mr. EISENBERG. Is there evidence that more than one typewriter had been used in inserting the signature—

Mr. COLE. Yes.

Mr. EISENBERG. Excuse me, the name, and some of the other information which I have referred to?

Mr. COLE. Yes, at least two typewriters were used. This may be seen clearly by the record of the selective service number, which includes a fairly light typewriting and then a heavier typewriting.

Mr. EISENBERG. Have you produced a photograph of Exhibit 795 or have you taken a photograph rather?

Mr. COLE. Yes, I have.

Mr. EISENBERG. Would you produce that?

Mr. COLE. Yes, sir.

Mr. EISENBERG. Thank you. Was this photograph prepared by you or under your supervision?

Mr. COLE. Yes, sir.

Mr. EISENBERG. Is it a true and accurate reproduction of 795?

Mr. COLE. It is.

Mr. EISENBERG. May this be admitted as 796?

Representative FORD. It may be admitted.

(Commission Exhibit No. 796 was marked and received in evidence.)

Mr. EISENBERG. This is the front of 795, is it, Mr. Cole?

Mr. COLE. Yes.

Mr. EISENBERG. Have you also taken a photograph of the rear, the reverse side?

Mr. COLE. Yes, sir; I have.

Mr. EISENBERG. This was prepared by you or under your supervision?

Mr. COLE. Yes, sir.

Mr. EISENBERG. Is it a true and accurate photograph?

Mr. COLE. Yes, sir.

Mr. EISENBERG. May this be admitted as Exhibit 797?

Representative FORD. It may be admitted.

(Commission Exhibit No. 797 was marked and received in evidence.)

Mr. EISENBERG. Do you have extra copies of that?

Mr. COLE. I am sorry; I do not.

Mr. EISENBERG. Could you hold these photographs so that the Commission can see them, and illustrate your point concerning the use of more than one typewriter?

Mr. COLE. The selective service number shows typewriting which has a fairly light deposit of ink from the ribbon. It also shows typewriting with a some-

what heavier deposit. Now, there is a clear difference in the design of the figure "4" which shows that two different typewriters were used.

Mr. EISENBERG. Can you think of any reason why that might have been done, why two different typewriters were used?

Mr. COLE. Well, here again the typewriter shown by the typewriter impression has a rather poor legibility and it is my theory that a person producing typing of such limited legibility might well move the job over to another typewriter having a more heavily inked ribbon. I might say also that it is quite difficult to type on this glossy photographic paper. The ink won't come down from the ribbon nearly as well on such a surface as it does on ordinary bond paper.

Mr. EISENBERG. Now, you have also reproduced the back, the reverse side, of 795 in your photograph 797. Is the typewriting on the back, illustrated in 797, that contained in the light-impression typewriter shown on the front, or the heavy-impression typewriter?

Mr. COLE. The lighter impression.

Mr. EISENBERG. You can tell that how, Mr. Cole?

Mr. COLE. Well, it is illustrated, first of all, by the extremely small deposit of ink, and second by the circumstance that we can see the same design of figure "4" in a part of the address between this frame, which is the design of the figure "4" of the lighter typewriting on the face of the document.

Senator COOPER. Could I ask you, is it correct that the typewriter which you say was used, which gave a light impression, the "4" is closed at the apex?

Mr. COLE. That is correct.

Senator COOPER. And the heavier typewriter which was used which produced the "4," the "4" is open at the apex?

Mr. COLE. Yes.

Mr. EISENBERG. Carrying that question forward, the reverse side shows the "4" closed at the apex, does it not?

Mr. COLE. Yes, sir.

Mr. EISENBERG. There seems to be some erasure under the name "Alek James Hidell" which is typewritten in the front side, as well as a faint letter or two. Did you draw any conclusions as to that material?

Mr. COLE. Well, in this area there is also in addition to typewriting already mentioned, there is evidence of a rather sharp indentation of typewritten material, which could result from the blow of a typewriter key against this paper without the interposition of any ribbon at all. Most typewriters have an adjustment called "stencil" whereby you can prevent the ribbon from coming up in front of the type bar, and there is a complete line of indentations along there which reads "Alek James Hidell," and one very interesting feature is that just to the left of the indented name "Alek" there is a capital letter "O."

I don't say at that particular point there was any completion of a name following the letter "O" but we do have this clear indentation of the letter "O."

Mr. EISENBERG. Have you prepared a photograph which brings out those details a little more clearly than in the original, 795?

Mr. COLE. Yes, sir; I have. This photograph was made by a very low angle of illumination, a raking light across the document which shows up the indentations.

Mr. EISENBERG. This was prepared by you and under your supervision?

Mr. COLE. Yes, sir.

Mr. EISENBERG. It is a true and accurate reproduction of 795?

Mr. COLE. It is.

Mr. EISENBERG. May this be admitted as 798?

Representative FORD. It may be admitted.

(Commission Exhibit 798 was marked and received in evidence.)

Senator COOPER. Could I ask a question? You referred to an indentation representing the letter "O." Could you point that out and indicate the exhibit upon which you identified the letter "O"?

Mr. COLE. Here. I point to an area approximately two typewriter spaces on the left of the visible letter "A" of "Alek."

Senator COOPER. On Commission Exhibit 795?

Mr. COLE. Yes; correct.

Senator COOPER. Were you able to determine whether that indentation representing "O" was made by a typewriter or does it represent a letter which was still visible from the original card of selective service classification?

Mr. COLE. That is a typewritten letter "O," sir. I think that nothing is visible on that line from the original.

Mr. EISENBERG. Referring to your photograph, 798, there seems to be—the word "James" seems to be printed more than once, as does the name "Hidell," in stencil. Is that your observation, Mr. Cole, also?

Mr. COLE. Yes; that is true.

Mr. EISENBERG. Is there any other material that was printed in stencil, on the stencil setting, of the typewriter?

Mr. COLE. Yes; there is a writing of the serial number which is also in stencil form.

Mr. EISENBERG. Anything else? We are referring now just to the front of the card.

Mr. COLE. Yes. The date of mailing also shows an indentation.

Mr. EISENBERG. Can you think of any reason why the use of the typewriter on stencil may have been done?

Mr. COLE. I can mention reasons that I have observed on other documents which might apply to this one, and that would be an effort on the part of the operator of the machine to find a correct place for beginning typewriting, but I am obliged to say that on those other examples I have never seen such extensive stenciled writing. I would say that a single letter should give a person a pretty good idea of the position for beginning writing, and it should not be necessary to write out this material in full.

Now another theory for applying indentations to this type of material might be, say, previous experience with trying to write on a glossy surface, and knowing that you don't get enough ink from a ribbon on such a surface and possibly an intention to apply a rather sharp indentation and later fill that in with pigment. I am a little doubtful if it would be successful but one might attempt to try it, because various kinds of printing are made in that way, first by producing an indent, and then working a pigment down into the indentation. I would say on this particular document, I don't see there was any evidence that the preparer of the document went through with any such plan.

Representative FORD. For the record, I do have to leave to attend the House session, and Senator Cooper, will you preside as chairman?

Senator COOPER. Yes; I will be glad to do so.

(At this point Representative Ford departed the hearing room.)

Mr. EISENBERG. Referring to your photograph 798 again, the word "James" in "Alek James Hidell" seems to have been printed twice, as you stated before, and the second time it seems to have started—at least twice—and the second time it seems to start after the first "James" has stopped. Is that your observation?

Mr. COLE. Yes.

Mr. EISENBERG. Referring back to your theories or the possible theories you mentioned as explanations of the printing by stencil, would the placement of the two "James" on the upper line indicate whether or not either of those theories might be applicable?

Mr. COLE. Well, of course, the repetition of these names is somewhat opposed to the theory that a person might prefer to ink it in later. But, of course, it is possible that he could not see it very well, and that he might think he could make a selection of either one or the other for inking in.

Mr. EISENBERG. Does the word "James" appear to have been stenciled more than twice?

Mr. COLE. Well, there is some overlapping or superimposition of indentations in the first record of the indented name "James." It could have been as many as three times in the stencil operation.

Mr. EISENBERG. Now, Mr. Cole, have you produced a photograph of the reverse side of the selective-service card—

Mr. COLE. I have.

Mr. EISENBERG. That is, 795?

Mr. COLE. I have.

Mr. EISENBERG. And was this taken by you or under your supervision?

Mr. COLE. Yes, sir.

Mr. EISENBERG. And is it a true and accurate photograph of 795?

Mr. COLE. Yes, sir.

Mr. EISENBERG. Mr. Chairman, may this be admitted as 799?

Senator COOPER. It will be admitted.

(The document referred to, previously marked as Commission Exhibit 799, was received in evidence.)

Mr. EISENBERG. This is an additional photograph of the reverse side of 795?

Mr. COLE. That is correct. The one last mentioned was also made with a very low angle of illumination raking the light across the document.

Mr. EISENBERG. The "one last mentioned" being 797 or 798?

Mr. COLE. 799 was made with the low-angle illumination to bring out the indentation.

Mr. EISENBERG. That is as opposed to 797, which is the reverse side of the photograph introduced as 795?

Mr. COLE. Yes.

Mr. EISENBERG. And that had a normal illumination?

Mr. COLE. Yes; correct.

Mr. EISENBERG. By use of this 799 photograph, could you read to us what was stenciled, insofar as possible?

Mr. COLE. Opposite "Color of Eyes" there is discernible the indented typewritten letters "CT." This is just to the left of the visible letters "GR." Then opposite the "Color of Hair" there is an indentation of the word in capital letters "BROWN." Just above the visible "9" for the inch figures of height, there is a second indented "9." Opposite the word "weight" there is a small letter "i" as an indentation.

Mr. EISENBERG. Is "i" the lower case of the figure in the typewriter which produces "1" in upper case?

Mr. COLE. No; it is the lower case "l" which is used for the "1" on most typewriters. In the frame above the wording "Local Board Stamp" there is visible typewriting and indentations but I think this is probably all one typewriting act, the ink coming down from the ribbon only in a rather irregular fashion. Just outside the frame on the right side there is an indentation of the abbreviation "S.T."

Mr. EISENBERG. Mr. Cole, did you have occasion to examine these cards at a subsequent time—this card, I am sorry, the Selective Service notice of classification, or spurious Selective Service classification, 795?

Mr. COLE. Yes, sir; I did.

Mr. EISENBERG. At that time did you examine the negatives which I now hand to you?

Mr. COLE. I did.

Mr. EISENBERG. For the record, these are a set of negatives which were found at one of the premises inhabited by Lee Harvey Oswald. Mr. Chairman, may I have them admitted as 800? I would like these negatives which Mr. Cole examined and which were found in one of the residences of Lee Harvey Oswald to be received as 800.

Senator COOPER. It is so ordered.

(The negatives referred to were marked as Commission Exhibit 800 and received in evidence.)

Mr. EISENBERG. Did you also examine this card which I now hand you, which for the record is a Selective Service System notice of classification in the name of Lee Harvey Oswald, found in the wallet of Lee Harvey Oswald following his apprehension after the assassination and the murder of Officer Tippit?

Mr. COLE. I did examine this card.

Mr. EISENBERG. Mr. Chairman, may this card, which is Oswald's actual Selective Service System notice of classification, be admitted as 801?

Senator COOPER. So ordered.

(The document referred to was marked as Commission Exhibit 801, and was received in evidence.)

Mr. EISENBERG. Now what did your examination of the negatives and the

card show, in relation to your earlier examination, conducted simply of the Exhibit 795?

Mr. COLE. May I say something off the record.

(Discussion off the record.)

Senator COOPER. Back on the record.

Would you please state on the record your reasons for making your prior answer to the question of counsel?

Mr. COLE. I have some question whether this is actually the card which I had previously examined, although I am sure I did examine a Selective Service card, and it will take just a moment of close examination of this one to determine that, and I would suggest that if there are any other Selective Service cards available belonging to this group or grouped with this card that I should see them at the same time.

Senator COOPER. Your statement is then that you just desired to examine—

Mr. COLE. Yes, sir.

Senator COOPER. This card and any other Selective Service card that may be available?

Mr. COLE. Yes, sir.

Senator COOPER. I suggest that the Commission recess for a sufficient time to permit the witness to examine the Selective Service card.

Mr. EISENBERG. Before that recess, let me introduce another card relating to the Selective Service System, which is the registration certificate of Lee Harvey Oswald. Did you examine—did you examine this registration certificate, Mr. Cole? And perhaps you can now, Mr. Reporter, note a recess while he examines both the registration certificate and the Selective Service System notice of classification.

Senator COOPER. So ordered.

(Short recess.)

Mr. COLE. Yes, sir; I did examine this registration certificate.

Mr. EISENBERG. Did you examine the Selective Service System notice of classification?

Mr. COLE. Yes, sir; I did. I did examine the notice of classification.

Mr. EISENBERG. That is 801. May I have the registration certificate admitted as 802?

Senator COOPER. Let it be admitted.

(The document referred to was marked Commission Exhibit 802, and was received in evidence.)

Mr. EISENBERG. This was also found in the wallet of Oswald following his apprehension. Now, on the basis of your examination of these cards and the negatives, did you find yourself reinforced in your earlier conclusion, Mr. Cole?

Mr. COLE. I did. This confirmed my earlier conclusion which was formed at a time I had only the photographic prints. Exhibit—

Mr. EISENBERG. No. 795, together with photographs thereof, is that what you are referring to now?

Mr. COLE. That is correct; yes.

Mr. EISENBERG. Can you discuss the negatives, Exhibit 800, that you referred to in your examination?

Mr. COLE. Yes; there are two negatives which are of Selective Service System notice of classification. Both of these negatives show extensive retouching, sometimes called opaquing, for the purpose of preventing certain material which appeared on an original from printing on a photographic print. The two negatives are apparently related to a single original. One of them has a somewhat greater amount of retouching than the other. It is my view that the second negative, that is, the one showing the smallest amount of retouching, was probably made from a photographic print of the first one. In other words, the retouching operation has involved two steps which resulted in the production of two separate negatives. A possible reason for the second step was that on the negative showing the most extensive retouching there is still some material remaining from the original document, namely the lower extensions of two letters "f" which pass through certain wording at the right side of the document, reading "local board," and another word reading "violation." Now on

the second negative of the pair a successful operation in touching out those particular parts was accomplished.

Mr. EISENBERG. Do you believe that the second negative was prepared from the first, or they were prepared separately from the Selective Service card itself?

Mr. COLE. I believe that the second negative was prepared from a photographic print of the first one.

Mr. EISENBERG. Mr. Chairman, for ease of discussion, I would like to take out the "first negative" from Exhibit 800 and give it a separate number, 803, if I may. Is that all right, Mr. Chairman?

Senator COOPER. Yes.

(The negative referred to was marked Commission Exhibit No. 803, and was received in evidence.)

Mr. COLE. The negative I hand you now is the one I referred to as the first negative, and the one having the most extensive retouching or opaquing.

Mr. EISENBERG. That is the one with the portion of the signature appearing over the word "violation"?

Mr. COLE. That is right. A portion which has not been retouched out of the negative.

Mr. EISENBERG. And does that same portion appear in the original of Oswald's card, 801?

Mr. COLE. It does.

Senator COOPER. Is that a part of the record?

Mr. EISENBERG. Yes, sir. Now, there is a good deal of red material on the reverse side of this "first negative." That is the opaquing material, is it?

Mr. COLE. Correct.

Mr. EISENBERG. I would like to make the "second negative" referred to 804, Mr. Chairman.

Senator COOPER. Very well. You want that made a part of the record?

Mr. EISENBERG. Yes, sir.

Senator COOPER. Let it be made a part of the record.

(The negative referred to, marked Commission Exhibit 804, was received in evidence.)

Mr. EISENBERG. We are extracting that from 800 for ease of discussion.

Now, Mr. Cole, I call your attention to the fact that the words appearing on the face of the original 801, the printed material beginning "The law requires you, subject to heavy penalty for violation, to carry this notice in addition to your Registration Certificate," and going on for two full paragraphs of small or ordinary Roman lower and upper case, and ending in solid caps "FOR ADVICE, SEE YOUR GOVERNMENT APPEAL AGENT," this language in the original spreads across the bottom of the card from left to right, starting slightly to the right of the dotted line running up and down the card and marked "registrant must sign here," and extending quite close to the right margin.

Does it appear in the same fashion, approximately, on the "first negative," which is Exhibit 803?

Mr. COLE. Yes; but, of course, this negative includes a section along the left side which is not shown on the original.

Mr. EISENBERG. Which is actually a blank section, is that correct?

Mr. COLE. Correct.

Mr. EISENBERG. Is the negative slightly enlarged, apart from that blank section?

Mr. COLE. I think it is the same size.

Mr. EISENBERG. I call your attention to the "second negative," which is Exhibit 804, and this same language, "The law requires you," and so forth, until "FOR ADVICE, SEE YOUR GOVERNMENT APPEAL AGENT" appears in a much smaller compass, that is to say it starts substantially to the right of the margin or the signature line and is separated from the signature line by another dotted line.

Mr. COLE. That is correct.

Mr. EISENBERG. And does that correspond to the forged card, 795?

Mr. COLE. It does.

Mr. EISENBERG. Has that created a space on the forged card which does not exist on the original?

Mr. COLE. That is correct.

Mr. EISENBERG. And is that the space into which the photograph has been inserted on the forged card?

Mr. COLE. Yes, sir.

Mr. EISENBERG. I call your attention to a small strip of negative which appears to bear this language, and I ask you whether you believe that this negative might have been used in the preparation of the forged card?

Mr. COLE. Yes, sir; I believe this negative was used for producing the forged card which is a photographic print.

Mr. EISENBERG. Mr. Chairman, may that be made S05?

Senator COOPER. Let S05 be made a part of the record.

(The negative referred to was marked and received in evidence as Commission Exhibit No. S05.)

Mr. EISENBERG. In your opinion, can you account for the reduction in size of that printing, "The law requires you" and so forth?

Mr. COLE. Well, it would seem that it had to be reduced in size to accomplish the obvious purpose on the card, Exhibit 795, of providing extra space for a photograph.

Mr. EISENBERG. How would that be done?

Mr. COLE. This can be done photographically. When a photographic camera is set up to take a picture of a document you have a considerable range for making either enlargements or reductions on the negative.

Mr. EISENBERG. Is this whole process one which requires a great deal of skill, and when I say "whole process" I refer to the re-creation of a new card by use of opaquing material and the reduction in size of a portion of the text on the original card?

Mr. COLE. No; I wouldn't say that it requires a great skill. I would say an elementary knowledge of photography, especially the photographic techniques used in a printing plant, would be enough for such a purpose.

Senator COOPER. On that point, would it require study to learn to make, to exercise these techniques, either from a textbook or information from someone else or by observation of the practice?

Mr. COLE. I think observation and association with other people, or being in a place where such techniques were going along in the normal operation of a photographic laboratory or printing plant, would be enough. A person wouldn't have to consult a text. As a matter of fact, similar things are done for normal printing operations.

Senator COOPER. That is the question I wanted to ask. Would this type of technique in an average shop or plant be normal?

Mr. COLE. Oh, yes.

Senator COOPER. Would it require much practice on the part of an individual before such technique could be successfully accomplished?

Mr. COLE. No; I would say a moderate amount of practice.

Senator COOPER. How much, would you say? How many times would a person have to, if it is possible to say, practice this kind of a technique before he could do it reasonably well?

Mr. COLE. On a trial-and-error basis, I would say that a half dozen attempts on a trial and error basis of going through such an operation, perhaps making an error, finding how to correct it, doing it again, achieving more success, would certainly be enough.

Senator COOPER. You would say then, assuming that Lee Oswald made these changes, that he would have had to practice them several times before he could have successfully made the changes which were indicated by the exhibits that have been introduced?

Mr. COLE. Well, sir; I would say he would not necessarily have to practice on this particular document, but if he had some practice, he or any other person, had had some practice in normal operation, similar operations in a printing plant, then he could accomplish this result.

Senator COOPER. Would these changes have required the assistance at the time of another person—

Mr. COLE. I think not.

Senator COOPER. Or could they be accomplished by one person?

Mr. COLE. One person could easily do it.

Senator COOPER. Thank you.

Mr. EISENBERG. Now on these questions which Senator Cooper has been asking, I ask you to refer back to Exhibit 800, consisting of a group of other negatives not related to the selective-service card, and ask you whether those negatives bear any evidence of opaquing and similar techniques as were used in the creation of Exhibit 795?

Mr. COLE. They do. All of them show evidence of opaquing, that is, touching out certain information, letting other information come through.

Mr. EISENBERG. Do you think this might have constituted sufficient practice to produce the 795 result?

Mr. COLE. Yes; I think so.

Senator COOPER. Would it have been necessary for a person making these changes to have had for his use any kind of special equipment, or what kind of equipment would be required to make these changes?

Mr. COLE. Well, sir; in a printing plant there are usually what they call light tables, a table with a transparent surface with a light under it, which are used for making up, for assembling various materials to be included in a single plate. But that wouldn't be essential. A person could take a negative ready for retouching right to the window there, place it against the window and touch out material in that manner.

Senator COOPER. My question really goes to this point: Would it have been necessary for a person who made these changes to have done the work in a shop or printing plant or could it be done outside of a printing shop?

Mr. COLE. It would not have to be done in a printing shop. It could be done easily in this room or any ordinary living accommodations.

Senator COOPER. That is all.

Mr. EISENBERG. Would you need, Mr. Cole, in your belief, the type of equipment you are likely to find in a printing plant, or could this be done with home equipment?

Mr. COLE. I would say it could be done with home equipment, but I think it is unlikely with respect to the actual preparation of the negative that one would get a successful result from home equipment. I believe that for the preparation of the negative, that is, apart from the retouching operation, that one would need a very accurate camera such as are found in photographic laboratories and printing plants.

Mr. EISENBERG. Could the opaquing have been done off the printing premises?

Mr. COLE. Yes; the opaquing could be done almost anywhere, in any ordinary living accommodation, needing only a source of light to pass through the negative, the liquid opaquing material, and a small brush.

Mr. EISENBERG. Mr. Cole, if you were going to prepare a forged Selective Service System notice of classification, and if you did not have access to blanks of the Selective Service System itself, how would you go about preparing such a forgery?

Mr. COLE. I would use a method similar to that already described here with one modification; namely, that in preparing the original negative, I would make an enlargement directly on the negative, then go through the opaquing operation, and in making the final print I would reduce it back to original size. That would produce a somewhat better quality of print, and it gives somewhat more freedom in the opaquing operation, that is, in working with a larger negative there is not as much danger of running the opaque into some material that you want to save, and we see on these negatives there are a few places where the person doing the opaquing has actually permitted this material to run into a part that should be saved on the original.

Mr. EISENBERG. Would you use the same type of photographic paper?

Mr. COLE. I would not. I would use a dull-surfaced paper which would look more like an original document.

Mr. EISENBERG. When you said that the person who produced the negatives

let his opaque run into areas which he wanted to save, what areas are you referring to, what type of areas?

Mr. COLE. Well, areas where there is needed a sharp outline of a box which is to receive some printed information, and this, of course, is a very thin line, and it is very difficult to control this liquid on the negative. There are some places where it has run into the line and apparently it was necessary to make some strengthening or correction of that line later.

Mr. EISENBERG. Did you see evidence of correction of the line?

Mr. COLE. Yes; on Commission Exhibit 795 the boxes for selective service number apparently have been strengthened somewhat.

Mr. EISENBERG. Now referring to Commission Exhibit 801, which is the actual card, do the numbers overlap or extend to the borders of the margin at all?

Mr. COLE. There is one figure in particular which runs right along the line of the box. This is the first box on the left, and the figures are "41" and the "1" lies directly over the line on the right side of the box.

Mr. EISENBERG. And does the "4" in "41" and the "3" in "39" overlap the boxes?

Mr. COLE. They do.

Mr. EISENBERG. Would that practically necessitate a correction of the boxes?

Mr. COLE. Yes; it would, in order to repair the line.

Mr. EISENBERG. Mr. Cole, I hand you an item entitled "Certificate of Service Armed Forces of the United States," reading "This is to certify that Alek James Hidell" and so forth, and "Period of Active Duty"—on the reverse side now—"October 1, 1958" to a date which is blurred, and I ask you whether you have examined this item?

Mr. COLE. I have.

Mr. EISENBERG. Mr. Chairman, may this be admitted as 806?

Senator COOPER. Let the exhibit be admitted.

(The document referred to was marked as Commission Exhibit No. 806, and received in evidence.)

Mr. EISENBERG. When did you first examine this item, Mr. Cole?

Mr. COLE. That was also examined in December of 1963, December 6, 1963.

Mr. EISENBERG. Together with the selective service system notice of classification?

Mr. COLE. Yes, sir.

Mr. EISENBERG. And did you have any negatives at that time, or the original?

Mr. COLE. I did not.

Mr. EISENBERG. What was your conclusion at that time, based solely upon the examination of 806?

Mr. COLE. It was my conclusion that 806 is actually a photographic print from a photographic negative. It is not an original document.

Mr. EISENBERG. And on what did you base this conclusion?

Mr. COLE. My familiarity with the appearance of photographic paper primarily.

Mr. EISENBERG. Did you prepare photographs at that time, Mr. Cole?

Mr. COLE. I did.

Mr. EISENBERG. Could you produce those? These photographs are of the front and reverse, respectively, of Commission Exhibit 806?

Mr. COLE. Yes, sir.

Mr. EISENBERG. And these were prepared by you or under your supervision?

Mr. COLE. Yes, sir.

Mr. EISENBERG. And they are accurate photographs of 806?

Mr. COLE. They are.

Mr. EISENBERG. Mr. Chairman, may I have these admitted as 807 and 808, respectively.

Senator COOPER. The exhibits will be admitted to the record.

(The photographs referred to were marked as Commission Exhibits Nos. 807 and 808, respectively, and were received in evidence.)

Mr. EISENBERG. 807 will be the front and 808 will be the reverse. Mr. Cole, could you attempt to decipher the typewriting on the reverse side as shown in the photograph 808?

Mr. COLE. The typewriting reads "October 13 1958," and on the second line

there is some confusion of the typewriting, in other words, there is more than one typing operation on the line reading "To." One of these typing operations reads "October 12, 1961." One of the other typing operations on the line for "To," as determined by a previous examination under the microscope, shows an indent of "23 October 1959."

Mr. EISENBERG. Do you believe that was—yes, go ahead.

Mr. COLE. Also on the line reading "From" there is an indentation of another typewriter operation which reads "24 October 1957."

Mr. EISENBERG. Do you believe those indentations were caused by a typewriter set at stencil?

Mr. COLE. Yes; without the interposition of a ribbon between the type bar and the paper.

Mr. EISENBERG. Did you take photographs with side light, as you had in the case of the selective service card, to attempt to bring out these stencil marks?

Mr. COLE. I did.

Mr. EISENBERG. Could you produce those photographs? You are handing me a photograph of the front side of the certificate of service, and is this a photograph which you took?

Mr. COLE. It is.

Mr. EISENBERG. An accurate reproduction of the Exhibit 806?

Mr. COLE. Yes, sir.

Mr. EISENBERG. May I have this admitted as 809, Mr. Chairman?

Senator COOPER. Let this exhibit be made a part of the record.

(The photograph referred to previously marked as Commission Exhibit No. 809, was received in evidence.)

Mr. EISENBERG. You have also given me a photograph of the reverse side of 806?

Mr. COLE. Yes, sir.

Mr. EISENBERG. This was taken by you or under your supervision?

Mr. COLE. Yes.

Mr. EISENBERG. And is it an accurate photograph of the reverse of 806?

Mr. COLE. It is.

Mr. EISENBERG. May the photograph of the reverse be admitted as Exhibit 810?

Senator COOPER. Exhibit 810 will be admitted as part of the record.

Mr. EISENBERG. Could you show us what you found in the way of indentations caused by stencils, by referring to these Exhibits 809 and 810?

Mr. COLE. 809 shows the face of the exhibit and in addition to the clearly visible typewriting of the name "Alek James Hidell," there is a repetition of this name somewhat below the visible typewriting in the form of typewritten indentations.

Mr. EISENBERG. Is this similar to the typewritten indentations found in the selective service card, 795?

Mr. COLE. Yes; they are.

Mr. EISENBERG. Do you believe that the name "Alek James Hidell" was stenciled once or more than once?

Mr. COLE. More than once, at least twice, I would say.

Mr. EISENBERG. What is the relative position of the two stenciling operations?

Mr. COLE. They were somewhat below, about one-half to three-quarters of the height of a typewritten character below, the visible typewriting.

Mr. EISENBERG. What is the relationship to each other?

Mr. COLE. They are offset about one-quarter to one-half the height of a typewritten character.

Mr. EISENBERG. From each other?

Mr. COLE. That is right, vertically.

Mr. EISENBERG. Is it accurate to say then that there is a progression upward as comparing the typewritten name and the two stenciled operations, or at least that the three are set in step, so that each one is below the next impression?

Mr. COLE. That is correct, with the visible typewriting having the better position relative to the reproduction of the printed matter.

Mr. EISENBERG. Can you think of the reason why this might have been, why this operation might have been performed in this manner, Mr. Cole?

Mr. COLE. Yes. It could easily result from some difficulty of finding the correct place for typewriting the name on the card. The lowermost indentation would

have been an incorrect position since it was run into a part of the reproduction of the printed matter.

Mr. EISENBERG. Now, I refer back to 798, which is a highlight photograph of the selective service card, and ask you whether the stenciled material in 798 appears above the line on which the typewritten material—first name, middle name, and last name—should appear?

Mr. COLE. Yes; somewhat above.

Mr. EISENBERG. In light of that, do you think it is possible that the individual who prepared this card used the stencil to determine at what point the type-writing would be placed so that it was in the correct position in relationship to the line above which it belonged?

Mr. COLE. That is a definite possibility and, of course, he might also have been concerned about the position for the reproduced printed matter—"First name," "Middle name," "Last name."

Mr. EISENBERG. Bringing your attention back once more to 795, the Selective Service System card, was the reverse side of that card prepared in your opinion from Commission 802, which is the reverse side of the registration certificate? I also call your attention to 801 for comparison, that is, the original of the selective service card.

Mr. COLE. Yes, sir. The reverse of the photographic identification card, Commission Exhibit 795, could be a photographic reproduction of the reverse of Commission Exhibit 802, with the performance of certain opaquing operations.

Mr. EISENBERG. Looking at the reverse side of the two cards, 802 and 801, does the reverse side of the card 801 have any information for identifying characteristics of the individual bearing the card?

Mr. COLE. It does not.

Mr. EISENBERG. And what about the reverse side of 802?

Mr. COLE. The reverse side of 802 provides space for a personal description, color of eyes, color of hair, complexion, height, and weight.

Mr. EISENBERG. Did you find among the negatives in 800 a negative which might have been used or was used to prepare the reverse side of the selective service card, 795, the spurious card?

Mr. COLE. Yes; I did.

Mr. EISENBERG. Mr. Chairman, may I have this negative classified separately as 811 for purpose of ready identification?

Senator COOPER. Let it be so classified, and admitted as part of the record.

(The document referred to, was marked as Commission Exhibit No. 811 and received in evidence.)

Mr. EISENBERG. Did you find a negative which might have been used for the preparation of the certificate of service, that is 806?

Mr. COLE. Yes; I did, for both face and back.

Mr. EISENBERG. Were these negatives in your opinion used as the negatives for that purpose?

Mr. COLE. Yes, sir. In my opinion, these are the very negatives that were used for producing the photographic print representing a certificate of service.

Mr. EISENBERG. May these be subclassified as or separately classified as 812, Mr. Chairman, and introduced as 812?

Senator COOPER. Let the document be designated as 812 and admitted as part of the record.

(The item referred to, was marked as Commission Exhibit No. 812 and received in evidence.)

Mr. EISENBERG. Did you reach the same conclusion, by the way, as to the negative 811, that is, that it was definitely the negative used to produce the reverse side of 795?

Mr. COLE. I did. This is the very negative to produce the reverse side of 795.

Mr. EISENBERG. Returning to 795, there are two signatures which appear in 795 in ink, is that correct?

Mr. COLE. Yes, sir.

Mr. EISENBERG. That is, the signature over the caption "Member or clerk of local board," and the signature over the caption "Registrant must sign here"?

Mr. COLE. Yes, sir.

Mr. EISENBERG. The second signature reads "Alek J. Hidell"?

Mr. COLE. Yes, sir.

Mr. EISENBERG. Could you read the first signature?

Mr. COLE. The first signature appears to be the name "Goodhoffer," but that is partly an estimate. In other words, it is not possible to read this in a clear manner. That is a possible spelling of the name but not necessarily the only spelling.

(At this point, there was a short recess, and Mr. McCloy entered the hearing room.)

Senator COOPER. I am now called to the Senate. Mr. John McCloy will act as Chairman.

(At this point Senator Cooper departed the hearing room and there was a further recess.)

Mr. EISENBERG. How does that compare with the signature on the original card, Exhibit 801?

Mr. COLE. It is not the same name and, of course, not in the same handwriting.

Mr. EISENBERG. Now, did you compare the two signatures on Exhibit 795 with the standards in this case to determine whether the signatures have been written by the person who produced the standards?

Mr. COLE. I did compare the signatures on 795 with the standard writing.

Mr. EISENBERG. What was your conclusion, Mr. Cole?

Mr. COLE. With respect to the signature above "Member or clerk of local board," I have not formed any conclusion about authorship. With regard to the writing "Alek J. Hidell," it is my opinion that the author of the standard writing is the author of that name.

Mr. EISENBERG. And referring to the charts of the standards which you prepared, and referring to the photograph of 795, could you explain the reasons for this conclusion?

Mr. COLE. Would you want any copy of this?

Mr. EISENBERG. Yes; if you have a copy.

Mr. COLE. The capital letter "A" of the name "Alek" on 795 is reproduced in the standard writing on chart B, item 6, in the general conformation of the several lower case "a's" in that area. I refer to it as a capital "A" because it begins the name, but actually with respect to size and formation it is closely similar to the lower case "a's" of item 6. Now the similarity is largely in the method that the staff is made, the way it pulls away from the oval body of the letter with only a moderate rate of retracing along the right side. That detail, as I say, is found both in the "A" on 795, and in the several "a's" of item 6. There are three in a row there, each beginning a line of writing.

The letter "k" of the name "Alek" compares favorably with the "k's" of the standard writing, chart A, items 13 and 14. With regard to the middle initial "J," there is not a cursive "J"—that is, as distinguished from a printed "J"—shown on the charts of standard writing. But the movement required for producing a "J" is similar to that required for producing the capital letter "I," and we observe a similarity as to movement with respect to the "J" of 795 as compared with the "I" of chart B, item 3.

One characteristic of the capital letter "H" of "Hidell" on 795 is the method of making that formation which stands for the crossbar. Now this is the closed part along the lower half of the right side of the letter, which would represent the crossbar of the letter. This is the general movement used in a number of the signatures of Lee H. Oswald. One good example is that on chart B, item 15, the middle initial "H". Another feature of that "H" is the connection to the following letter by an approximately horizontal stroke passing from the finish of the crossbar of the "H" across to the "i," and we observe a similar method of connection, although not with the same letter, on chart A, items 10 and 11, where the "o" is connected by a straight line, almost horizontal projection of the crossbar, from the "H" to the "o".

The letter "i" again shows a feature, which has previously been mentioned in the standard writing, of an increase of forehand slant, that is a slant to the right with respect to that letter as compared to other letters. This feature is shown in a number of places in the standard writing, one good example being on chart B, item 10, the second "i"—which is there because of a misspelling of the word "Washington" that is spelled, the last few letters, "tion"—and

there we observe that rather extreme increase of the forehead slant of the letter "i".

The letter "d" of "Hidell" compares favorably with the "d's" of the standard writing on chart A, item 5, in the word "discharge," and on the same chart, item 6 in the word "regards."

The final "t's" show a perceptible increase of pressure on the downstrokes, which is also found in the standard writing, chart B, item 6, top line, the word "enroll." This shows a somewhat more extreme increase in pressure on downstroke, but I regard it basically as the same habit. This particular part also shows a very abrupt terminal stroke for the letter "l" as between 795 and compared with the final or last stroke of the "l" on chart B in the last stroke in the word "enrolled."

These constitute my reasons for believing that the author of the standard writing is the author of the signature "Alek J. Hidell" on Exhibit 795.

Mr. EISENBERG. Now concerning the other signature, Mr. Cole, are you unable to or—can you state why you are unable to arrive at a conclusion?

Mr. COLE. Well, partly because of the limited writing we have for comparison. The last part of the name is practically illegible, and the letters are so confused that I believe they do not accurately record writing habit. I would regard it as being a rather unnatural writing. Now there is fair legibility in the letters of the first name, and they do have a moderate rate or amount of similarity to the standard writing, but since it is only a few letters, I think there is not a basis for a conclusion.

Mr. EISENBERG. Is the signature inconsistent with the writing of the standards?

Mr. COLE. No; I wouldn't say there was any—there is certainly no basis for eliminating the author of the standards as being the author of that signature.

Mr. EISENBERG. Does there appear to be any attempt at disguise in this signature?

Mr. COLE. Well, I wouldn't regard it. If there is such an attempt, it is not, it seems to me, not a matter of deliberation or trying hard at it, but only a matter of being extremely careless in the last part of that signature.

Mr. EISENBERG. Is illegibility sometimes used as a method of disguise?

Mr. COLE. Yes, sir; it is.

Mr. McCLOY. May I ask some questions about this?

Mr. COLE. Yes.

Mr. McCLOY. If that word is "Good," that first word on the Exhibit 796, is it—

Mr. EISENBERG. 795, and the photograph is 796.

Mr. McCLOY. 795. If that letter "G" is compared with the capital letter "G" on the standard chart B-5, "Glenview," would you say there is any similarity between the two?

Mr. COLE. Yes; there is, with respect to the size of the upper loop which is on the left side of the letter, and the approximate horizontal motion in passing from that loop over to the right side of the letter.

Mr. McCLOY. We have it again in 14 of that same chart?

Mr. COLE. Yes, sir.

Mr. McCLOY. The "J" which seems to follow the word "Good," however, does not seem to comport with the "J" on the signature "Alek J. Hidell," does it?

Mr. COLE. No; but, of course, you are getting there to the area where the rather serious corruption or illegibility of forms begins. I think one could say that from the fair legibility of the first name, and the very poor legibility of the last name, that this is a deliberate effort. In other words, you have got a demonstration of the ability of the writer to produce a legible writing and, therefore, to devolve into this very illegible effort could be intentional.

Mr. McCLOY. I noticed when you compared the "J" in "Alek J. Hidell" with the standard "I," such as the one on chart B-3, there was a definite similarity, but I notice on chart A, No. 7, there is an "I," a capital "I" presumably, which apparently doesn't have the same conformation as the "J" in the Commission Exhibit 795. Would you agree with that?

Mr. COLE. Yes; that is true, but I think in studying these forms we ought to consider all available "I's," and there would be some others, such as the one on

B-4 and one in B-6. It shows a fair range of variation, especially with regard to finishing the lower part of that letter. Now, I would judge the one on B-3 to be definitely a part of his writing habit, because it gives the impression of having been made with a considerable amount of freedom. Generally, a larger form is made more freely, more naturally, than a smaller form.

Mr. McCLOY. I see.

Mr. COLE. And you see you have got sort of a cramped effect across the base of the "I" in A-7.

Mr. McCLOY. What I am getting at is, you don't suggest that all these "I's" and all these "J's" exactly conform, but you are talking in terms of similarities that turn up in certain of them that you believe are significant?

Mr. COLE. Yes, sir.

Mr. EISENBERG. Mr. Cole, I now hand you an item consisting of a yellowish card entitled "International Certificates of Vaccination as approved by The World Health Organization," and so forth, PHS Form 731, and reading in part, "This is to certify that Lee Oswald, whose signature follows" and with the signature, "Lee H. Oswald," date of birth and so forth, "has on the date indicated been vaccinated or revaccinated against smallpox," with a date appearing in a rubber-stamp printing, what appears to be rubber-stamp printing, "June 8, 1963," and a rubber-stamp signature of "Dr. A. J. Hideel, P.O. Box 30016, New Orleans, La.," with some type of stamp on the right side next to the name, and a signature "A. J. Hidell" over the name; and I ask you whether you have examined this item?

Mr. COLE. I have.

Mr. EISENBERG. Mr. Chairman, may this be admitted as Commission Exhibit 813?

Mr. McCLOY. It may be admitted.

(The document referred to was marked as Commission Exhibit No. 813, and received in evidence.)

Mr. EISENBERG. Now, I also will show you Commission Exhibit 115, which consists of a Warrior rubber stamping kit which has already been introduced in evidence in connection with testimony of Marina Oswald, and which was found at one of Oswald's residences, and ask you whether you have examined this Commission Exhibit 115?

Mr. COLE. Yes, sir; I have.

Mr. EISENBERG. Did you attempt to determine whether the signatures "Lee H. Oswald" and "A. J. Hideel" on Commission Exhibit 813 were prepared by the author of the standards?

Mr. COLE. Yes, sir; I did.

Mr. EISENBERG. What was your conclusion?

Mr. COLE. It is my conclusion that the author of the standard writing is the author of the writing you just described.

Mr. EISENBERG. Did you attempt to determine whether the apparent rubber-stamp printing had been produced by use of the Warrior kit, Exhibit 115?

Mr. COLE. I did.

Mr. EISENBERG. What was your conclusion?

Mr. COLE. It is my conclusion that the kit could have been used for producing the rubber-stamp printing on—Exhibit 813 is it?

Mr. EISENBERG. Yes.

Did you prepare a photograph of 813, Mr. Cole?

Mr. COLE. Yes; I did.

Mr. EISENBERG. Will you produce that photograph? You have produced two photographs, one of which shows the outside or exterior portion of 813, and the other one shows the interior portion?

Mr. COLE. Correct; yes.

Mr. EISENBERG. Did you take each of these photographs?

Mr. COLE. I did.

Mr. EISENBERG. And are they accurate reproductions of the Exhibit 813?

Mr. COLE. They are.

Mr. EISENBERG. Approximately what enlargements are these, by the way?

Mr. COLE. About 1½ diameters.

Mr. EISENBERG. These are what size photographs?

Mr. COLE. Eight by ten.

Mr. EISENBERG. Mr. Chairman, may these two photographs be admitted as 814 and 815?

Mr. McCLOY. They may be.

(The photographs referred to were marked as Commission Exhibits Nos. 814 and 815, and received in evidence.)

Mr. EISENBERG. 814 will be exterior part of 813, and 815 will be the interior.

Now, the exterior portion of 813 also shows some handprinting "Lee H. Oswald" which came out in this photograph—in 814—a little clearer. Did you identify that handwriting, Mr. Cole—

Mr. COLE. I did.

Mr. EISENBERG. As being—what was your conclusion?

Mr. COLE. It is my conclusion that that handprinting is in the hand of the person who made the standard specimens.

Mr. EISENBERG. Now by reference to those photographs, 814 and 815, and by reference to your charts of the standards, could you explain the reasons for your conclusion on the handwriting and handprinting?

Mr. COLE. With respect to the signature, "Lee H. Oswald," as shown by the photograph 815, this compares favorably with other sample signatures that I have examined, some of which are shown on the charts, namely chart A, item 15; chart B, item 15; and chart C, item 6, second line from the bottom. There is, I think, a closer comparison with certain other standard signatures of "Lee H. Oswald" which I have examined, as appearing on the reverse of certain checks.

Mr. EISENBERG. And those are in evidence, are they, as one of the standards, Mr. Cole?

Mr. COLE. Yes, sir.

Mr. EISENBERG. That was described in the record when you introduced it?

Mr. COLE. Yes; the signatures as endorsements on these several checks show what might be described as an exaggerated freedom and carelessness in the execution of this signature.

Mr. EISENBERG. Excuse me, was that 776, that exhibit consisting of the checks?

Mr. COLE. Yes, sir; the signatures and endorsements of the checks in Exhibit 776 show some variation with respect to the care and formation of letters. There are a few endorsements in that group which show a greatly exaggerated freedom or a carelessness in execution. These signatures appear on, especially on, check numbers 2408 and 2506 of this exhibit, and they compare quite favorably in detail with the signature shown by the photograph, Commission Exhibit 815.

Now with regard to the writing of the name "A. J. Hideel" we observed in the combination of letters "Hi" that that letter is joined by means of a projection of a crossbar into the letter "i"; that in the letter "e," which is separated from the preceding "d," there is a very high placement of the loop, that is, instead of beginning at the writing line, the loop of the letter begins about halfway up on the staff, and this is a form that is very familiar in the standard writing, particularly in the handprinted forms. For example, on chart C, item 3, the final "e" in the word "discharge" shows a similar effect. Also on chart C, item 6, the second line, in the name "Mercedes" we have got two "e's" that show a similar effect.

The final "l" shows this perceptible increase of pressure on the downstroke, and a very abrupt terminal stroke also, which had been previously mentioned as being a characteristic of chart B, item 6, in the word "enroll."

Now with regard to the handprinting as shown by Commission photograph Exhibit 814, and considering particularly the name "Oswald," we have a detailed agreement in every feature of letter forms there, and I will direct attention especially to the use of the lowercase "l" and "d" as associated with the capital or uppercase forms of the other four letters of the name, and I will also mention the method of forming the "d," considering first one of the standards where it can be seen more clearly. On chart C, item 6, the first line, final "d" of "Oswald" shows first a fairly long downstroke, then a stroke rising from the end of that downstroke moving upwards and to the left to form the body of the letter, and this method of formation is also used in the "d" of "Oswald" as shown by the photograph Exhibit 814.

On the next line below there is faintly visible the name "Orleans" and I will direct attention to the base of the "l," which shows a rather deep compound

curve. That is, here again, instead of having a simple horizontal line to represent the base of that printed letter, there is a fairly deep curve which is found in the standard writing in several places, one example being chart C, item 4.

This word also illustrates the tendency to mix lowercase forms with capitals in the case of the use of the lowercase "e" in "Orleans," and that, of course, is repeated many places in the standard writing, a good place being chart C, item 6, the word "Mercedes." These are the reasons for my belief that the author of the standard writing is the author of the handwriting on—

Mr. EISENBERG. 813?

Mr. COLE. 813.

Mr. EISENBERG. Now, the handwriting and handprinting on 813 is all extremely dim. Do you have any explanation for that?

Mr. COLE. There is evidence that this document has been treated with chemicals, probably for the purpose of developing for fingerprints. Such chemicals are ordinarily included in solvents which dissolve ink, and some bleach out ink. I think that is the reason for the poor legibility of this ink writing. At one time, I think, it probably had a pretty good legibility.

Mr. EISENBERG. Was this the condition of the item when you examined it?

Mr. COLE. Yes; it was.

Mr. EISENBERG. Now, you stated that the apparent rubber-stamp printing could have been produced by the Warrior rubber kit, 115. First let me ask you, is this actually rubber-stamp printing?

Mr. COLE. Yes; I believe it is.

Mr. EISENBERG. That is, the printing on the vaccination certificate. When you say it could have been produced by the print in Exhibit 115, could you elaborate as to your findings on that point?

Mr. COLE. Yes; in considering that question, I made an impression from the stamp, from the type setup in a stamp which is a part of this kit at the present time. Now the typing as set up reads "L. H. Oswald, 4907 Magazine St., New Orleans, La.," and, of course, that text repeats some of the letters, a good many of the letters, which are in the rubber-stamp impression "Doctor A. J. Hideel, P.O. Box 30016, New Orleans, La.," and I made a careful comparison of these letters as taken from the stamped impression with what is shown on 813, and I found that they agree perfectly as to measurements of the type faces, and they agree as to the design of letters. Therefore, I would say that the rubber-stamp type faces from this particular kit could have been used to produce that rubber-stamp impression on 813.

Mr. EISENBERG. Could you produce the two cards which you used to record the impression of the 115 rubber-stamp kit?

Mr. COLE. Yes, sir; the second card is an impression from the date stamp which is a part of this kit, and that too agrees along the same lines with respect to measurements of the letters and the designs of the letters.

Mr. EISENBERG. Mr. Chairman, may these two cards be admitted as Commission Exhibit 816?

Mr. McCLOY. They may be admitted.

(The cards referred to were marked as Commission Exhibit No. 816 and received in evidence.)

Mr. EISENBERG. Are there microscopic characteristics on rubber-stamp printing sufficient to make positive identifications?

Mr. COLE. I don't regard any to be present in this particular stamp. But while the type faces could not be regarded as perfect, I don't know of any way to determine whether the imperfections belong only to this kit or whether they would be true of all Warrior rubber-stamp kits.

Mr. EISENBERG. Did you notice any imperfections?

Mr. COLE. Well, I did not actually catalog any imperfections, but in looking at the type I had the general impression that it is not a perfect impression, certainly not as perfect as you would get from metal type in a regular printing operation.

Mr. EISENBERG. Now, you stamped an impression other than the one contained on the card 813. Could you explain the reasons for that?

Mr. COLE. I stamped the material which was already set up in type. Since it repeated a good deal of the material, enough for examination, I did not want

on my own volition to tear down the stamps that were in this in order to set up other type.

Mr. EISENBERG. Did you examine the stamp impression appearing on the right-hand side of the interior of the Document 813?

Mr. COLE. I did.

Mr. EISENBERG. Did you come to any conclusion as to that stamp?

Mr. COLE. Yes; this stamp includes wording which reads in reverse, and there is a double stamping of the wording, and the text is "BRUSH IN CAN," the three words, "BRUSH IN CAN." The word "BRUSH" extends in approximately a semicircle across the upper part of the stamp and the words "IN CAN" in a semicircle across the lower part.

Mr. EISENBERG. Can you think of any explanation of why those words should appear?

Mr. COLE. Yes; a possible explanation is that the object used to make the stamped impression was the top of some container of a solvent or cleaning fluid with raised lettering, and that the top of this can was pressed against a stamped pad, and then pressed against this document.

Mr. EISENBERG. What would the object be?

Mr. COLE. Well, I think it is very common to see rubber-stamped impressions on documents of this particular character. They are so commonplace, I think that it is probably a habit or custom among most people not to read them. They may be regarded as giving a document an official appearance. That may be the purpose of getting some sort of stamp onto the document.

Mr. EISENBERG. Why do the letters appear in reverse, Mr. Cole?

Mr. COLE. Well, they would naturally appear in reverse. If they read correctly in raised letters as the top of some container, if it was intended that they be read correctly there, then they would naturally be in reverse from the stamped impression. Of course, you will observe that in this Warrior stamping kit the material set up in the rubber stamp there is in reverse, which produces correct reading and writing from an impression. There is one more feature of this particular stamp I think ought to be mentioned.

Mr. EISENBERG. Yes, please.

Mr. COLE. There is toward the center of that stamp a rectangle of a deposit of ink in a certain pattern, sort of a spotty mottled pattern of ink, and this corresponds to the pattern of the blank parts of the date stamp.

Mr. EISENBERG. Which date stamp is that?

Mr. COLE. The Warrior stamping kit includes a dating stamp, and on the adjustable bands there are certain blank areas. Now, the pattern on those blank areas is similar to the pattern which we have in this rectangle of the stamp just discussed.

Mr. McCLOY. May I ask, this Post Office Box 30016, is that—

Mr. EISENBERG. Yes; that corresponds—

Mr. McCLOY. Does it correspond to the one he used in New Orleans?

Mr. EISENBERG. I am about to introduce an exhibit which shows Post Office Box 30061, that is, the last two figures reversed, and I imagine his spelling accounts for that.

Mr. Cole, I now show you an item consisting of a part of an application for Post Office Box 30061 in New Orleans, dated June 11, 1963, with a postmark, signed "L. H. Oswald," and in the part of the box captioned "Names of persons entitled to receive mail through box" and so forth, the words are written "A. J. Hidell, Marina Oswald," and I ask you whether you have examined that item?

Mr. COLE. I have.

Mr. EISENBERG. May I have this item admitted, Mr. Chairman, as 817?

Mr. McCLOY. Let it be admitted.

(The item referred to was marked Commission Exhibit No. 817, and received in evidence.)

Mr. EISENBERG. Did you compare this with the standards to determine who wrote the writing on that exhibit, or more accurately, whether the printing and writing was produced by the same person who produced the printing and writing on the standards?

Mr. COLE. I did.

Mr. EISENBERG. What was your conclusion?

Mr. COLE. It is my conclusion that the author of the standard writing is the author of the writing on Commission Exhibit 817.

Mr. EISENBERG. Did you take a photograph of Commission 817?

Mr. COLE. I did.

Mr. EISENBERG. This was taken by you or under your supervision?

Mr. COLE. Yes, sir.

Mr. EISENBERG. And it is a true and accurate reproduction of 817?

Mr. COLE. It is.

Mr. EISENBERG. This is an 8 by 10 photograph. Mr. Chairman, may this be admitted as 818?

Mr. McCLOY. It may be admitted.

(Commission Exhibit No. 818 was marked and received in evidence.)

Mr. EISENBERG. By reference to this photograph and by reference to your charts of standards, Mr. Cole, can you explain to us how you came to this conclusion?

Mr. COLE. Yes, sir; with respect to the handprinting of the name "A. J. Hidell," I direct attention to the formation of the letter "d" in the same manner as that previously described in the standard writing, chart C, item 6, first line—a close correspondence as to the construction, writing movement, in forming those letters.

The letter "e" compares favorably not only as to form but the circumstance that here again the lowercase letter is mixed in with capital letters. Of course, that applies to the three letters "ide" associated with the other capital letter of that name, and that is a habit shown in many places in the standard writing.

The "L's" have the compound curve across the base, which has previously been observed in the standard writing.

In the name "Marina," the form of the capital letter "M" compares closely with the capital letter "M" shown on chart C, item 6, second line, the name "Mercedes."

That same name shows the form of letter "A" with the retraced stroke on the left side which exists in many places in the standard writing.

The name "Oswald" again shows this mixture of uppercase and lowercase letters, namely the circumstance that the "l" and "d" are lower-case forms, whereas the previous, the other four letters are upper case.

The signature "L. H. Oswald," agrees with other signatures that I have examined, some of which are shown on the charts, chart A, item 15, chart B, item 15, and chart C, item 6, next to the last line, a close correspondence in all details, except that there is some confusion or overriding in the second letter of the last name in the area of the "s," which may be only an accidental imperfection in that particular area. Otherwise, there is a fairly clear showing of all the letters, and they agree with the standards.

Mr. EISENBERG. Does that "s" that you refer to appear to be two "s's," one printed and one written?

Mr. COLE. Yes; it could be that. They are somewhat intertwined there, and we have got this name just following an instance of making handprinting, so that could be an explanation of it.

Mr. EISENBERG. Next, I show you a photograph of a card reading "Fair Play for Cuba Committee, New Orleans Chapter, L. H. Oswald," signature, "L. H. Oswald," dated June 15, 1963, signed "Chapter President—A. J. Hidell," and I ask you whether you have examined that photograph?

Mr. COLE. I have.

Mr. EISENBERG. May this be admitted as 819, Mr. Chairman?

Mr. McCLOY. It may be admitted.

(Commission Exhibit No. 819 was marked and received in evidence.)

Mr. EISENBERG. For the record, this is a photograph of a card that was found in Oswald's wallet at the time of his apprehension.

I now show you a card, a paper card, which appears to be the same as Exhibit 819, except that there is no visible marking where the words "Chapter"—where the signature "Chapter President—A. J. Hidell" is written on Exhibit 819.

and the card is seriously discolored with a dark brown discoloration, and I ask you whether you have examined this card I now hand you?

Mr. COLE. I have.

Mr. EISENBERG. May I have that admitted as 820, Mr. Chairman?

Mr. MCCLOY. It may be admitted.

(Commission Exhibit No. 820 was marked and received in evidence.)

Mr. EISENBERG. In your opinion, is 819 a photograph of the card, 820?

Mr. COLE. Yes; it is.

Mr. EISENBERG. Can you account in any way for the discoloration of the card 820?

Mr. COLE. The discoloration is characteristic of that which has previously been observed as resulting from treating a document with a solution of silver nitrate. Such treatment is sometimes done in the hope of developing latent fingerprints, and this treatment could be, and probably is, the explanation for the elimination of a line of writing on the line for signature above the title "Chapter President."

Mr. EISENBERG. Were you able to make out whether any writing had appeared in the space which is now blank on Exhibit 820, making provision for the—

Mr. COLE. Yes; it is—

Mr. EISENBERG. Excuse me, making provision for the chapter president's signature?

Mr. COLE. Yes; there is barely enough showing to indicate that there was a line of writing there at one time.

Mr. EISENBERG. Could you tell whether it was the same as the signature "A. J. Hidell"?

Mr. COLE. It conforms generally to the signature "A. J. Hidell," that is, the form shown by the photograph, Exhibit 819.

Mr. EISENBERG. Have you taken a photograph of 819?

Mr. COLE. Yes, sir; I am sorry, sir; I do not have that photograph with me.

Mr. EISENBERG. All right.

Do you want to take a look at this, Mr. McCloy?

Did you compare the signatures "Lee Oswald" and "A. J. Hidell" on 819 to determine whether they had been written by the author of the standards?

Mr. COLE. Yes, sir; may I look at that photograph? Yes, sir; I did.

Mr. EISENBERG. What was your conclusion as to the signature of Lee H. Oswald?

Mr. COLE. It is my opinion that the author of the standard writing is the author of the signature "Lee H. Oswald" on Exhibit 819.

Mr. EISENBERG. What was your conclusion as to the signature "A. J. Hidell"?

Mr. COLE. I find no basis in the standard writing for identification of the author of such standard writing as the author of the name "A. J. Hidell" as shown by 819.

Mr. EISENBERG. Do you think that the author of the standard writing might have produced that signature in a disguised hand?

Mr. COLE. I think that is highly improbable, because this does not appear to be a disguised hand. It looks like a fairly natural handwriting.

Mr. EISENBERG. And that is based upon the items which you enumerated earlier which indicated the presence of a natural handwriting, such as speed and so forth?

Mr. COLE. Yes.

Mr. EISENBERG. Do you think that, apart from the naturalness of the writing, the signature "A. J. Hidell" was within Oswald's abilities as a penman?

Mr. COLE. It appears to be somewhat beyond his ability. I would say taking into account his general level of writing skill as shown by the standards, I would say this represents a somewhat higher writing skill.

Mr. EISENBERG. Off the record.

(Discussion off the record.)

Mr. EISENBERG. On the record.

Mr. COLE. I now hand you a yellow sheet of paper, which has already been introduced into evidence as Commission Exhibit No. 110, and for the record I will state that this consists of an interlinear translation from Russian into

English. The Russian script on this document has been identified as being that of George Bouhe, an acquaintance of the Oswald's, and the English script as being that of Marina Oswald. Marina herself identified this as her handwriting, and she stated that Bouhe was teaching her English by writing out the Russian and having her translate into English. As far as I know this is the only standard we have of Marina's handwriting in the Latin alphabet. Mr. Cole, I ask you whether you have examined Commission Exhibit 110?

Mr. COLE. I have.

Mr. EISENBERG. Have you attempted to compare the signature "A. J. Hidell" on Commission Exhibit 819 with the Latin or English printing, or writing rather, in Exhibit 110, to determine whether they were both written by the same person?

Mr. COLE. I have.

Mr. EISENBERG. And what is your conclusion?

Mr. COLE. My conclusion is that the author of the writing in the Latin alphabet on Exhibit 110 is a possible author of the name "A. J. Hidell" on 819, but I do not offer that as a definite conclusion. I say "possible author" because I observed a similarity in the particular parts where close comparison is possible, namely, with respect to the lowercase letter "d," of which one example is found in the word "day" on the left side of the lower one-third of Exhibit 110. The similarity consists in the degree of roundness of the body of the letter, and the fairly short and thin loop or the upper extension of the letter "d," plus a similarity with respect to the terminal stroke of that letter, the circumstance that it is not joined continuously with the letter following.

Another similarity is observed in the double "l's" of the word "especially," which is on the last line at the right side of 110, and here we have a similarity with respect to the proportion of the height of those letters relative to other small letters.

There is no opportunity for making a more extensive comparison between the name "A. J. Hidell" on 819 with this standard writing. And on that basis I would say only that the author of the standard could be regarded as a possible author of the questioned signature.

Mr. EISENBERG. Mr. Cole, would the production of Cyrillic writing, that is writing in the Russian language, be useful to you in evaluating the signature on 819?

Mr. COLE. I believe not.

Mr. EISENBERG. Can you explain that?

Mr. COLE. Well, ordinarily a person who—I might say this, that the construction in writing one alphabet and the other would be completely different—that one would develop habits along different lines. It could not be expected that there would be a close translation of habits from one alphabet into another.

Mr. EISENBERG. Is enough writing present in 819 so that you believe you could make a definite identification if you had a sufficient standard on which to base your comparison?

Mr. COLE. Yes; I think so.

Mr. EISENBERG. If we obtained a greater standard, that is, a more voluminous standard, of the handwriting of Marina Oswald or other persons, would you undertake to make the examination and to submit your result, either in the form of testimony or by written communication to us, Mr. Cole?

Mr. COLE. Yes; I would be quite willing to.

Mr. EISENBERG. Mr. Chairman, may we state on the record that the Commission is requesting Mr. Cole to do this, if we can obtain a better standard, and that we will attempt to obtain such a standard?

Mr. McCLOY. Very well.

Mr. EISENBERG. Mr. Cole, referring to 110 again for a moment, can you characterize the degree of skill with which the writing is produced, that is the English or Latin alphabet present on 110?

Mr. COLE. I would say it is an average degree of skill, fairly good based upon the perfection of letter forms, regularity of proportions, speed of writing—I would say fairly good.

Mr. EISENBERG. Would it require much practice in the use of the Latin alphabet to attain the degree of skill evidenced in 110?

Mr. COLE. Well, it would certainly take some practice. It is not the writing of a novice in forming these particular letters.

Mr. EISENBERG. Can you expand a little on what you mean by "some practice"? A week's practice, or a month's practice, or a year's practice?

Mr. COLE. Of course, this depends on how intensive the practice is, but I would certainly say more than a week's practice.

Mr. McCLOY. Mr. Cole, have you examined the Russian script, have you attempted to make anything out of such Russian script as we have of Marina Oswald, have you seen standard forms?

Mr. COLE. No, sir; I have not.

Mr. McCLOY. Might it not be helpful to look at some of that to see whether there is anything you can make out of that that would help you in the—

Mr. COLE. I am inclined to doubt it, but I would be quite willing to take a look at it.

Mr. McCLOY. I can understand your reasons for doubting it but there may be something that we have here—we have here, have we not?

Mr. EISENBERG. Yes, we do.

Mr. McCLOY. A very substantial number, quantities of Marina's writing in Russian, and it may be that there is something you can glean from that if you would look at it perhaps before you go.

Mr. EISENBERG. I will make arrangements for Mr. Cole to see that writing, Mr. Chairman.

Any further question on this Fair Play for Cuba Committee card?

Mr. McCLOY. No, I don't think so.

Mr. EISENBERG. Finally then, Mr. Cole, I show you an item consisting of a letter on a yellow piece of stationery, apparently torn from a legal-size pad, addressed to Leslie Welding Co. from "Lee H. Oswald"—signed "Lee H. Oswald"—and with an address handprinted, and reading "Dear Sir, this is to explain that I have moved permanently to Dallas, Texas, where I have found other employment," and so forth, and I ask you whether you have examined that item?

Mr. COLE. I have.

Mr. EISENBERG. May that be admitted as 826, Mr. Chairman?

Mr. McCLOY. It may be admitted.

(The item referred to was marked 826, and received into evidence.)

Mr. EISENBERG. Did you attempt to compare this item with the standards to determine whether it had been produced by the author of the standards?

Mr. COLE. I did.

Mr. EISENBERG. What was your conclusion?

Mr. COLE. It is my conclusion that the author of the standard writing is the author of the writing shown by Exhibit 826.

Mr. EISENBERG. Can you briefly give us some of the reasons for that conclusion?

Mr. COLE. Yes; there is an agreement in a great many details between this letter, 826, some of which I think are more significant than others.

One of the really highly significant points is the formation of the letter "x" in the word "Texas," which has already been mentioned in connection with other exhibits. Now, this word appears on 826, on the second—

Mr. EISENBERG. Excuse me. That exhibit should be, have been, 820A. Let's refer to it from now on as 820A.

(The item referred to was renumbered.)

Mr. COLE. The exhibit just mentioned is understood to be 820A, and the word "Texas" appears on the second line of the body of the letter. The method of forming this "x" is first to construct a U-like form, that is, a form having two cusps with a shallow curve connecting the two, and then to make the crossbar in such a manner that it comes very close to the second cusp. This is a very unusual variation of the letter "x," and it appears in the standard writing—also in the word "Texas"—in several places, chart B, items 4, 12, and 13.

The writing shows the tendency to exaggerate certain approach strokes or initial strokes of letters. In the body of Exhibit 821 this is evident in the letter "i" of "is," which is the second word of the first line, and moving along

that same first line we have the same effect for the first stroke of the "t" of "to" and the "t" of "that." Then moving down to the second paragraph, third word, the same effect is shown, and this is illustrated in the standard writing in two places, one good example being chart A, item 1, the word "to," the same chart, item 3, the word "the."

The construction of the small letter "p" has been mentioned heretofore, has been characterized by an absence of an upper extension, that is, no extension that passes above the height of the body of the letter, and the body of the letter is made in the form of an arch, rather than a circle closed against the staff. This is shown in the words "presently" and "employ," which are in the last line of writing of this exhibit, and this is repeated in the standard writing as shown by chart A, item 2, the word "support," item 3, the word "port" and the word "transportation."

There is a very close agreement in all details of the signature of Lee H. Oswald on this letter with the several examples of the signatures shown on these charts, chart A, item 15, chart B, item 15, and chart C, item 6, second to the last line.

The word "Texas," including this highly significant "x," is repeated as the last word on this letter.

These constitute some of my reasons for believing that Exhibit 820A is in the handwriting of the author of the standard writing.

Mr. EISENBERG. Now, to recapitulate then, all the standards which you have examined and which were put in evidence, and all of the questioned documents which you have examined and which were put in evidence, are in the handwriting of the same person, with the exceptions you have noted, such as "A. J. Hidell" on the penultimate exhibit, the FPCC card?

Mr. COLE. Yes, sir.

Mr. EISENBERG. Mr. Cole, did you have any information concerning any identifications or nonidentifications of handwriting made by any other Federal agency in this matter?

Mr. COLE. No, sir.

Mr. EISENBERG. Did you have any other information whatsoever concerning identification or nonidentification by anyone in this matter?

Mr. COLE. No, sir.

Mr. EISENBERG. Do you at this point have any such information?

Mr. COLE. No, sir.

Mr. EISENBERG. That completes my examination, Mr. McCloy.

Mr. McCLOY. Off the record.

(Discussion off the record.)

Mr. McCLOY. Commission Exhibit 776 is a series of checks which have been endorsed by Oswald, some in lead pencil and some in ink. Some of those endorsements seem to be, rather the handwriting seems to be, very irregular, loose, malformed, certain other ones very clear and quite regular, and in comparison with other standards of Oswald's I find some difficulty in conforming the signatures on certain of these endorsements to those standards. I wonder if you would look at these and tell me whether you have any comments in regard to the comments I have made about this—about these checks? The first two or three there seem to exemplify what I am talking about.

Mr. COLE. In my opinion the endorsements on these checks show a moderately wide range of writing habit, and they also show variations which may be due to an attitude about the act of writing, and I am thinking especially of the more distorted signatures, such as that appearing on No. 2408; and by attitude I mean that a person might find the act of writing very inconvenient or distasteful or might actually be experiencing some strong emotion at the particular time.

Mr. McCLOY. Could it be, might I interrupt, could it be that he was writing while he was in movement here, while he was in an automobile or some jolting vehicle?

Mr. COLE. Well, that can affect handwriting, of course, but I believe it is unlikely, because the first letter of his name is well formed. The first letter of "Lee" on this endorsement of 2408 shows as much skill and control as any of the better signatures.

Mr. McCLOY. You think maybe something irritated him in between?

Mr. COLE. That is a possibility. I think most people find the act of writing, especially writing a signature, a pleasant thing to do. I think that is one reason why people develop a somewhat higher skill.

Mr. McCloy. It depends on whether it is an endorsement of a check or a drawing of the check.

Mr. COLE. That could make a difference.

Mr. McCLOY. Well, thank you very much.

Mr. COLE. Yes, sir.

(Whereupon, at 2:30 p.m., the President's Commission recessed.)

*Tuesday, May 5, 1964*

**TESTIMONY OF JOHN W. FAIN, JOHN LESTER QUIGLEY, AND  
JAMES PATRICK HOSTY, JR.**

The President's Commission met at 9:25 a.m. on May 5, 1964, at 200 Maryland Avenue NE., Washington, D.C.

Present were Chief Justice Earl Warren, Chairman; Senator John Sherman Cooper, Representative Gerald R. Ford, John J. McCloy, and Allen W. Dulles, members.

Also present were J. Lee Rankin, general counsel; David W. Belin, assistant counsel; Wesley J. Liebeler, assistant counsel; Norman Redlich, assistant counsel; Samuel A. Stern, assistant counsel; Howard P. Willens, assistant counsel; Charles Murray, observer; and Leon Jaworski, special counsel to the attorney general of Texas.

**TESTIMONY OF JOHN W. FAIN**

The CHAIRMAN. Mr. Fain, the purpose of today's hearing is to take the testimony of members of the Federal Bureau of Investigation, including yourself, who interviewed Lee Harvey Oswald or other important witnesses, before and after the assassination, and concerning the assassination of President Kennedy, both before and after.

We will also take the testimony today of Mr. Belmont, one of your superiors. Would you please rise, Mr. Fain, and raise your right hand and be sworn. You solemnly swear the testimony you are about to give before this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FAIN. I do, sir.

The CHAIRMAN. Will you be seated, please.

Mr. Stern will conduct the examination. Mr. Stern.

Mr. STERN. Yes, sir.

Mr. Fain, would you state your full name for the record, please.

Mr. FAIN. John Wythe Fain.

Mr. STERN. And your address?

Mr. FAIN. 12711 Pebblebrook, Houston 24, Tex.

Mr. STERN. What is your education, Mr. Fain, at the college level?

Mr. FAIN. After graduation from Weatherford High School in 1926, I entered Weatherford Junior College at Weatherford, Tex., which I finished in 2 years in 1928. After teaching school for about 4 years, I entered the University of Texas, in the summer of 1933. I finished my prelaw work, and in 1936, the spring of that year, I received my LL.B. degree in law from the University of Texas.

Mr. STERN. Are you a member of the bar, Mr. Fain?

Mr. FAIN. I am a member of the Texas State Bar.

Mr. STERN. Can you summarize briefly your employment experience after receiving your law degree and before joining the Federal Bureau of Investigation?

Mr. FAIN. I will have to go back just a little bit there. In 1932 I ran for the office of representative in the State Legislature from Weatherford, Tex., my home city in Parker County, my home county, and served two terms, no opposition on the second term, and then I did not seek reelection at the end of the second term. I chose to go on and get my law degree at the University of Texas. Then, in 1937 I became employed. Robert B. Anderson, whom I suppose you know—

The CHAIRMAN. Former Secretary of the Treasury.

Mr. FAIN. Former Secretary of the Treasury, yes; he and I were good friends, and it happened that he was in the adjoining county of Johnson, which touched my county, Parker. I had met him in Weatherford Junior College, and we were in the same debating society at Weatherford Junior College, and I served in the Texas State Legislature with him, I sat in some of his law classes at the University of Texas, and then he was instrumental in giving me or getting me appointed to, a position as district supervisor of the Texas Unemployment Compensation Commission. It is now known as the Texas Employment Commission.

I was in charge of investigations of claims for unemployment insurance, and I served in that capacity at Waco, Tex., until on September 8 of 1942 I entered the FBI. Of course, I made my application prior to that. I served in the Federal Bureau of Investigation as a law-trained special agent until October 29 of 1962, upon which date I retired voluntarily.

Mr. STERN. Can you describe briefly your experience in the FBI.

Mr. FAIN. Yes, sir. After finishing my training session here at the seat of government, I believe that lasted 12 weeks at that time, I took my practical experience here for a couple of weeks, and then was assigned to the Chicago, Ill., field office, where I remained for a period of approximately 4 months. I received a transfer to Oklahoma City, where I was 3 weeks, and then they stationed me at Tulsa, Okla., as a resident agent, where I remained approximately a year. I then was transferred to San Francisco, Calif., where I remained for approximately 2 years; and in December of 1945 I was transferred to Dallas, Tex., where I remained for approximately 5 years, in the head office there, division office in Dallas, and then I was sent to Fort Worth in 1949 as a resident agent of the FBI, and remained there until I voluntarily retired on October 29, 1962.

Mr. STERN. Now, would you describe the relationship between the Fort Worth office and the Dallas office.

Mr. FAIN. Well, the Dallas office is the headquarters city to which I was originally assigned and, of course, in that area distances are rather great between the cities, so we have what is known as resident agencies, there being at that time 10 agents in the Fort Worth office.

(At this point in the proceedings Mr. McCloy entered the hearing room.)

And we had agents, of course, at Lubbock and Amarillo and Wichita Falls, Sherman, Harris, and the other cities in order for economy reasons, to save travel. It would be a rather expensive operation to go from Dallas to those other areas.

Mr. STERN. Mr. Fain, did you specialize in any particular area of FBI work or were your assignments general?

Mr. FAIN. My assignments were comparatively general up until, I would say, about 1951, at which time I specialized mostly in security matters. Most of my investigations after 1951 were security-type investigations.

Mr. STERN. This is true—

Mr. FAIN. However, I did handle—excuse me, I did continue to handle—other types of investigations, too.

Mr. STERN. This is true until your retirement?

Mr. FAIN. Yes, sir.

Mr. STERN. Were you in charge of the investigation of Lee Harvey Oswald until the time of your retirement?

Mr. FAIN. Yes, sir; up until the time we closed the case—I don't recall the exact date, it can be verified from the report—but, I think we closed the case, following his interview on August 26.

Mr. STERN. Well to the extent—

Mr. FAIN. I want to correct that. It was August 14.

Mr. STERN. We will get to that, Mr. Fain. But to the extent the case was being investigated during your tenure, were you in charge of the case?

Mr. FAIN. Yes, sir; the case was assigned to me.

Mr. STERN. Fine. That is all I want right now.

Mr. FAIN. Yes, sir.

Mr. STERN. How many other cases on an average would you be in charge of during this period from 1960 until retirement?

Mr. FAIN. From 1960 until the time of retirement?

Mr. STERN. Yes.

Mr. FAIN. I don't have any exact figure on that, but I suppose I would have 45 to 50 cases.

Mr. STERN. At anytime?

Mr. FAIN. Yes, sir.

Mr. STERN. Mr. Fain, I show you a seven-page mimeographed report marked "Report of John W. Fain," dated May 12, 1960. Can you identify that report? (Marked for identification No. S21.)

Mr. FAIN. Yes, sir; this is my report.

Mr. STERN. Were you responsible for preparing this entire report, Mr. Fain?

Mr. FAIN. Yes; I was.

Mr. STERN. Have you reviewed the report in preparation for your testimony today?

Mr. FAIN. Yes, sir.

Mr. STERN. Is the report correct?

Mr. FAIN. Yes, sir.

Mr. STERN. Is there anything you want to correct in the report?

Mr. FAIN. No, sir.

Mr. STERN. Is it complete in covering the events described?

Mr. FAIN. It is.

Mr. STERN. So that you have no additions or corrections?

Mr. FAIN. No additions or corrections.

Mr. STERN. Let me ask you, first, Mr. Fain, about a couple of symbols that appear on the first page of the report. The report is characterized as "Internal Security R." What does the "R" mean?

Mr. FAIN. It stands for "Russia."

Mr. STERN. At the end of the synopsis on the first page are the letters "RUC." Can you tell us what that means?

Mr. FAIN. That is a symbol to save typing and stenographic effort and so forth. It is known to all agents, and it means "Referred Upon Completion," "RUC," "Referred Upon Completion," to the office of origin actually. In other words, it indicates that the investigation there at that point where it was conducted has been completed and we are referring it back.

Mr. STERN. To an office which had prime responsibility?

Mr. FAIN. Yes, sir; in this case I suppose it was the Bureau in Washington. I see the Bureau file number up there at the top.

Mr. STERN. I see. Do you recall, Mr. Fain, how you were assigned to investigate this matter which is entitled in this report "Funds Transmitted to Resident of Russia"?

Mr. FAIN. Yes, sir.

We received a communication, or rather the Dallas office did, from Bureau to the effect that there was an indication that application had been made by Mrs. Oswald, Marguerite C. Oswald, for a draft, purchase transfer of funds, to be sent to Lee Harvey Oswald over in Russia, and I was given the assignment to contact her and find out all I could about the circumstances.

Mr. STERN. Concerning the transfer of funds?

Mr. FAIN. Yes, sir; you will notice that the title in this case is "Funds Transmitted to Residents of Russia," that was the type of inquiry.

Mr. STERN. To your recollection, had you ever before this time heard the name "Lee Harvey Oswald" or any other member of the Oswald family?

Mr. FAIN. Well, I believe—let's see, April 27, 1960, I talked to Robert Lee in an effort to locate his mother.

Mr. STERN. By this time, Mr. Fain, I mean the time covered by your report, not the date of the report.

Mr. FAIN. Just what I read in the newspapers about his having gone over into Russia. The papers played it up.

Mr. STERN. Did you have any official responsibility in connection with Lee Harvey Oswald before the time covered by this report?

Mr. FAIN. No, sir; no, I did not.

Mr. STERN. On page 2 of the report—is this a record of an interview that you held, Mr. Fain?

Mr. FAIN. It is. It is a record of the interview that I conducted.

Mr. STERN. Is this a form normally used for reporting interviews?

Mr. FAIN. Yes, sir.

Mr. STERN. What is your practice or what was your practice, while an FBI agent, in making interviews? Would you make notes of the interview as you interviewed a subject?

Mr. FAIN. Yes, sir.

Mr. STERN. Are you familiar with any shorthand method?

Mr. FAIN. I had a course in shorthand and, of course, still know some of the symbols and, at that time, did use it, mixed it up with my other English as I wrote it. I did use it.

Mr. STERN. Can you tell from this report when you made the interview?

Mr. FAIN. I interviewed Robert Lee Oswald, who was the brother, older brother, of Lee Harvey Oswald, the subject of this case, on April 27, 1960, at Fort Worth, Tex.

Mr. STERN. Can you tell the Commission where that appears from your report?

Mr. FAIN. The date of the interview?

(At this point in the proceedings, Representative Ford entered the hearing room.)

Mr. STERN. Yes.

Mr. FAIN. The date of the interview is located on the lower left-hand corner, and also the place of the interview.

Mr. STERN. When did you transcribe—or, first, how would you do that normally?

Mr. FAIN. Well, I dictated this on May 2, 1960. It evidently was transcribed by the stenographer, as noted, on the upper right-hand corner—this is a little dim—but it looks like May 6, 1960. This is a very old copy.

Mr. STERN. You would dictate this to a secretary, Mr. Fain?

Mr. FAIN. Some of it I dictated on the dictaphone, some of it I would do by rough draft and send by mail to Dallas, and if I happened to be in Dallas, I would dictate to the stenographer.

Mr. STERN. Would you ordinarily preserve your rough notes of the interview after you dictated your report?

Mr. FAIN. Not after it gets in this form, because this contains all the information in the notes we have. In other words, we put everything right in. Now this is supposed to be an exact transcript of the information. It is not a recording of the information. I don't mean to leave that impression.

Mr. STERN. And you would normally destroy your notes?

Mr. FAIN. Yes, sir; unless there was some—there would be no reason to keep my notes, once I put all the information I was assured was in here. Once that is true I destroyed them.

Mr. STERN. I think these reports largely speak for themselves, Mr. Fain, but I would like to ask you a few details to clarify statements in the report.

On page 3 in the report of your interview of Mrs. Marguerite Oswald, you say in the second line, "She volunteered for interview." What does that mean in this connection?

Mr. FAIN. You will notice that on the lower left-hand corner it indicates I talked to her on the 28th, April 28, which was the day after I talked to her son Robert Lee, and evidently he had gotten in touch with her on the same afternoon that I talked to him or that night. Anyway she knocked on the door the next day and wanted to talk to me; and she came in voluntarily. I believe Robert told me that he would get in touch with her. He gave me her address, at least, and I was going to send out a lead to have her interviewed down there, but she came in to talk to me, voluntarily.

Mr. STERN. Would you look at page 4 of your report, Mr. Fain, the fourth full paragraph from the top of the page, the paragraph that begins, "Mrs. Oswald stated," and the last sentence of that paragraph reads, "Mrs. Oswald stated that she would not have been surprised to learn that Lee had gone to, say, South America or Cuba, but that it had never entered her mind that he might go to Russia or might try to become a citizen there." As far as you can remember, is that accurately what she said?

Mr. FAIN. Yes; that is as she said, I put it down. She seemed very much upset that he had gone to Russia.

Mr. STERN. Did she explain that to you?

Mr. FAIN. None other than this. In other words, she said she wouldn't have been surprised that he had gone to, say, South America or Cuba, she was taken aback by learning he had gone to Russia. You see, he had told her he was going over to New Orleans to go to work over there, and she was apparently very surprised that he had taken this boat to Europe, to Russia.

Mr. STERN. Mr. Fain, in your report of your interview with Mrs. Marguerite Oswald, you quote several letters and refer to other specific bits of information. How did you get that so accurately?

Mr. FAIN. She had all of those in her purse. She had all those clippings that had appeared in the paper, and she had quite a stack of them there, and I got the information out of those at the time.

Mr. STERN. She displayed them to you and let you copy them?

Mr. FAIN. Yes, sir; she displayed them to me, that is right.

The CHAIRMAN. Gentlemen, are there any other questions any of you would like to ask Mr. Fain? He has stated that everything he knows concerning this matter is contained in his written report.

Mr. FAIN. Yes, sir; that is correct.

Representative FORD. May I ask a question?

The CHAIRMAN. Yes, indeed.

Representative FORD. Is it the practice of the Bureau to check with relatives of those who defect or make an attempt to defect to the Soviet Union?

Mr. FAIN. Well, I was—my primary motive here was—trying to locate her. I wanted to talk to her. If I had been able to talk to her, the mother, I probably wouldn't have contacted Robert. But he was the only one that I could locate there that knew anything about it, about where she might be, so I, in the course of things, interviewed him to try to find out what I could find out from him.

Representative FORD. I am more concerned about the overall policy. Whenever an individual makes an attempt to defect or does defect, is it the policy of the FBI to subsequently interview relatives of the individual who tried or did defect?

Mr. FAIN. Mr. Ford, I am unable to answer that because I am not versed in overall policy, and I am sorry. I am not trying to avoid your question, but I just actually don't know.

Representative FORD. What prompted you then in your capacity to interview—

Mr. FAIN. Robert?

Representative FORD. Either Robert or Mrs. Oswald?

Mr. FAIN. Well, I was instructed to get in touch with her and find out what the situation was. The only way I could get the information was to talk to her, and I talked to Robert only in connection with my attempts to locate her.

Representative FORD. But your instructions came from whom?

Mr. FAIN. I don't have the memorandum or communication that came in here in connection with this, but it came from the Bureau, I am sure, through the Dallas office.

Representative FORD. And you were working out of Dallas?

Mr. FAIN. Right. My supervisor over in Dallas, no doubt, either called me or else very likely he wrote an assignment and mailed it to me in Fort Worth.

Representative FORD. Your assignment was really to check with the mother, both, or all?

Mr. FAIN. Actually, I don't recall how the assignment was worded, I really

don't. I haven't seen it for over a year and a half, and I just don't recall exactly how that came.

Representative FORD. But the only reason for such an interview was the fact that the son had gone to Russia and either defected or attempted to do so; was that the basis of the investigation?

Mr. FAIN. Yes, sir. We wanted to find out the circumstances and about these funds and any information we could ascertain and, of course, it is always important in this type of case to find out whether or not any of these—especially intelligence agents or anyone like that might contact these people and try to get information from them. We try to get these people to let us know if anything like that happens.

Representative FORD. That was really the purpose of the interview or investigation you conducted?

Mr. FAIN. Let me see if I can find out. In this paragraph 4 there is an indication—

Representative FORD. Paragraph 4 on what page?

Mr. FAIN. Paragraph 4 on page 2. "He stated he had no contact in any manner or form with any individual known to him to be a Soviet official or affiliated in any way with Soviet establishments. He also advised that as far as he knows neither his mother or other members of his family had had any contact whatsoever with Soviet officials or with Soviet establishments."

I explained to him the jurisdiction of the FBI, that the FBI had jurisdiction in internal security matters in the United States, and Robert told me that he would immediately contact the FBI in the event he was contacted by Soviet officials. Then I also asked him, as is contained in that final paragraph on the same page, "Oswald stated that neither he nor his mother as far as he knew had been requested to furnish any items of personal identification to Lee Oswald in Russia. He said he would immediately contact the FBI in the event any information like that came to his attention."

Representative FORD. These were the only interviews you had with either one of them?

Mr. FAIN. Yes, sir; at that time, yes, sir.

Senator COOPER. Can I ask a question?

Mr. McCLOY. Did you have one at any other time?

Mr. FAIN. These were the first interviews. We will get to those later. Do you want to go into those?

Mr. McCLOY. Never mind. We will get to those in due course. But wasn't the touch-off on this investigation the fact that a transfer order or an attempted remittance was being sent to Oswald in Russia by his mother?

Mr. FAIN. Yes, sir.

Mr. McCLOY. That was the thing that prompted the inquiry, wasn't it?

Mr. FAIN. Yes, sir; that is right.

The CHAIRMAN. Senator.

Senator COOPER. Yes.

Did Mrs. Oswald give you any reason for her statement she would not have been surprised if Lee Oswald had gone to Cuba or some South American country? Did she explain that statement?

Mr. FAIN. No; she didn't. She just—of course, she was all upset and bothered by his having gone to Russia, and she expressed great surprise that he had gone to Russia, and she said just casually or during the course of the conversation she wouldn't have been surprised for him to have gone, say, to South America or to Cuba, but to go to Russia, she was totally surprised and taken aback.

Senator COOPER. She didn't give you any reason why she would not have been surprised—

Mr. FAIN. No; she didn't go into that.

Senator COOPER. Whether he had said anything about Cuba or South America.

The CHAIRMAN. All right, Mr. Fain. Do you have other questions?

Mr. STERN. I have other questions for him. I thought we might break it up in the order of his reports.

The CHAIRMAN. Go right ahead.

Mr. STERN. One last question at this stage, Mr. Fain: Did Mrs. Oswald indicate

to you in any way that she thought Lee Harvey Oswald had gone to Russia in any capacity other than as a private citizen?

Mr. FAIN. No; she did not. She apparently didn't know why he had gone at all. She was surprised he had gone in the first place.

Mr. STERN. She did not suggest in any way that he might have been an agent of the United States or serving United States interests in Russia?

Mr. FAIN. I think she did remark something about she believed he was a secret agent. Maybe she was clutching at anything——

Mr. STERN. She did? Is that covered in that report?

Mr. FAIN. In one of these reports I believe it is.

Mr. STERN. I am talking about this one, as of this time.

Mr. FAIN. No; I believe that came in something else. She told evidently the State Department in Washington, D.C.

Mr. STERN. Yes.

Mr. FAIN. That is where that came from.

Mr. STERN. I am asking whether she suggested this to you at the time of your interview of Mrs. Oswald on April 28, 1960.

Mr. FAIN. No; I don't recall anything of that. I have confused that.

Mr. STERN. Mr. Chairman, may we have the report admitted into evidence?

The CHAIRMAN. It may be and it will take the next number.

Mr. STERN. That was marked for identification 821.

The CHAIRMAN. All right. No. 821 may be admitted.

(The document referred to was marked Commission Exhibit No. 821 for identification, and received in evidence.)

Mr. STERN. Mr. Fain, I show you a report of 11 pages dated July 3, 1961, entitled "Lee Harvey Oswald." Can you identify this report for us, and we will number it for identification No. 822.

Mr. FAIN. Yes, sir; this is my report. It is dated July 3 of 1961.

Mr. STERN. Have you reviewed this report recently in preparation for your testimony today?

Mr. FAIN. I have.

Mr. STERN. Is the report complete in all respects of the subject matter it covers?

Mr. FAIN. Yes; it is.

Mr. STERN. Is it accurate in all respects of the subject matter it covers?

Mr. FAIN. Yes, sir.

Mr. STERN. Is there any addition or correction you would like to make to the report as it stands now?

Mr. FAIN. No, sir.

Mr. STERN. The report shows on the cover page, Mr. Fain, that a copy was sent to the Office of Naval Intelligence in New Orleans, La. Can you tell us why that was done?

Mr. FAIN. Well, this investigation at this time was under internal security category R, and you will notice that predicated on information received by a communication of January 11, 1961, from District Intelligence Office, Naval District, New Orleans, La., advising that Oswald, who had attempted to defect in Russia in October 1959, and who was a member of the U.S. Marine Corps Reserve had been given an undesirable discharge from the U.S. Marine Corps Reserve on August 17, 1960.

Mr. STERN. When you say the investigation was predicated on this information, what precisely do you mean?

Mr. FAIN. That was the reason that this report was initiated from that incoming communication from New Orleans.

Mr. STERN. And how did this information come to you? Was it sent to you directly, if you know, from the New Orleans Naval District or did it come from FBI——

Mr. FAIN. It would have come through Dallas, the headquarters division office in Dallas.

Mr. STERN. But so far as you know was it sent from New Orleans to Dallas or from New Orleans to FBI headquarters in Washington and then disseminated to Dallas?

Mr. FAIN. I expect it came directly to the Dallas office. It could have been,

the office there might have gotten a copy of it, might have gotten the original, and this might have been a copy. I just don't recall.

Mr. STERN. Were you instructed to make this investigation or did you initiate it yourself on the strength of this information from the naval district in New Orleans?

Mr. FAIN. There again I believe that the supervisor in Dallas asked that this case be—or did reopen it and asked for a background investigation. It looks like this is a background type of investigation on the individual Lee Harvey Oswald.

Mr. STERN. When you say "reopen," Mr. Fain, does that mean there was a case opened previously on Lee Oswald?

Mr. FAIN. No; I used the wrong term. I confused it with this report. This was a different type of investigation, this "Funds Transmitted to Residents of Russia."

Mr. STERN. That was not an investigation of Lee Harvey Oswald as such?

Mr. FAIN. That is right.

Mr. STERN. This was actually the first report concerning the individual?

Mr. FAIN. That is correct.

Mr. STERN. So that did this represent the opening of a case on Lee Harvey Oswald, Mr. Fain?

Mr. FAIN. Yes; it did.

Mr. STERN. And as far as you know, there was no earlier investigation of Lee Harvey Oswald as such; is that correct?

Mr. FAIN. I believe that is correct.

Mr. STERN. I am just asking you of your own knowledge.

Mr. FAIN. That is right.

Mr. STERN. You say this was a background investigation. What do you mean by that, Mr. Fain?

Mr. FAIN. Well, we always ascertain his correct name and aliases, and residences, where he previously lived, his employment, his citizenship status, his nationality background, his education, his military record, whether or not he had any relatives, close relatives, in the Armed Forces; and we get a physical description of him, identification record, and where possible we always get a photograph; and his mother furnished a copy of the photograph to us on April 28, 1960.

Mr. STERN. On the first page of the report, the initial "C" appears after the synopsis. What does that mean, Mr. Fain?

Mr. FAIN. That means closed.

Mr. STERN. What does that indicate to you in terms of the investigation?

Mr. FAIN. Well, it indicated that we obtained the information concerning this person, to identify him, as to who he was, something about him, about his background; it appearing there was no further need for investigation at that time, we closed the case.

Mr. STERN. Your report indicates at page 8 that the files of the office of naval intelligence in Louisiana were checked. Was that done at your request, if you recall? Did you check those files?

Mr. FAIN. I did not. That would have been checked in the New Orleans division.

Mr. STERN. Would this have been done at your request or on the instructions of someone else?

Mr. FAIN. I am of the opinion that that information probably came along with the other information or subsequent to the other information on which this case was predicated. I don't recall asking them to make any check like that.

Mr. STERN. The first paragraph on page 1 reads a little differently. It says, "Information received by communication from the Naval District," and on page 8 you refer to a check of the files of Naval Intelligence.

Mr. FAIN. It sounds like a check was made, and they had made some information available to us, and I incorporated it in this report.

Mr. STERN. "They" is—who do you mean by "they"?

Mr. FAIN. The New Orleans Division of the FBI.

Mr. STERN. Of the FBI?

Mr. FAIN. Yes, sir.

Mr. STERN. But the first indication on page 1, when you refer to information received by communication from the District Intelligence Office, does that seem to indicate a check was made by the FBI office in New Orleans or this information was delivered by the Office of Naval Intelligence voluntarily, without request?

Mr. FAIN. I don't recall ever dictating a request. It could have happened, but you must remember it has been over a year and a half since I referred to these things. And—

Mr. STERN. Sure.

Mr. FAIN. That just sounds like it is a communication we received from there, and that we opened the case based on that information. That would be my opinion now.

Mr. STERN. But you don't know why they would have been sending you that information?

Mr. FAIN. That can be ascertained.

Mr. STERN. Yes. We, perhaps, can find out from other witnesses if you don't remember, and if you don't know, just tell us that.

Mr. FAIN. I do not know; I don't recall that.

Mr. STERN. All right. On page 10, the top paragraph, in reference to a review of the files of the passport office of the Department of State, again do you recall whether this was done at your request by someone else?

Mr. FAIN. No, sir; I do not. It could have been requested by letter out of the Dallas office or it might have been that it was made up here at seat of Government.

Mr. STERN. But in any event did you check these files at the State Department?

Mr. FAIN. I did not.

Mr. STERN. The passport office?

Mr. FAIN. No. My investigative jurisdiction was the Fort Worth area and vicinity.

Mr. STERN. Again would you summarize your recollection of the purpose and direction of the investigation at this stage, at the time covered by this report. What do you recall to have been the purpose and direction of the investigation?

Mr. FAIN. At this particular point it seems we were looking at this individual, opened the case to find out who he was and see if he was any kind of an internal threat, a threat to the internal security of our country.

Mr. STERN. What was your evaluation of that question as a result of your investigation?

Mr. FAIN. At that time we—there was nothing appearing that he was of any potential danger to the security of—I was trying to find out whether or not, you will notice on page 9 there the last paragraph, to see whether or not he was a member of the Communist Party in Fort Worth, and my check of our confidential sources showed that there was no knowledge available, no information available, that he was a member of the Communist Party. That was supposed primarily my immediate objective, to find out whether or not he was connected with the Communist Party there in Fort Worth, in addition to the developing of the background information on him.

Mr. STERN. And this entered into your evaluation at the time, the fact that he was not a member of the Communist Party?

Mr. FAIN. Yes, sir; there was no indication that he was a member of the Communist Party in Fort Worth.

Mr. STERN. Was it also relevant to your evaluation that he was apparently living in Russia at the time?

Mr. FAIN. I beg your pardon?

Mr. STERN. Was it also relevant to your conclusion about his not being a threat to the internal security of the United States that at the time he was apparently living in Russia, at the time covered by this report?

Mr. FAIN. Well, certainly we were going to keep track of him from then on, naturally, if he is over there.

The CHAIRMAN. Gentlemen, any questions? Mr. McCloy.

Mr. McCLOY. On the top of page 10, Mr. Chief Justice, this report refers to the review on May 9, 1961, of the files of the passport office. Who did make that review if you didn't make it?

Mr. FAIN. Someone, some employee of the FBI here at the seat of Government.

Mr. McCLOY. How did you know it was made?

Mr. FAIN. How did I know it was made?

Mr. McCLOY. Yes.

Mr. FAIN. The communication concerning the results of the check were sent by mail back to Dallas, and then my supervisor sent it to me at Fort Worth.

Mr. McCLOY. That is how it came to be embodied in your report?

Mr. FAIN. Yes, sir; and I covered it in my report.

Mr. McCLOY. I see. Have we got a copy of that? Do we have that review, the report of that review?

Mr. STERN. We will receive testimony concerning it from the Assistant to the Director of the Bureau.

Mr. McCLOY. Will we be able to examine the person who examined Mrs. Oswald and to whom apparently she said that she thought he was a secret agent, that Oswald was a secret agent?

Mr. STERN. I am sure we can arrange that. That would have been someone in the State Department.

Mr. McCLOY. That is right. But you don't know anything except what is stated in the report here?

Mr. FAIN. That is correct, as a result of a communication from this office to Dallas.

Mr. McCLOY. No further reasons that you recall in that report as to why she thought he was a secret agent or he might have been a secret agent?

Mr. FAIN. No, sir; I am sure I copied it from that report just like it was there. She expressed the thought that, perhaps, her son had gone to the Soviet Union as a secret agent, and the State Department was not doing enough to help him.

Mr. McCLOY. All right.

The CHAIRMAN. Congressman Ford.

Representative FORD. No questions.

The CHAIRMAN. Senator Cooper.

Senator COOPER. Again I ask you, on page 6, the second paragraph, it states, "Mrs. Oswald also stated the subject had mentioned something about his desire to travel and said something also about the fact that he might go to Cuba." Do you remember whether or not she talked to you about that?

Mr. FAIN. Yes, sir; that was the information that she gave me on April 28. If you will notice from the first paragraph on April 28, 1960, Mrs. Marguerite Oswald stated—that was a repeat, in other words, of the information that actually was contained in this first report we mentioned a while ago.

Senator COOPER. On page 8 she stated she had not been requested to furnish any items of personal identification of the subject in Russia. What is meant by that "personal identification"?

Mr. FAIN. Well, in these espionage cases we wanted to be sure that they hadn't been contacted by the Soviet intelligence agencies for any purpose or any reason at all. We didn't know whether maybe he went over there and maybe they had gotten in touch with his parents or his relatives and demanded any information about him to verify who he was, and so forth.

Mr. McCLOY. Could you remember the photograph that Mrs. Oswald presented to you of Lee Oswald?

Mr. FAIN. Yes, sir; I don't remember the details right now, but I believe it was a photograph of him in the service.

Mr. McCLOY. So far as you can recollect it was in uniform?

Mr. FAIN. I just don't recall the facts.

Mr. McCLOY. You don't recall that he was carrying any weapons?

Mr. FAIN. He was not. I am sure he was not carrying any weapons. I don't believe, I am certain—I don't believe—he was in uniform at all. I think it was a picture of him. The picture, as I recall it, was not a recent picture. It was 3 or 4 years old.

Mr. McCLOY. All right.

(At this point in the proceedings, Senator Cooper leaves the hearing room.)

The CHAIRMAN. Very well, Mr. Stern, you may continue with the next item.

Mr. STERN. Thank you, Mr. Chairman. May we admit Exhibit 822 for identification at this time?

The CHAIRMAN. It may be admitted under that number.

(The document referred to was marked Commission Exhibit No. 822 for identification and received in evidence.)

Mr. STERN. Mr. Fain, I show you Commission Exhibit No. 823 for identification, a report of 15 pages dated July 10, 1962. Can you identify this report for the Commission?

Mr. FAIN. Yes, sir; this is my report dated July 10, 1962.

Mr. STERN. Have you reviewed this report in preparation for your testimony today?

Mr. FAIN. I have.

Mr. STERN. Is it correct in all respects concerning the material covered?

Mr. FAIN. Yes, sir.

Mr. STERN. Is there anything you would like to add to any of the data set forth there?

Mr. FAIN. No, sir; I believe not.

Mr. STERN. It carries on page 1 after the synopsis the symbol "P." What does that mean, Mr. Fain?

Mr. FAIN. Pending, a pending case.

Mr. STERN. Now, the case was closed, I believe you told us, as of the time of your last report which was Commission No. 822. Can you tell us how this report, this Exhibit 823 for identification, came to be prepared, and how the investigation reflected in this report came to be held?

Mr. FAIN. Yes, sir; there began to appear various items of information that this subject, Lee Oswald, was preparing or was desiring to come back to the United States, and—

Mr. STERN. How did you learn this, Mr. Fain?

Mr. FAIN. Well, the various communications which I received or which our office there received, and various checks that the State Department—

Mr. STERN. Excuse me, by your office there what do you mean, Dallas?

Mr. FAIN. The communications would come over to me from Dallas from my supervisor.

Mr. STERN. Yes.

Mr. FAIN. And he would get the communications from the seat of Government.

Mr. STERN. "The seat of Government" is the way you refer in the Bureau to the Federal Bureau of Investigation?

Mr. FAIN. The Federal Bureau of Investigation or it might have come from the Washington field office here.

Mr. STERN. So the seat of Government can mean any communication from Washington, either from your field office here or from your headquarters?

Mr. FAIN. That is the way I have been referring to it as seat of Government.

Mr. STERN. I see. All right. Please continue telling us how this investigation was carried out.

Mr. FAIN. I was given the assignment to contact his folks, Mrs. Oswald, his mother, and—

Mr. STERN. By whom, if you recall, Mr. Fain? Was this an assignment that came from FBI headquarters or from—

Mr. FAIN. This incidentally, this communication, we got dated September 1, 1961, from the Washington field office. You see the seat of Government is the main headquarters, in D.C.

Then we have a field office there, Washington field office, that we refer to as WFO, which is an office similar to the Dallas division or the Buffalo division or other divisions, a working division that goes out and conducts investigations in the area. I was given the assignment to contact Mrs. Oswald, the mother, and to find out any information that she might have. They had been cooperative, and I wanted to see what the situation was, and especially when this boy was coming home. We wanted to interview him and stay on top of the situation, and in that connection I contacted Robert Lee Oswald again because she wasn't in town, I couldn't locate her.

Mr. STERN. Where in your report is that stated?

Mr. FAIN. On page 4. He gave me her address, said she had gone to a ranch

around Vernon, Tex., in the western area and our agent at Wichita Falls made contact with her. That is set out in the middle of the page—the results of of the contact.

Mr. STERN. That was at what time?

Mr. FAIN. On October 13 "Mrs. Marguerite Oswald, 1808 Eagle Street, Apartment No. 3, Vernon, Texas, advised that about 2 months previously she had received from her son," and so forth.

Mr. STERN. It took this period of time from your interview in September—

Mr. FAIN. September 18.

Mr. STERN. To locate Mrs. Oswald?

Mr. FAIN. Yes, sir. That is about 3 weeks, isn't it?

Mr. STERN. Yes.

Mr. FAIN. I think, my recollection is, he had difficulty locating her in that sparsely settled western country. I think he had to go to several different towns and finally located her.

Mr. STERN. So that the interview of Mrs. Oswald reflected at the bottom of page 4 was the interview conducted by another agent at your request; is that right?

Mr. FAIN. That is at the request of the Dallas office, that is right.

The CHAIRMAN. May I interrupt a moment, gentlemen? I have a commitment at the Smithsonian Institution for about 45 minutes, and so I will be obliged to leave at this time. Congressman Ford, will you preside during my absence, and if you should be obliged to leave for your congressional duties, leave it in charge of Mr. McCloy to do it. I expect to be back in three-quarters of an hour.

(At this point in the proceedings, the Chairman leaves the hearing room.)

Representative FORD [presiding]. Will you proceed, please, Mr. Stern.

Mr. STERN. Yes, sir. Was your interview with Robert Lee Oswald at your instance or did he volunteer?

Mr. FAIN. I located him for interview and tried to locate his mother and, incidentally, in that connection he was very cooperative, and I obtained all the information that he had that I could, and he volunteered a lot of this information.

Mr. STERN. Had you previously asked him to let you know if he had received any communication from his brother?

Mr. FAIN. I had asked him to be sure to let us know in case—I told him we wanted to talk to him when he came back.

Mr. STERN. You told him you wanted to know when Lee Harvey Oswald was coming back, but not whether he had any specific communication?

Mr. FAIN. We specifically wanted him to let us know if he had any contact with Soviet intelligence agents, anything like that, anything that he thought might not look right, to be sure and let us know.

Mr. STERN. Then on page 8 it says that "Mrs. Robert Oswald promised to advise upon his arrival." Were you—

Mr. FAIN. That was the wife of Robert.

Mr. STERN. Yes. Did you interview Mrs. Oswald, Mrs. Robert Oswald?

Mr. FAIN. Yes, sir; yes, I did.

Mr. STERN. What was the occasion for that interview, Mr. Fain?

Mr. FAIN. Well, to be sure and have someone let us know when this boy Lee arrived back in town.

Mr. STERN. You were willing to rely on her advice?

Mr. FAIN. We had no reason not to. They had been very cooperative, both Mrs. Oswald and Robert Oswald. Robert is an older brother of Lee. I think he was about 2 years older than Lee.

Mr. STERN. Did Mrs. Robert Oswald advise you voluntarily that she had received this postcard from Lee Harvey Oswald or did this come up when you stopped by? That is at the bottom of page 7.

Mr. FAIN. Yes; I believe she volunteered that. She had said or I might have asked her if she had any word from Lee. I don't recall now just how the conversation came up, but she said she had received a postal card from him on or about May 15, and it had been dated April 10.

Mr. STERN. When did you finally learn that he had arrived in Fort Worth, Mr. Fain?

Mr. FAIN. Let's see, that was on, it must have been, the morning of the 26th, June 26.

Mr. STERN. How did you learn this information?

Mr. FAIN. They hadn't let me know, and I began to think it was time for checking on this thing.

Mr. STERN. And by "they" you mean——

Mr. FAIN. Robert had not let me know, and Mrs. Oswald had not let me know, so I thought I had better make an independent check, and so I inquired of them, and she told me that he and his wife and child had arrived in Fort Worth on June 14, and I asked her, "Why hadn't you let me know about it?" And she said, "Well, actually the whole family had been so harassed and that he just didn't feel like letting his face be shown outside of the house." In other words, he was afraid that the newspapers would come and harass him again, I guess.

Mr. STERN. Were there newspaper stories about his arrival, do you recall?

Mr. FAIN. There were some that appeared in the paper which I have set out on page 8 and page 9. Yes; I refer to them on page 8 where they report his having gone to Russia.

Mr. STERN. Had these come to your attention before June 26?

Mr. FAIN. Yes, sir; yes, sir. I kept up with these and was careful to clip them and put them in the file.

Mr. STERN. So that is it true that you knew before June 26 that he had returned?

Mr. FAIN. No; I didn't know until that morning. I had no way of knowing that. There were some verifying communications which I set out on page 10 showing when he actually came in; page 10, you will notice, shows a check of records again back here showing when he actually left over there and when he arrived here. He arrived in New York City June 13 and then took a plane to Dallas, where he arrived on the 14th.

Mr. STERN. Yes; I thought I had understood you to say that the newspapers reflected his arrival in Fort Worth.

Mr. FAIN. No; they were over there on pages 8 and 9. June 8, 1962, in the Fort Worth Star Telegram, daily newspaper of Fort Worth, there appeared a photograph of the subject, Lee Oswald, and the headline "Ex-Marine Reported On Way Back From Russia."

Mr. STERN. But there was no news story actually reporting his arrival?

Mr. FAIN. No; he was staying in, apparently that was the reason, I guess he didn't want to get out because he was afraid he would be harassed by the neighbors or somebody and, at least, that is what Mrs. Oswald said. He just——

Mr. STERN. The harassment by newspaper reporters you referred to, probably did not mean reporters at the time of his arrival in Fort Worth.

Mr. FAIN. Well, she was—I suppose she indicated or she said that he just hadn't gotten out of the house. In other words, he came in there on the 14th and apparently, according to her story, he didn't show his face outside that house.

Mr. STERN. Then what did you do when you learned he had arrived?

Mr. FAIN. Well, I told her I would like to talk to him, he was there, and I made arrangements for him to come to the office and he said he could make it by 1 o'clock. I requested B. Tom Carter, my senior agent, to assist if he would me in interviewing Oswald, who came in about 10 minutes before 1. He came in the office like he said he would, and we talked to him on June 26, 1962.

Mr. STERN. Before you interview any subject, Mr. Fain, do you have a practice of giving him any cautionary statement, any warning?

Mr. FAIN. It was always my policy, and I am sure I did in this case, to tell them this substantially, that, "You don't have to furnish us any information. Any information you furnish can be used against you in court, and you have a right to consult with an attorney before giving us any information or statements."

Mr. STERN. Can you actually recall that you said this to Oswald?

Mr. FAIN. I don't recall specifically, but I know it was my religious practice to do it because we are always instructed to do that.

Mr. STERN. Fine.

Was the interview with Mr. Oswald recorded mechanically in any way?

Mr. FAIN. It was not.

Mr. STERN. How did you record what he was telling you, in your usual fashion?

Mr. FAIN. I was sitting behind the desk. He came up and sat down in front of the desk, and Mr. Carter was sitting to my left. We explained to him, we wanted to talk to him. I took the notes, and from my notes I dictated this, which we call an FD-302.

Mr. STERN. This is your memorandum and not Agent Carter's?

Mr. FAIN. That is right; I was more familiar with the case. I took the notes and did the dictation.

Mr. STERN. And the dictation was when?

Mr. FAIN. July 2, 1962; transcribed July 6, 1962.

Mr. STERN. These dates appear where?

Mr. FAIN. The date of dictation is shown on the lower right-hand corner; date of interview at the left, and date of transcription or typing was on July 6, upper right-hand corner.

Mr. STERN. What was Lee Harvey Oswald's demeanor in the course of this interview?

Mr. FAIN. He was tense, kind of drawn up, and rigid. He is a wiry little fellow, kind of waspy.

Mr. STERN. Did he answer all of your questions?

Mr. FAIN. No; he didn't. As indicated there in the fourth paragraph, he was a little insolent in his answers. He was the type of individual who apparently doesn't want to give out information about himself, and we asked him why he had made this trip to Russia, and he looked like it got under his skin, and I noticed he got white around the lips and tensed up, and I understood it to be a show of a temper, and in a show of temper he stated he did not care to relive the past. He didn't want to go into that at all.

We asked him, I think I asked him, in various ways, three or four times, trying to ascertain just what the situation was, and he finally stated, that Soviet officials had asked him upon his arrival why he had come to Russia, and he told us, "I came because I wanted to." That is what he said he told the Soviet People, "I came because I wanted to," and he said, he told them, "I came over here to see the country." That is the kind of answers he gave.

Mr. STERN. Do you remember any other details of this interview that you haven't set forth here? I can't stress too greatly that we are interested in any detail, any fragment of this interview that you recall that isn't set forth here, any elaboration you want to make.

Mr. FAIN. No—

Mr. STERN. Why don't you read it through carefully now and, as you go through, add to it in any way that you wish to, tell us anything else that you remember, any small detail that occurs to you. I don't mean read it out loud, read it to yourself.

Mr. FAIN. I see.

Our primary objective at this time was to ascertain whether or not the Soviets had demanded anything of him in letting him get out of the country and permitting his wife to come along with him, and you will notice down there in paragraph 12—

Mr. STERN. Page 12.

Mr. FAIN. Excuse me, page 12, paragraph 4 of page 12, he stated that the Soviets made it very difficult for him to obtain permission for his wife to leave Russia, and that the process of obtaining permission for her to leave was a long, difficult course requiring much paper work. But he was just referring there to the length of time, and he denied that they had attempted to get anything from him or demand anything from him; and he denied that they had ever sought information from him of detriment to our country.

I don't recall anything, anything in addition to what is set out here.

Mr. McCLOY. No suggestion that he was a secret agent?

Mr. FAIN. No, sir.

Mr. McCLOY. He had made no such suggestion to you as to that?

Mr. FAIN. No, sir.

Mr. McCLOY. Did you ever have any suspicion that he might have been?

Mr. FAIN. That he may have been rewarded by the Russians and asked to do something or certain things about him? Well, an FBI agent is naturally suspicious, of course, of anything like that. Of course, he denied it. He denied that they demanded anything of him.

Mr. McCLOY. And you never had any indication that he was a secret agent of any other country?

Mr. FAIN. No, no.

Mr. McCLOY. Including the United States?

Mr. FAIN. You mean that he might have gone over there and seek out information for us?

Mr. McCLOY. Yes.

Mr. FAIN. No, sir; no, sir; nothing like that.

Representative FORD. At the time you had this interview with Oswald, did you have the information, for example, that appears on the first page of Commission No. 823 under the heading "Details"?

Mr. FAIN. This information there was furnished by the Office of Naval Intelligence. I didn't check the records on that. That came in by communication. Does that answer the question, Mr. Ford?

Representative FORD. What I was inquiring about was did you have this information available to you at the time you interviewed him on July 13 or 14—

Mr. STERN. June 26.

Representative FORD. June 26?

Mr. FAIN. June 26; yes, sir. I am sure I did, because that is on March 20. I read they had sent it.

Representative FORD. In other words, you undoubtedly had—

Mr. FAIN. I had access to anything in our files there pertaining to this case.

Representative FORD. You had information. For example, you were familiar with the statement in a report that, and I quote, "Subject allegedly told the embassy he had advised unnamed Soviet officials that as a former Marine radar operator he would make available to them information about his Marine Corps specialty when he became a Soviet citizen."

Mr. FAIN. Yes, sir; that was an allegation that was made over there. As I recall that was obtained in a check at the embassy, United States Embassy.

(At this point in the proceedings, Mr. Dulles enters the hearing room.)

Representative FORD. Did you make any inquiry as to whether or not that was an accurate statement alleged to have been made by him to an embassy official?

Mr. FAIN. Mr. Carter and I asked him, all about those things. Of course, he denied it.

Representative FORD. Did he make any specific denial of that, as you recall?

Mr. FAIN. Yes; we asked him if he had been asked about anything concerning his specialty while in the Marine Corps and I think he said no, that he had not.

Representative FORD. What confuses me is, one, that he denied this to you, but then he apparently at some prior time had told the Embassy that he had advised unnamed Soviet officials that as a former Marine radar operator he would make available to them information about his Marine Corps specialty when he became a Soviet citizen.

Mr. FAIN. Yes, sir; we were aware of that, that statement. He denied it, and he also denied that he had ever denounced his United States citizenship, and he denied to Mr. Carter and me that he had ever applied for Soviet citizenship specifically.

Mr. STERN. Was it your practice, Mr. Fain, to review the files on a subject before you interviewed him?

Mr. FAIN. Yes, sir.

Mr. STERN. Can you recall whether you did that in this case?

Mr. FAIN. I certainly did, yes, sir; there were so many details and so many allegations you had to study it long hours to get the thing further in mind.

Mr. STERN. But you think you did that before you interviewed Oswald?

Mr. FAIN. Yes, sir.

Mr. STERN. In view of the purpose of the investigation, the interest that you had, what was your overall evaluation of Oswald as a result of this interview?

Mr. FAIN. Well, that was—of course, that would be calling for my opinion,

and we are interested only in getting facts on this case, facts, and all I could say is that he seemed tense.

Mr. DULLES. He seemed tense?

Mr. FAIN. Tense, yes, sir; and drawn up. I don't know whether he was just scared or what his situation was, but he was—he exhibited an arrogant attitude, arrogant, cold, and inclined to be just a little insolent.

Mr. STERN. When he did tell you something would you tend to believe that he was telling you the truth or not? Did you form an impression of his veracity?

Mr. FAIN. Well the information we had was that he had applied to renounce his citizenship, and he had applied for Soviet citizenship, and yet he denied that. It was just a flat denial and I had no way of knowing whether he was telling the truth or not. It is a thing that you cannot always tell. We got answers from him as set out here. He would give you some kind of answer.

Mr. STERN. Who was your immediate superior on a case like this, not his name, but describe his function.

Mr. FAIN. He was on the desk in Dallas, and all of these investigations, all of my work, went across his desk. He would make the assignments also.

Mr. STERN. Tell the Commission what you mean by "the desk," please.

Mr. FAIN. The supervisory desk in the Dallas office that handled security-type matters, and this report would go across his desk, and the assignments that would come to me would be made by him.

Mr. STERN. Did you discuss the Oswald case with your desk supervisor at this time, upon the completion of this interview?

Mr. FAIN. I don't recall specifically talking to him at this time. If I had been over there in the next few days I imagine I would have talked to him or did talk to him. You see, I was in Fort Worth.

Mr. STERN. Yes.

Mr. FAIN. And normally I would dictate my reports, and they would go by mail to Dallas and, of course, we were in telephonic contact, any time anything came up of any problem nature.

Mr. STERN. Would you have discussed the case with your supervisor if you thought that there was a particular and immediate problem?

Mr. FAIN. Oh, certainly; yes, sir.

Mr. STERN. Did you think that there was a particular and immediate problem following your interview?

Mr. FAIN. Well, I didn't feel satisfied because of his answers there as to why he went to Russia. He was evasive, and that was the reason I set out a lead to have him reinterviewed.

Mr. STERN. What do you mean by that, Mr. Fain?

Mr. FAIN. To talk to him again. You see, at this time he had just come to town and he was out there at his brother's place. He had a wife and a little 4-month-old baby that he had brought from Russia, and he didn't have any established place to live, and I can see how the newspapers may have harassed him, and it might have been, very likely was, that he didn't want to show himself out of the house, but I felt under the circumstances he ought to be talked to again, he ought to be interviewed in detail about these same things and, consequently, I did set out a lead.

Mr. STERN. What does that mean in terms of your procedures?

Mr. FAIN. In my report I just suggested that he be reinterviewed.

Mr. STERN. Is that in this report?

Mr. FAIN. That might have been my transmittal—no, it doesn't show here. It is probably on the transmittal to the chief of the Dallas office.

Mr. STERN. A recommendation that he be—

Mr. FAIN. A recommendation, yes, that he be reinterviewed because I wasn't thoroughly satisfied with some of the answers he gave.

Mr. DULLES. I wonder, Mr. Chairman, whether we should not have that transmittal letter; it seems to be pertinent to the case.

Representative FORD. I think it would be helpful in light of the testimony, Mr. Fain.

Mr. FAIN. It was a lead sheet, what we call a lead, and I recall that on that I suggested that the records of Immigration and Naturalization Service be

checked and incorporated, and also that he be reinterviewed. Those were the two things I remember specifically having put in the report.

Representative FORD. That would be a cover to Commission No. 823?

Mr. FAIN. A lead sheet; yes, sir.

Mr. STERN. We are going to have the testimony, gentlemen, of Mr. Alan Belmont, the third-ranking official of the Bureau, who can testify from an overall Bureau viewpoint on the way this case was handled and be able to respond to questions of that sort, what was in the internal memoranda, transmittal documents, and things of that sort.

Mr. DULLES. That is satisfactory.

Mr. STERN. Anything else at all, Mr. Fain, that you can tell us about this interview that we haven't covered already?

Mr. FAIN. No, sir; I put it all on this 302.

Mr. STERN. Mr. Chairman, may we have admitted Commission Exhibit 823 for identification?

Representative Ford. It will be so admitted.

(The document referred to was marked Commission Exhibit No. 823 for identification and received in evidence.)

Mr. STERN. Mr. Fain, I show you a report marked Commission No. 824 for identification, an eight-page report dated August 30, 1962. Can you identify this report?

Mr. DULLES. Off the record.

(Discussion off the record.)

Mr. FAIN. Yes, sir; this is my report of August 30, 1962. It is a closing report, a report that records the result of an investigation pursuant to the lead I set out in this other report, referring to the reinterviewing.

Mr. STERN. This followed your other report by some 7 weeks?

Mr. FAIN. Yes. I talked to him the last time June 26, 1962, and this interview was conducted August 16, 1962.

Mr. STERN. And the early report was dated July 10, 1962.

Mr. McCLOY. July 10, 1962.

Mr. FAIN. Yes, sir; and this report August 30.

Mr. STERN. August 30.

Mr. FAIN. Yes, sir.

Mr. STERN. Have you reviewed this report recently, Mr. Fain?

Mr. FAIN. I have.

Mr. STERN. In preparation for your testimony today?

Mr. FAIN. I have.

Mr. STERN. Is there any statement in it you would like to correct?

Mr. FAIN. No, sir.

Mr. STERN. Any information you would like to add to the data that are set forth?

Mr. FAIN. No, sir.

Mr. STERN. What was the occasion for the investigative work reported in this document, Mr. Fain?

Mr. FAIN. You will recall that I had set out a lead to reinterview him. I felt that he had just gotten back, from Russia on the previous interview, and that he might have been upset naturally, and a reinterview might be more productive. He might feel now settled down, so I set about to locate him and to talk to him again.

Mr. STERN. How did you locate him, Mr. Fain?

Mr. FAIN. On August 14 I contacted Robert again, Robert L. Oswald, the older brother, at 7313 Davenport, and he told me that Lee Harvey had moved, that he didn't have his house number, but he was on Mercedes Street, west of Montgomery Ward & Co., just off Seventh Street.

Mr. STERN. In Fort Worth?

Mr. FAIN. Yes, sir; in Fort Worth. And then I went there. He gave me the name of the street, and I went there and made some inquiries, and finally ascertained from an adjoining neighbor, just east of Lee's house—these were little duplex apartments—and she told me, yes, there is a Mr. Oswald who just moved in next door a few days ago.

Then on August—

Mr. DULLES. Could I ask, did she seem to know him at all well?

Mr. FAIN. No; she didn't, she hadn't met them, but she just said some people had moved in, and that was enough for me. Robert had told me, had indicated pretty much where it was, and the fact is he gave me pretty good directions as to where to go. As a matter of fact, he had been down there himself in the apartment apparently, but he just didn't have the house number.

Mr. STERN. What did you do after you located the house, Mr. Fain?

Mr. FAIN. After I located the house on the 15th, and I made arrangements to have another agent and I go out there and reinterview him. I didn't want to go to his house. I didn't want to contact his wife. I knew from the background we had conducted that she could not speak English. She could speak Russian only, and I didn't know any Russian, so it wouldn't have been any point in my contacting her and upsetting her.

So this agent and I in an automobile took up a surveillance at the end of the street out of sight of the house and away from the house, and waited until he came from work.

We observed him toward the end of the day, and I suppose it must have been around 5:30, something like that, in the late afternoon, walking down the street, and we then moved up in front of his house.

Of course, I knew him and he knew me from a previous interview, and I spoke to him, "Hi, Lee. How are you?" I said, "Would you mind talking with us just a few minutes?" So he got in the back seat. I remained in the front seat. Arnold J. Brown, the other agent, was in the back seat with him, and we talked with him there, and the results of the interview are set out here on page 4.

Mr. STERN. Was it your normal practice to conduct an interview in teams?

Mr. FAIN. Yes, sir.

Mr. STERN. This interview you conducted with Agent Brown, and your previous interview you conducted with Agent Carter, I believe?

Mr. FAIN. Yes, sir; Agent Carter was with me on the first one, and Arnold Brown was on the second one.

Mr. STERN. Why is that, Mr. Fain?

Mr. FAIN. Well, in case something comes up in these important interview cases which might have some evidentiary value, we like to have two agents present.

Mr. STERN. Is your general rule always to have two agents when you interview any subject?

Mr. FAIN. Subject, particularly if it is something other than routine; yes, sir.

Mr. STERN. This, as far as you were concerned, was something other than routine?

Mr. FAIN. In internal security cases, in a case of this magnitude and this importance, we would always have two agents present.

Mr. STERN. When you say a case of this magnitude and a case of this importance, what do you have in mind?

Mr. FAIN. Well, this man had been to Russia, and we wanted to try to find out whether he had been recruited by the Russians to do a job against the United States.

Mr. STERN. So this, in relation to your other cases, was an important case?

Mr. FAIN. It was important.

Mr. DULLES. Do you often conduct interviews in a car or was this rather unusual?

Mr. FAIN. We felt that in this case we could get his cooperation better if we could show to him that we weren't trying to embarrass him. I explained to him that afternoon, "We didn't contact you at your place of employment; we didn't want to embarrass you before your employer," and didn't want to upset his wife and, therefore, I hadn't bothered his wife, and we just felt if we talked to him there in the car informally, he would better cooperate with us.

Mr. DULLES. It wasn't because he showed reluctance to have you go in the house or didn't invite you or anything of that kind?

Mr. FAIN. Oh, no; no. Actually he invited us in when we stopped him. He said, "Won't you come in the house?" And I said, "Well, we will just talk here. We will be alone to ourselves and we will be informal, and just fine." So he got in the car with Agent Brown.

Mr. McCLOY. Was he actually less truculent than he had been before?

Mr. FAIN. Yes; he had actually settled down. He had gotten a job at Leslie Machine Shop, and he wasn't as tense. He seemed to talk more freely with us.

Mr. McCLOY. He indicated that he had been or his wife had been in constant communication with the Soviet Embassy here?

Mr. FAIN. Well, he told me on the previous interview that he would have to get in touch with the Russian Embassy and let them know that his wife was in this country, and to let them know his address, and I asked him if he had done that, and he said he had in this second interview. He said he would have to contact them. The way he termed it, his phraseology was, that the Soviet law was that a person in her position coming over here, a citizen from Russia, must notify the Soviet Embassy of her current address, and he said that should be done periodically.

Mr. STERN. Did you discuss his discharge from the Marine Corps?

Mr. FAIN. We actually went over substantially everything we had asked him before.

Mr. STERN. Did he seem concerned about that?

Mr. FAIN. The fact that he had been given the unfavorable discharge? I believe now, I don't recall just exactly whether I asked him right at that time whether there had been any disposition of that, and maybe I did.

Mr. STERN. The third paragraph on page 4 refers to that, and I just wondered if you could say more about it.

Mr. FAIN. Yes; he just advised about the matter of having been given an undesirable discharge had not been reviewed. We did ask him that because he brought it up and mentioned it before.

Mr. STERN. Did he seem—

Mr. FAIN. He didn't know when it would be heard at that time. He said he didn't know when it would be heard.

Mr. STERN. Did he seem angry about it, the status?

Mr. FAIN. No; just answered it and didn't seem ruffled.

Mr. STERN. At any point in the course of the interview did he display anger or irritation?

Mr. FAIN. The only point he did, was when we asked him again why he went to the Soviet Union in the first place, and I didn't like his answer there. That is set out on the bottom of page 5. He still declined to answer questions as to why he went to the Soviet Union in the first instance. He said he considered it nobody's business why he wanted to go to the Soviet Union. Finally he stated he went over to Russia for his own personal reasons. He said it was a personal matter to him. He said, "I went and I came back." He said, "It was something that I did." So he just bowed his neck and apparently wasn't going to tell anything further at all on that point.

Mr. DULLES. Could I ask a question? On the bottom of the earlier page, page 1, where it stated that Oswald was interviewed when he first arrived at the Soviet Union, and he stated he was interviewed when he was about to leave by representatives of the MVD, he was quite clear about the MVD and not the KGB?

Mr. FAIN. That is right; he indicated the MVD.

Mr. DULLES. And he clearly said MVD?

Mr. FAIN. Yes, sir; he described it as being—handling criminal matters among the population generally, is the way he described it.

Mr. DULLES. That might be. That is really the Ministry of the Interior, and the KGB is the secret security services, which has been sometimes controlling and sometimes has been under the Ministry of the Interior.

Mr. FAIN. Yes, sir; he indicated to us just the ordinary way. In other words, I gathered from him that the police interviewed him when he came in, and also he said the police interviewed him when he left. But he said he made no deals with them or with any intelligence agents of the Soviet system.

Representative FORD. On page 2, Mr. Fain, are written two words. One is "Texas," is that, and another is "Noloc."

Mr. FAIN. I have no knowledge of who put that on or how that came there. I guess that looks like maybe "Texas" up there at the top.

Representative FORD. Would the second be "no location." Is that an abbreviation for that?

Mr. FAIN. That probably has reference to somebody's notation. It may have been on the desk over there; no location for the uncle, no city stated for his location.

Representative FORD. Would that be something added by someone other than yourself?

Mr. FAIN. Yes, sir; I did not make that notation. I have no knowledge as to who did. It was made in Dallas.

Mr. STERN. Mr. Fain, apart from the question of why he went to the Soviet Union in the first place, was he reluctant to answer any other questions that you put to him?

Mr. FAIN. As I recall it, he answered the other questions fairly readily, and he appeared to be a lot more relaxed than he was the first time.

Mr. STERN. Throughout the interview?

Mr. FAIN. With the exception of this, he kind of bowed up there, and said, it was a personal matter as to why he went over there. He said he came and he went back. Just a little bit insolent. He said it was nobody's business.

Mr. STERN. How long did this interview last, Mr. Fain?

Mr. FAIN. I don't recall exactly, but I expect we talked to him about an hour, maybe an hour and 15 minutes, something like that.

Mr. STERN. How does that compare with the length of time of your first interview with him in your office?

Mr. FAIN. As I recall, the first interview, and again I don't recall it exactly, but I was of the opinion we talked to him for maybe an hour and a half, and maybe 2 hours. It was close to 2 hours because we couldn't cover all the questions in a lesser period of time. We approached the things in different ways and from different angles, and to see if he wouldn't give us the information.

Mr. STERN. Would you read over these three pages of your memorandum of the interview, pages 4, 5, and 6 of the report, and see if there is anything you would like to add or clarify, any detail that occurs to you now that you didn't cover there, any flavor or color of the interview that you wouldn't ordinarily put in your report that you can tell us about?

Mr. FAIN. All right, sir; it is in there. It is indicated in the last paragraph.

Mr. STERN. On what page?

Mr. FAIN. Page 6. Really there is no point in repeating, but he did play down during the entire interview—he seemed to be just a little bit derisive of our questions, and hesitated to bring out whether or not the Soviet intelligence officials might have been interested in him or might have contacted him, and he downgraded or played that down. He just didn't think he was that important; in other words, that they would want to contact him.

Mr. DULLES. How was he on that point, was he strong on that point, did he press that point?

Mr. FAIN. No; there wasn't anything remarkable about that different from the other. He saw no reason why the Soviets would want to contact him. He didn't feel like he was of any importance to them. He said that he would cooperate with us and report to us any information that would come to his attention.

Mr. DULLES. On the bottom of—excuse me.

Mr. FAIN. That is all right; I was through.

Mr. DULLES. On the bottom of page 1 of your report, page 4 of the exhibit, it is indicated that this report was made by Special Agent Arnold J. Brown and by you. Do you recall who dictated the report?

Mr. FAIN. I did.

Mr. DULLES. And was it concurred in by Special Agent Arnold J. Brown?

Mr. FAIN. Yes, sir.

Mr. DULLES. He saw it?

Mr. FAIN. Yes, sir.

Mr. DULLES. He concurred in it?

Mr. FAIN. Yes, sir; he saw the dictated, the finished document and initialed it.

Representative FORD. What kind of covering letter did you send with this to the Dallas office, if any?

Mr. FAIN. There would be none because this is closed. In other words, there didn't seem to be any evidence that he had a potential for violence or anything like that, and we just closed the case, and this went over there very likely without any transmittal.

Mr. DULLES. Where is there an indication here that the case was closed?

Mr. FAIN. "C." This letter "C" under the synopsis is a symbol we use just to save typing time, it stands for closed.

Representative FORD. Who makes that determination?

Mr. FAIN. As to whether the case would be closed or not?

Representative FORD. Yes.

Mr. FAIN. It was my determination and my recommendation it be closed. Of course, the report goes to the supervisor's desk in the Dallas office, and if he concurs he lets it go on through, and if he declines he would send it back for additional investigation or other action, whatever he deemed appropriate.

Mr. DULLES. Was there a written recommendation that this case be closed other than this?

Mr. FAIN. No; other than this, no.

Mr. DULLES. That "C" is all?

Mr. FAIN. Yes.

Representative FORD. Is that "C" put on by you?

Mr. FAIN. Yes, sir; in my dictation.

Representative FORD. In your dictation?

Mr. FAIN. Yes, sir; to show the case closed.

Mr. DULLES. Do you get any approval or disapproval of that, or, if it is not disapproved, you consider it conclusive?

Mr. FAIN. Well, if it is going to be disapproved, I would hear probably the third day, or if he wanted to get on the telephone and call me to do something additional that he thought ought to be done, then I would be told to do some additional work on it.

Representative FORD. What is the significance of the third day? Is this the usual time or what?

Mr. FAIN. No; I was just thinking about the mail time. You get a communication out, for instance, if I mailed this report it would get there the next day, and they would review it and then they would mail it out and I would get it the third day.

Representative FORD. Just the communication time.

Mr. FAIN. That is right; that is right.

Mr. DULLES. Did you get any comment back at all on this report from headquarters?

Mr. FAIN. No; I did not.

Mr. STERN. Would you elaborate, Mr. Fain, about your conclusions on this case and your evaluation of Oswald the man as of the time of your second interview. What led you to your recommendation?

Mr. FAIN. An evaluation as to what?

Mr. STERN. From the viewpoint of the investigation you were conducting. You told us how you felt about him on the first interview, and you felt a further interview would be necessary.

Mr. FAIN. Well, I felt in the second interview he was more relaxed, and I felt he answered the questions more readily and with less evasion.

However, he still didn't seem to want to go into the reasons why he went over there in the first place, and why he wouldn't do it. Evidently he had his own reasons for giving those answers. I don't know whether he just wanted to be—maybe he was just inherently insolent, and that is just typical of his personality is all I could figure out.

Mr. STERN. Will you tell us again the purpose of your investigation, what you were after.

Mr. FAIN. The purpose of this investigation was to determine whether or not he had been contacted by the Soviet intelligence agencies, whether he had been given an assignment or not, whether they had made any deal with him, and whether, as a demand, for permitting his wife to accompany him—you see,

for a long time, they told him he couldn't take her apparently, and there was quite a period that he was waiting to get her, and he refused to come back to the United States unless his wife came back with him. We wanted to find out whether or not the Soviets had demanded anything of him in return for letting her come on over.

Mr. STERN. As to that, had you formed a conclusion, after the second interview?

Mr. FAIN. As to—on that point?

Mr. STERN. Yes.

Mr. FAIN. Well he answered it and said, "No." He played it down all the way through. In other words, that was the main purpose we were talking to him, was to try to ascertain that point. He downgraded it all the way through, and belittled himself. He said, "I was not that important."

Mr. STERN. Was your recommendation that this case be closed, a recommendation that indicates that you had reached a conclusion on the question of your investigation?

Mr. FAIN. Yes, sir; even though he was arrogant and cold, from his answers, I couldn't see any potential for danger or violence at that point.

Mr. DULLES. Did Special Agent Arnold J. Brown concur in your decision with regard to marking the case "C," closed?

Mr. FAIN. Yes, sir; I remarked to him we were just going to close it, and he saw the finished report and initialed the report.

Mr. DULLES. He saw that conclusion and concurred in it?

Mr. FAIN. Yes, sir.

Mr. STERN. In terms of your FBI procedures, what is the difference between marking a case closed or marking it pending?

Mr. FAIN. Well, if it is a pending case, there is additional work to be done on it.

Mr. STERN. Specific additional work?

Mr. FAIN. Yes, sir; specific leads to be done on the case.

Mr. STERN. And closed means that there are no such specific leads, is that right?

Mr. FAIN. Yes, sir; that is right; it is closed.

Mr. STERN. But does that mean that the case is in dead storage somewhere?

Mr. FAIN. Not forever; no. If there is any reason for reopening it, it could be reopened the next day if necessary or the next 3 days or any time. But this assignment had been completed. He had been interviewed. That was the purpose of this contact, to interview him, and set forth the results of re-interview, and that was all that was to be done.

Mr. STERN. Are cases frequently reopened?

Mr. FAIN. Cases are reopened constantly. If there is any reason for reopening it, it certainly would be reopened.

Mr. STERN. Is it fair to say then that in this kind of situation, "closed" is really a shorthand for "no further work to be done at this time"?

Mr. FAIN. Correct, correct.

Mr. DULLES. Off the record.

(Discussion off the record.)

Mr. McCLOY. What is the date of this last report here?

Mr. FAIN. The date of this was August 30, 1962.

Mr. McCLOY. August 30, 1962.

Mr. STERN. Mr. Fain, do you recall discussing Lee Harvey Oswald with his brother Robert Oswald about this time?

Mr. FAIN. Discussing his brother with him?

Mr. STERN. Did you ever talk to Robert Oswald about any of your conclusions regarding Lee Harvey Oswald?

Mr. FAIN. Certainly not. I contacted him on August 14, but that was for the purpose of locating his brother for interview.

Mr. STERN. Is it possible that you might have said to him at some point, "I have interviewed your brother and I don't think he presents a problem," or "I do"? I don't suppose you would say that.

Mr. FAIN. Positively not. I never made that statement to him at any time.

Mr. STERN. This would be contrary to your operations?

Mr. FAIN. That would call for a conclusion, and we wouldn't discuss a matter like that with anyone, especially a relative.

Mr. STERN. With any unofficial person?

Mr. FAIN. Official—that is right. Of course with my supervisor and some official who is entitled to it, but I certainly did not talk to Robert Oswald about anything like that.

Mr. STERN. Do you have any indication from your interviews with Lee Harvey Oswald or from anything else you knew about him, from your investigation, that he was dangerous or potentially violent?

Mr. FAIN. No, sir; no, sir; if there had been any indication that he was potentially dangerous or violent or had a potential for violence, we certainly wouldn't have closed it.

Mr. McCLOY. You felt he constituted no security risk to the United States?

Mr. FAIN. Well, we couldn't prove that he was a member of the Communist Party in Fort Worth; had no report that he was a member of the party.

Mr. McCLOY. Quite apart from the party, from party membership, was it your conclusion that he was—he did not constitute a security risk?

Mr. FAIN. I couldn't see any potential for violence.

Mr. McCLOY. I am not talking about potential for violence. I am talking about security risk. You know what I mean by that. You are an experienced security officer.

Mr. FAIN. Well, I am suspicious of any Communist, obviously, and I think any Communist is a threat because I think they are atheistic, materialistic; I don't think they know what the truth is, and from that standpoint I would think he is—but he wasn't, we couldn't say. The checks we made were to the effect that he was not a Communist, was not a member of the Communist Party.

Mr. McCLOY. Was not a member of the Communist Party.

Mr. FAIN. But he went to Russia. Of course, we couldn't get him to tell us why he went. We tried on two occasions. He said it was personal with him. He wanted to go over there the first time, and in that first interview he said, "I don't care to relive the past."

Mr. McCLOY. I understand that. But if you had doubts about his security, about his loyalty to the United States, or put it the other way, or if you think he might have been a security risk to the United States, should you have closed this case?

Mr. FAIN. Yes, sir; we would have closed it because there was no reason to keep it open. We had the information. We re-interviewed him, no potential for violence appearing.

Mr. McCLOY. That isn't the test, is it, whether he can be capable of intrigue or he can be capable of espionage without violence. He could be a security risk without violence, couldn't he?

Mr. FAIN. Well, that might be, of course. Of course—if we knew then what did happen, was going to happen, we certainly wouldn't—

Mr. McCLOY. I am not talking about hindsight. I am talking about as of that time whether in your judgment this man was no longer, in your judgment, to be considered as a security risk to the United States. I am not trying to place any blame or criticism here. I am just trying to get the state of your mind as of the date of that report, whether that included your belief that he was not a security risk.

Mr. FAIN. Well, we like to let our reports stand for themselves, in other words on the situation, the answers given. In answer to your question, I would have been rather satisfied if he would have told me why he went over there and if he weren't so evasive.

Mr. McCLOY. You got an impression he was evasive and he was not telling you the truth?

Mr. FAIN. Well, he was inclined to be haughty and arrogant, and even though he was insolent, and that could have been, of course, a part of his personality makeup, that type of individual.

Mr. McCLOY. Let me ask you this: If you had felt in spite of his answers that he was a security risk, would it have been incumbent upon you to report to your superiors that he was, and that you thought he ought to be continued under surveillance?

Mr. FAIN. Yes, sir; if he would have met the qualifications we considered that he had been a security risk, and had a potential for any violence or dangerousness, why, we certainly would have stayed on him.

Mr. DULLES. And you would not have marked the report as closed, the case as closed.

Mr. FAIN. Well, I closed it because my investigation was completed. The assignment was to interview him and the case at the end of the interview with the information we obtained the case was closed. The man had found a job, he was working, he was living in this duplex with his wife, and he was not a member of the Communist Party. Of course, it was true he had been to Russia. He denied any contacts with a Soviet intelligence agent. He denied that he had any contacts. We considered all the facts and circumstances and closed the case, and that is what I did.

Mr. McCLOY. If you had not come to that, would you have put in another lead for another interview?

Mr. FAIN. Yes, sir.

Mr. McCLOY. Would it have been incumbent upon you to recommend to your superiors that he be continued under surveillance?

Mr. FAIN. I could have recommended that he be reinterviewed but I frankly didn't see any point in doing that.

Mr. McCLOY. I understand that. But assuming you did find some derogatory information, or some facts that made you fear that he was a security risk beyond a recommendation for further interviews, what would be your province to do? Would it be your province to recommend surveillance?

Mr. FAIN. Yes, sir; if there had been some facts there to indicate that he was—

Mr. McCLOY. A potential danger?

Mr. FAIN. A potential danger to the security of the United States, and for instance if we had found that he was a member of the Communist Party and meeting with them, made some contact with them, I certainly would have stayed right on it.

Mr. McCLOY. You would have recommended that he be kept under surveillance then?

Mr. FAIN. Yes, sir.

Mr. McCLOY. That is all I am getting at.

Representative FORD. Are you through, John?

Mr. McCLOY. Yes.

Representative FORD. On the top page of Commission Exhibit 824 it says, and I quote, "Oswald and wife unknown to confidential informant." Did you make that check?

Mr. FAIN. I did. I checked with the confidential security informants that we had there, and they said this man was not known to be a member of the party, and the party had not discussed him for membership purposes or anything like that.

Representative FORD. Do you have in this area, or did you have at that time in this area reliable confidential informants?

Mr. FAIN. Yes, sir; yes, sir. Excellent informants.

Representative FORD. During your experience in Fort Worth or otherwise, did you ever have a case similar to the Oswald case, a defector who had returned to the United States?

Mr. FAIN. No, sir.

Representative FORD. This was your only one?

Mr. FAIN. I had read in the newspapers about them occurring in various areas in the United States but this was the first one I had handled.

Representative FORD. This was the only one of a similar nature that you handled?

Mr. FAIN. I believe there were some cases back there too. We did handle one or two of those where the man in the service had made some kind of a remark, and we had interviewed him when he returned. I remember two or three of those cases when he returned to this country.

We contacted him to ascertain what his employment was, what his status was, what his present residence was, what his present attitude was, and whether

or not he would report to us if he were contacted under suspicious circumstances abroad or otherwise. We worked on several of those, that type of case.

Representative FORB. Your contacts with these confidential informants, were they prior to or subsequent to this interview with Oswald?

Mr. FAIN. This was subsequent. This was the day following. I had also previously interviewed them.

Representative FORB. I think there was a somewhat similar statement in one of your other reports.

Mr. FAIN. I believe in the other report, yes, sir.

(At this point, Chief Justice Warren entered the hearing room.)

Mr. DULLES. Do you recall any other instances where you have marked a case closed where headquarters has come back and suggested that it not be closed and that further investigation be made?

Mr. FAIN. Right now, I can't specifically recall any instances, but it has been done, and if the supervisor felt additional work should be done we would have no hesitancy in doing it.

Mr. STERN. Mr. Fain, your recommendation about closing a case is checked by how many supervisors that you know?

Mr. FAIN. One on the security desk there before it goes on here to the seat of Government.

Mr. STERN. This is one on the security desk in Dallas?

Mr. FAIN. Yes, sir.

Mr. STERN. Then what happens?

Mr. FAIN. Then the report goes on into Washington here, to the FBI.

Mr. STERN. As far as you know is it checked again here?

Mr. FAIN. Oh, yes.

Mr. STERN. And by whom or by what kind of official?

Mr. FAIN. Well, they have a desk up here that has that function, too, you see. I don't know just, Mr. Belmont can probably answer that better than I can because I am not familiar at all with the workings of it up here. But I know they are rigidly checked and rechecked.

Mr. STERN. Now, at the time you filed this report, in view of the fact that you didn't see, as you testified, any further work to be done at this time—

Mr. FAIN. That is right.

Mr. STERN. Could you have put the case in any other status besides "Closed"? Is there any other administrative procedure that might have been available to you under the circumstances where you had nothing further, no further work to recommend at the time?

Mr. FAIN. Any other status? I could have put it, of course, in a pending status and set out some leads.

Mr. STERN. No, no; assuming you didn't see any further work to be done, any further leads at that time, under your administrative practices?

Mr. FAIN. No; if the work has been completed, we put the recommendation that it be closed and as I say, of course, that is no ironbound thing, to keep it from being reopened. It can be reopened any time, any of these security cases, the very next day, if necessary or the next 5 days or the next month, anything comes in on it or we get any specific reason for reopening it, it certainly is reopened.

Representative FORB. A few minutes ago I asked you a question about checking with confidential informants. Did this check involve only confidential informants in Fort Worth as far as the Communist Party was concerned, or would it have a broader check?

Mr. FAIN. These were the confidential informants available to me in Fort Worth only.

Representative FORB. Would there be a different set of informants in Dallas?

Mr. FAIN. Yes; they had informants, I suppose, one or two from the area there, but we certainly had two when I considered to be excellent right in Fort Worth and I am sure they had good access.

Representative FORB. But would such a check of informants at Fort Worth necessarily mean there couldn't have been some relationship Oswald had with the Communist Party in Dallas, for example?

Mr. FAIN. Well, these in Fort Worth are familiar with some of the activity in Dallas, too.

Representative FORD. There would be a connection between your informants in Fort Worth—

Mr. FAIN. Yes, sir.

Representative FORD. And those that might exist in Dallas?

Mr. FAIN. Yes, sir. I contacted these on several occasions, on two occasions that I remember, and, I felt, if this man was a member of the Communist Party they would know about it.

Representative FORD. When one of the Secret Service agents went down to Dallas prior to the assassination in his preparation for the visit of the President he checked through informants in certain right-wing elements in Dallas to see whether or not there was to be any violence at the time of the President's visit. There have been allegations to the effect that Oswald was in some way connected with such alleged right-wing organizations. Did you have any knowledge of that?

Mr. FAIN. No, sir; no, sir.

Representative FORD. Did you have any reason to check it?

Mr. FAIN. No; all the information that I had and as these reports will reflect, he was along the lines of Marxist, Communist, if anything, and I don't think you will find any indication that he was on the other.

Representative FORD. You had no information that he was in any way whatsoever connected with the alleged right-wing organizations?

Mr. FAIN. That is right. That is right, I did not.

Mr. McCLOY. Did any Secret Service people get in contact with you prior to the visit of the President, or did you get in contact with them?

Mr. FAIN. No., sir. You see, I retired from the FBI October 29 of 1962. The President was down there November 22, of 1963.

Mr. McCLOY. I forgot.

Mr. DULLES. That was how long, I didn't catch the date, how long before the assassination attempt?

Mr. FAIN. I retired October 29 of 1962, and the assassination—

Mr. DULLES. The year before, about?

Mr. FAIN. Yes, sir.

Mr. DULLES. A little over a year.

Mr. FAIN. The assassination occurred in November of 1963, isn't that correct?

Representative FORD. Are you still living in the Dallas-Fort Worth area?

Mr. FAIN. No, sir; I am at Houston. I moved to Houston and retired on the 28th and went to Houston on November 1 of 1962.

Representative FORD. What is your present occupation?

Mr. FAIN. I am office manager and in charge of accounts receivable for my brother who is an orthopedic surgeon in Houston.

Representative FORD. You no longer have any connection with the Government?

Mr. FAIN. No, sir; I do not. The Bureau has been mighty good to me. I have enjoyed my tenure of service.

Mr. STERN. Mr. Fain, was there any procedure that you went through upon your retirement in turning over cases, cases you had worked on whether they were in closed status or pending cases? Did you discuss the cases with an agent who was taking them over?

Mr. FAIN. Yes, sir.

Mr. STERN. Was a closed case discussed in that fashion?

Mr. FAIN. Yes, in general, in other words—

Mr. STERN. Do you recall discussing the Oswald case with another agent?

Mr. FAIN. Not specifically, no; I do not.

Mr. STERN. But you do think you would have in connection with the procedures you followed upon your retirement?

Mr. FAIN. Maybe not. We might not, since this case was closed, I doubt very much that we discussed it.

Mr. STERN. You have no recollection of it?

Mr. FAIN. At least I have no recollection of having discussed it with him.

Mr. STERN. May we have this report, Mr. Chairman, which has been marked for identification S24, admitted?

Representative FORD. It may be admitted.

(The document referred to, previously marked as Commission Exhibit No. S24 for identification, was received in evidence.)

Mr. STERN. Mr. Fain, I show you a document, a letter from Director Hoover with attachments, which has been marked for identification Commission No. S25. Would you turn to the last two pages and can you tell us what the last two pages constitute?

Mr. FAIN. The last two pages constitute an affidavit which I gave to the Houston office of the Federal Bureau of Investigation.

Mr. STERN. Did you make it at the Houston office?

Mr. FAIN. Yes, sir.

Mr. STERN. What was the occasion of your making this affidavit?

Mr. FAIN. I was contacted by Mr. Ed Dalrymple, special agent of the FBI, and he explained to me that he would like to talk to me about this matter. He said he had had an inquiry concerning whether or not I had ever paid this man, Lee Oswald, any money for any information and he asked me if I would be willing to give an affidavit and I said I certainly would be glad to. I came down to the office and gave this affidavit to him on January 29, 1964.

Mr. STERN. Is there anything you would like to add to this affidavit or any correction you would like to make in it at this time?

Mr. FAIN. No, sir; I do not.

Mr. STERN. When you talk about an informant, does that term mean to you only someone who receives money for information?

Mr. FAIN. No, they have an informant that would furnish information without compensation. Informant in the generally accepted term is anyone who would furnish information to the FBI.

Mr. STERN. When you say no effort was made to recruit Lee Harvey Oswald's services in any capacity on behalf of the FBI or any other Government agency, you mean for compensation or otherwise?

Mr. FAIN. Oh, yes. That was my understanding for the reason of this affidavit was whether or not I had ever paid him or offered to pay him any money, remuneration or compensation for any information and certainly there had been no effort to recruit him along that line at all and no payment had ever been made to him.

Mr. STERN. Would you consider then the same question but without the element of compensation: Had you ever made any effort to recruit his services without compensation?

Mr. FAIN. Well, we, of course, interviewed him a couple of times and asked him for information and told him that if he were ever contacted by any Soviet individuals or under any suspicious circumstances to be sure and let us know about it.

Mr. STERN. Did you ever ask him to do anything more than that for you?

Mr. FAIN. No, sir.

Mr. STERN. Did you ever ask him to try to become a member of any group for you?

Mr. FAIN. No, sir; no, sir.

Mr. DULLES. Did he agree to supply the information?

Mr. FAIN. He promised to; yes, sir.

Mr. DULLES. In case he should be approached?

Mr. FAIN. He said he would cooperate with us.

Mr. STERN. The last paragraph of your affidavit describes his attitude as arrogant and hostile. Did you say that on the basis of both interviews with him?

Mr. FAIN. Predominantly as a result of the first, and frankly as I said a while ago, he was and continued to be evasive as to his reason for ever having gone over there, and I consider that uncooperative.

Mr. STERN. But did you feel he was arrogant and hostile at the time of the second interview?

Mr. FAIN. Not so much as he was the first. I would say he was more so, more arrogant and hostile at the first interview.

Mr. STERN. If there are no other questions in this area, I have just one other point I would like to cover with Mr. Fain, and that is what were your instructions, Mr. Fain, as a special agent of the FBI, with regard to referring to the Secret Service information bearing upon the protection of the President, not in this case but as a general proposition?

Mr. FAIN. As a general proposition, if there was any information coming to our attention, express or implied, or any implication that the President might be in danger or anyone had made a threat of that character, we would always refer it to the Secret Service, that was made clear to us from the very beginning of my service.

Mr. STERN. In your 20 years of service as a special agent did you ever have any occasion to refer information to the Secret Service?

Mr. FAIN. I don't remember any specific instances but I am sure there have been a few occasions where I have turned over some information like that and I have run several investigations out as to who this individual was and as to what he was, and so forth.

But any indication of, a threat or otherwise I would have contacted my supervisor—it happened at Fort Worth at that time we didn't have a representative of Secret Service, it was covered out of Dallas, but if there had been anything like that, any indication of potential for violence or any threats I would have called my Dallas office and they would have in turn advised the Secret Service.

Mr. STERN. Did you see any reason to refer Lee Harvey Oswald to the Secret Service?

Mr. FAIN. No, sir; no, sir. I didn't see any potential for violence at that time; no, sir.

Mr. STERN. Did he ever mention the President or the Presidency or——

Mr. FAIN. No, sir.

Mr. STERN. Or any elected official to you?

Mr. FAIN. No, sir.

Mr. STERN. Governor Connally?

Mr. FAIN. No, sir.

Mr. DULLES. Would the memoranda of these conversations be put in a file that was in any way special as to of doubtful character or suspicious character so that it might be referred to later under that category?

Mr. FAIN. They constantly review these, as I understand it, these matters.

Mr. DULLES. Who is "they"?

Mr. FAIN. The supervisory desk over there constantly is going over these matters, and if there is any—they check the files to see if anything has come in on it that would look like it ought to be reopened.

Mr. DULLES. But there was no mark on this file to indicate that this was a case that might have some pending interest from the point of view of security?

Mr. FAIN. No, sir; not that I am aware of.

Mr. STERN. Is there anything you would like to add to anything you have told the Commission this morning, Mr. Fain?

Mr. FAIN. I believe not. I don't recall anything additionally.

Mr. DULLES. Did you card all these files so that—and was there a card in your files under the name of Lee Harvey Oswald?

Mr. FAIN. Not in my files, but when it goes to Dallas they index all those.

Mr. DULLES. They do that in Dallas?

Mr. FAIN. Yes, sir; and the seat of Government.

Mr. DULLES. And there was a card on Lee Harvey Oswald, a special card, in addition to a file in the office?

Mr. FAIN. I am sure there was, there might have been an index.

Mr. DULLES. But you didn't know that yourself?

Mr. FAIN. No, sir; but we didn't maintain one in Dallas—in Fort Worth.

Mr. STERN. That is all.

The CHAIRMAN (presiding). Well, Mr. Fain, thank you very much, sir, for your courtesy and your help to us. We appreciate it. Sorry to disturb you in your retirement.

(At this point Senator Cooper entered the hearing room.)

(At this point Representative Ford left the hearing room.)

## TESTIMONY OF JOHN LESTER QUIGLEY

The CHAIRMAN. Mr. Quigley, this session of the Commission is for the purpose of hearing the testimony of certain members of the FBI concerning interviews they had with Lee Oswald, and we understand that you had one with him.

Mr. QUIGLEY. Yes, sir; I did.

The CHAIRMAN. And we want to have you discuss that with us. Would you please rise and raise your right hand and be sworn. Do you solemnly swear the testimony you are about to give before this Commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. QUIGLEY. I do, sir.

The CHAIRMAN. Be seated, please. Mr. Stern will conduct the examination.

Mr. STERN. Would you state your full name for the record, Mr. Quigley?

Mr. QUIGLEY. John Lester Quigley.

Mr. STERN. Your address?

Mr. QUIGLEY. No. 4, Cromwell Place, New Orleans, La.

Mr. STERN. Have you a law degree, Mr. Quigley?

Mr. QUIGLEY. I do, sir.

Mr. STERN. From what institution?

Mr. QUIGLEY. Columbus University, Washington.

Mr. STERN. Are you a member of the bar?

Mr. QUIGLEY. No; I am not, sir.

Mr. STERN. Upon receiving your law degree, did you join the FBI?

Mr. QUIGLEY. I was in the FBI at the time I was going to law school.

Mr. STERN. And when did you join the FBI?

Mr. QUIGLEY. July 7, 1936.

Mr. STERN. And you have been a member of the FBI since then?

Mr. QUIGLEY. That is correct.

Mr. STERN. To the present time. What was your assignment in 1963?

Mr. QUIGLEY. General assignment, investigative assignment.

Mr. STERN. In what office?

Mr. QUIGLEY. New Orleans division, at New Orleans, La.

Mr. STERN. How long had you been in the New Orleans office?

Mr. QUIGLEY. Since February of 1959.

Mr. STERN. Mr. Quigley, I show you a document which has been marked Commission No. 826 for identification. Can you identify this document for us, please?

Mr. QUIGLEY. Yes; I can identify it. This is the October 31, 1963, investigative report of Special Agent Milton R. Kaack, who was at that time assigned to the New Orleans division, with regard to Lee Harvey Oswald.

Mr. STERN. Are you responsible for any portion of this report, Mr. Quigley?

Mr. QUIGLEY. Yes; I am, sir.

Mr. STERN. What portion?

Mr. QUIGLEY. I direct your attention to page 6 of this report, pages 6 through 10, which reflect the result of an interview which I had with Lee Harvey Oswald on August 10, 1963, at New Orleans, La.

Mr. STERN. Are you responsible for any other portion of the report, Mr. Quigley?

Mr. QUIGLEY. I am confident I am not but may I just look at it for a moment. No, sir; I am not.

Mr. STERN. Can you identify the entire report from your official duties?

Mr. QUIGLEY. Yes. I have seen this, a copy of this report, in our files at New Orleans.

Mr. STERN. Have you reviewed this report recently in preparation for your testimony before the Commission?

Mr. QUIGLEY. Yes; I have.

Mr. STERN. Turning now to page 6 of the report, can you tell us from this memorandum when you interviewed Lee Harvey Oswald?

Mr. QUIGLEY. Yes; I interviewed him at the first district station, New Orleans Police Department, on August 10, 1963.

Mr. STERN. How did you come to interview Mr. Oswald?

Mr. QUIGLEY. Lt. Francis L. Martello, platoon commander at the first district, New Orleans Police Station, called our office and advised that he wished an agent to stop by there since there was a prisoner who desired to speak with an agent.

As a result of this telephone call, I proceeded to the first district.

Mr. STERN. Did you receive the telephone call?

Mr. QUIGLEY. No, sir; I did not.

Mr. DULLES. By agent, did he mean agent of the FBI?

Mr. QUIGLEY. Yes, sir; yes, sir.

Mr. STERN. You were assigned by someone in your office to take this assignment?

Mr. QUIGLEY. That is right. This was on a Saturday, which we operate on a skeleton staff. We do not have a full staff on a Saturday.

Mr. STERN. Were you accompanied by any other agent of the FBI in making this interview?

Mr. QUIGLEY. I was not.

Mr. STERN. Is that normal, under your procedures?

Mr. QUIGLEY. I would say yes. Agents operate independently unless there is a specific reason for more than one agent to be present.

Mr. STERN. As far as you knew here there was no such reason?

Mr. QUIGLEY. There was no reason.

Mr. STERN. Did you know whom you were going to interview, by name?

Mr. QUIGLEY. I did not, sir.

Mr. STERN. Just an individual who was—

Mr. QUIGLEY. An individual, that is correct.

Mr. STERN. Had you any knowledge of an organization called Fair Play for Cuba Committee's activities in New Orleans before this interview?

Mr. QUIGLEY. I had knowledge that there was such an organization in existence in the United States. I had no knowledge of any activities of such an organization in the city of New Orleans, La.

Mr. STERN. Did you know of its existence in the United States as part of your official work?

Mr. QUIGLEY. Overall knowledge of Bureau operations; yes, sir.

Mr. STERN. Were you working on any particular investigation involving this Committee at the time?

Mr. QUIGLEY. No, sir; I was not.

Mr. STERN. Will you tell us what occurred first when you came to the police station?

Mr. QUIGLEY. At the time I arrived at the police station, Lieutenant Martello directed me to the commanding officer's office, where there was laid out on the table a number of different pamphlets, throwaways, relating to the Fair Play for Cuba Committee, which he advised me had been removed by the New Orleans Police Department from Oswald the previous day, August 9, at the time of his arrest, for disturbing the peace on Canal Street.

I reviewed, generally looked over, the material to see what it was. I was not familiar with any of this material. While I was doing this, he had not at this point identified who the individual was other than the person had been arrested the previous day; while I was looking over the material, the jailer brought in an individual who was then introduced to me by Lieutenant Martello as Harvey Lee Oswald. I then identified myself by credentials to Lee Harvey Oswald.

Mr. STERN. You said Harvey Lee Oswald.

Mr. QUIGLEY. I beg your pardon.

Mr. STERN. You meant Lee Harvey Oswald?

Mr. QUIGLEY. Yes; Lee Harvey Oswald.

Mr. STERN. Did his name mean anything to you at that time?

Mr. QUIGLEY. No, sir; it did not.

Mr. STERN. In these documents that you were given to look at by the New Orleans Police was there a handwritten list of names, addresses, telephone numbers—anything of that sort.

Mr. QUIGLEY. No, sir; there was not.

Mr. STERN. Have you subsequently learned of such a list in connection with your duties?

Mr. QUIGLEY. Yes; I have.

Mr. STERN. Have you been told why that list wasn't furnished to you at the time of your interview?

Mr. QUIGLEY. Yes; I have. On November 29, 1963, I went to the first district station in New Orleans Police Department to confer with Lieutenant Martello. At this time he informed me that on November 23, 1963, a representative of the Secret Service had contacted him about 3 o'clock in the morning, told him that he was conducting an official investigation with regard to the assassination of the President, and desired to talk to him.

Arrangements were made the following or that same day, to meet at the first district station. At approximately 3 o'clock the Secret Service representative met there. At this time, Lieutenant Martello went to his files, removed from the files the evidence that had been taken from Oswald on August 9, 1963. In going through these documents, he noted this piece of paper that had what appeared to him to be foreign writing, he felt that it probably was Russian but he did not know. He turned this over to the Secret Service.

He related to me that at the time he had questioned Oswald on August 10, 1963, prior to the time that he had called the FBI office, that he had gone through items in Oswald's wallet, which is a normal procedure for the police to do, for background identification, and so forth, and among the items in his wallet was this piece of paper, and in the discussion that pursued, apparently this particular document and a small photograph of Oswald inadvertently became involved with the evidence that was being handled in the case at the time, and the file was then put away, and it was not gone back into, as I understand it, until this interview of the 23d, when he discovered this document.

Mr. DULLES. And the photograph?

Mr. QUIGLEY. Yes, sir.

Mr. DULLES. In addition to the writing was among these other papers?

Mr. QUIGLEY. Yes, sir.

Mr. STERN. Did you make notes of your interview?

Mr. QUIGLEY. Yes; I did, sir.

Mr. STERN. Do you practice shorthand or any speedwriting?

Mr. QUIGLEY. No, sir; I do not.

Mr. STERN. How soon after the interview did you record the interview formally?

Mr. QUIGLEY. Five days.

Mr. STERN. Did you dictate or draft it yourself?

Mr. QUIGLEY. I dictated from my notes.

Mr. STERN. Did you retain the notes?

Mr. QUIGLEY. No, sir; I did not.

Mr. STERN. Is it your usual practice to destroy notes once you have dictated a memorandum?

Mr. QUIGLEY. It is the usual practice to destroy your notes after the completed work has been returned to you for proofing to make certain that the information is accurate, then you do destroy them.

(Discussion off the record.)

Mr. STERN. Mr. Quigley, I show you a one-page document marked for identification with the number 827. Can you identify that document?

Mr. QUIGLEY. Yes; I can identify this document.

Mr. STERN. What is it, please?

Mr. QUIGLEY. This is a copy of a document that was turned over to me by Lt. Francis L. Martello of the New Orleans Police Department, on November 29, 1963. He informed me that at the time he interviewed Oswald on August 10, 1963, Oswald had on his person a piece of paper which was removed from his wallet which contained some foreign writing as well as some English, that the piece of paper inadvertently became involved in the evidence in the case with reference to the disturbing of the peace. And subsequently on November 29, 1963, he found this original document that had been taken from Oswald among the items of evidence at the first district police station. He then turned the

original of this document over to Secret Service representative, Mr. Adrian Vial, who was assigned to the Secret Service office at New Orleans.

Prior to turning the original document over to Mr. Vial, Lieutenant Martello made a copy in his own handwriting of the document that was turned over to Mr. Vial. This is the copy of the document that Lieutenant Martello made and which was turned over to me on November 29, 1963.

Mr. STERN. And you have just supplied that document to the Commission?

Mr. QUIGLEY. I have.

Mr. STERN. You mentioned that Lieutenant Martello said that there was a photograph among these papers of Lee Harvey Oswald. Did you see the photograph?

Mr. QUIGLEY. No; I did not.

Mr. STERN. Do you know what he did—did he tell you what he had done with the photograph?

Mr. QUIGLEY. He did not, sir.

Mr. STERN. Did he tell you anything about the photograph, tell you what it was a photograph of?

Mr. QUIGLEY. He remarked in his report that it appeared to be a passport photograph.

Mr. STERN. Of Lee Harvey Oswald?

Mr. QUIGLEY. Of Lee Harvey Oswald.

Mr. STERN. Turning now to the first page of your report, Mr. Quigley, in the third paragraph you show that you were told that Mrs. Oswald's maiden name was Prossa. From your practice, would you have taken that name down, asked the person being interviewed to spell it for you?

Mr. QUIGLEY. I certainly would have.

Mr. STERN. If you were relying on your ear, would you indicate that?

Mr. QUIGLEY. I would never take a name phonetically.

Mr. STERN. So you believe—

Mr. QUIGLEY. I would request an accurate spelling.

Mr. STERN. You believe that he spelled the name to you?

Mr. QUIGLEY. I am positive he did, sir.

Mr. STERN. This way. Have you reviewed this memorandum of your interview?

Mr. QUIGLEY. Yes; I have, sir.

Mr. STERN. Is there anything you would like to add to it now—

Mr. QUIGLEY. No, sir.

Mr. STERN. Any detail that you omitted that you now think of?

Mr. QUIGLEY. No, sir.

Mr. DULLES. Are you quite sure he said to you that about 4 months ago he and his wife Marina Oswald, named Prossa, whom he met and married in Fort Worth, moved to New Orleans?

Mr. QUIGLEY. Well, these are not his direct words, sir. This is the substance of what he told me; yes. This is accurate. This is my own phraseology.

Mr. DULLES. I understand.

Mr. McCLOY. One other thing. I have to leave shortly to go to lunch, but on page 7 of this report you described these membership cards.

Mr. QUIGLEY. Yes, sir.

Mr. McCLOY. Did he have the membership cards in his possession at that time?

Mr. QUIGLEY. Yes, sir; he did, sir.

Mr. McCLOY. You saw them?

Mr. QUIGLEY. Yes, sir; I did, sir. I think the last you will notice, in that last sentence he had in his possession both cards and exhibited both of them.

Mr. McCLOY. Right. One of them was, at least one of them, was signed A. Hidell?

Mr. QUIGLEY. Yes, sir; that is correct.

Mr. McCLOY. Do we have those cards?

Mr. STERN. I believe we do. I do not have them here.

Mr. McCLOY. But it is important to have them because the name Hidell was in the handwriting—but these are membership cards purporting to be membership cards in the Fair Play for Cuba organization.

Would you be able to identify these cards if you saw them, Mr. Quigley, as the ones that were shown in Oswald's possession exhibited to you?

Mr. QUIGLEY. I don't believe I could truthfully say if you showed me a card, these two cards now that those were the identical ones.

From the description and the data that I have recorded I could say they were similar.

Mr. McCLOY. All right.

Mr. QUIGLEY. I don't just feel I could identify them. Bear this in mind, sir; this material was evidence as far as the New Orleans Police Department was concerned at the time, we couldn't take this material.

Mr. McCLOY. I understand.

Mr. DULLES. Did you say that some of it was turned over to the Secret Service?

Mr. QUIGLEY. No, sir; not to my knowledge.

Mr. DULLES. Not this material?

Mr. QUIGLEY. Not to my knowledge, sir.

Mr. STERN. Did Oswald answer all the questions you put to him in the course of your interview?

Mr. QUIGLEY. I am sorry.

Mr. STERN. Did Oswald answer all the questions you put to him in the course of your interview?

Mr. QUIGLEY. No; he did not answer all of them.

Mr. STERN. Do you recall the nature of the questions he didn't want to answer or he evaded?

(At this point Mr. McCloy left the hearing room.)

Mr. QUIGLEY. When I began asking him specific details with respect to his activities in the Fair Play for Cuba Committee in New Orleans as to where meetings were held, who was involved, what occurred, he was reticent to furnish information, reluctant and actually as far as I was concerned, was completely evasive on them.

Mr. STERN. Did he tell you why he had requested the interview?

Mr. QUIGLEY. No; he did not, sir.

Mr. STERN. Did you form any impression as to why he had requested the interview?

Mr. QUIGLEY. Well, he was in police custody at the time, involved in a disturbing of the peace charge, was becoming involved in a fight with three Cubans on the street in the distribution of Fair Play for Cuba literature. I felt that he was probably making a self-serving statement in attempting to explain to me why he was distributing this literature, and for no other reason, and when I got to questioning him further then he felt that his purpose had been served and he wouldn't say anything further.

Mr. STERN. Why do you think it might have been important for him to explain to you what he was doing—

Mr. QUIGLEY. Well—

Mr. STERN. Or to an FBI agent?

Mr. QUIGLEY. Well, he is in custody—this I cannot answer you. You ask me what I thought, this is what my feeling was on the matter. His actual motive, I really wouldn't have any idea.

Mr. STERN. Is there any possibility that he was trying to give the New Orleans police the idea that he was working for or with the FBI?

Mr. QUIGLEY. Not to my knowledge, sir; no.

Mr. STERN. None of his conduct went in that direction?

Mr. QUIGLEY. No; he certainly, to my knowledge, never advised the New Orleans police of this. As a matter of fact, he, during the course of the interview with Lieutenant Martello, made a flat statement that he would like to talk to an FBI agent, which is not an unusual situation. Frequently persons who are in custody of local authorities would like to talk to the FBI.

The CHAIRMAN. Is that so?

Mr. QUIGLEY. That is true, sir. Many times people don't really understand what the FBI jurisdiction is. They feel we handle a multitude of things which we don't. We are happy to talk with them, we record the information, and if we can be of assistance, we are, and if we cannot be of assistance we tell them we cannot and we explain to them why we can't be of assistance.

The CHAIRMAN. Did he ask you to be of any assistance to him?

Mr. QUIGLEY. No, sir; he did not.

Mr. STERN. Mr. Quigley, did you believe he was telling you the truth in all respects?

Mr. QUIGLEY. No; I did not, sir.

Mr. STERN. In what respect did you think he was not telling the truth?

Mr. QUIGLEY. Well, as I stated before, when—I accepted basic information that he furnished to me regarding background, about what occurred at the time of his arrest. Then when I began questioning him as to who A. J. Hidell was, who the members of the Fair Play for Cuba Committee were in New Orleans, where they held their meetings, what literature he read, which he claimed he had been receiving from the Fair Play for Cuba Committee, he was noncommittal or wouldn't discuss it.

At one point of the interview he told me that he had held one of the Fair Play for Cuba Committee meetings at his home. I asked him, "Well, how did you get in touch with the other people?" "Well, I don't care to discuss that." "Who were the persons at the meeting?" "I don't know." "Did you know any names at all?" "Yes. They were introduced to me by first names only." "What were their first names?" "I cannot remember." So it was apparent to me that he was not certainly going to furnish anything that he had made his statement, why I did not know. But when I pressed him for details he declined to furnish anything.

Another one, for example, I asked him about A. J. Hidell, obviously you can see why I would have been interested in this. "Well, Mr. Hidell had a telephone." "What was Mr. Hidell's telephone number?" "Mr. Hidell's telephone has been disconnected." "What was the number?" "I can't remember." This was the end of it, so this is the basis for my thinking.

Mr. STERN. Yes.

Mr. QUIGLEY. One more thing I would like to add that might help clarify it, as to why I felt it was a self-serving statement is that he told me that he was distributing these throwaways for the Fair Play for Cuba Committee because of a patriotic duty, as a patriotic American citizen. This I felt was certainly, in his opinion, a self-serving statement.

Mr. STERN. Did he elaborate on that? Did he tell you in what respect he thought he was performing a patriotic duty by distributing this pamphlet?

Mr. QUIGLEY. No; not in so many words, but he did explain that he felt that the goal and theme of the Fair Play for Cuba Committee was that it was his patriotic duty to bring to the attention of as many people as he could, the fact that the United States should not attack Cuba at the time or interfere into their political affairs, and that by spreading what he considered the philosophy of the Fair Play for Cuba Committee, that the American people would better understand the internal conditions there, and the American people should be given an opportunity to go to Cuba and let them make their own mind up as to what the situation was as of that time rather than just merely reading it in the newspaper.

Senator COOPER. I have a question I would like to ask. You have just stated that Oswald told you something about his own purposes and also the objectives of this Fair Play for Cuba Committee. Did he make any comment on the policy of the United States toward Cuba?

Mr. QUIGLEY. No, sir; he did not.

Senator COOPER. Did he say—

Mr. QUIGLEY. To my recollection.

Senator COOPER. Did he say anything affirmatively opposing or stating what the policy of the United States was and to be opposed to it?

Mr. QUIGLEY. I have no recollection of that, sir.

Senator COOPER. Did he mention any official of the United States as opposing his policy?

Mr. QUIGLEY. No, sir; he did not.

Senator COOPER. The President of the United States, President Kennedy?

Mr. QUIGLEY. No, sir; everything that he told me I recorded in my notes, so everything that I have here in this document is what he told me. Now bear this in mind when it was apparent to me that he was not giving me information

that, I didn't continue for hours and hours—I did not know who this individual was at the time, so I felt that I had adequate background for the time being. If we wished to pursue it further, at least we had a basis to talk to him.

Mr. STERN. Your report does not indicate, Mr. Quigley, specifically that you believed some of the information he told you was not true?

Mr. QUIGLEY. That is correct.

Mr. STERN. Tell us why that is.

Mr. QUIGLEY. Well, I feel that a person reviewing the document can draw their own conclusions that the information that he has furnished is not complete, is inaccurate, that he is obviously withholding information, plus the fact that, as a matter of policy, we do not express conclusions or personal opinions. We are a factfinding agency. We allow the facts to speak for themselves.

Mr. STERN. Would you look at page 10 of the report, the biographical data on Lee Harvey Oswald. At "place of birth" you have entered "New Orleans, Louisiana," but then put in parentheses, "at the time of arrest Oswald claimed he was from Cuba."

Mr. QUIGLEY. That is correct.

Mr. STERN. This is not in your report as such, there is no statement, no recorded note of anything he told you about where he was born. How did that come up and what did he say?

Mr. QUIGLEY. Following my interview with Oswald, I, of course, spoke with Lieutenant Martello, and I made an observation that this Oswald was a New Orleans boy. I couldn't remember that yesterday, that he was a New Orleans boy, and Lieutenant Martello said, "Well, that isn't what he told the officers at the time of arrest. He said he was born in Cuba," and this is why I recorded this. We frequently have persons who are arrested in various places in the county, and furnish record different dates, places of birth, and we always record any variations of what we feel is the truth, so our record will be complete on such a situation.

Mr. STERN. Did Lieutenant Martello tell you anything else at the time you learned this?

Mr. QUIGLEY. No, sir; we didn't discuss it further.

Mr. STERN. What was Lee Harvey Oswald's demeanor during the interview, his attitude, his cooperativeness?

Mr. QUIGLEY. He was receptive at the time I was questioning him about his general background, such as employment, "where have you been, what have you done," he told me he was unemployed at the time. He had previously worked for William Riley Coffee Co. there in New Orleans and he had been honorably discharged out of the service; that he had moved to Fort Worth after he had gotten out of the service and married, there were no problems involved here. But when I began questioning him with regard to his activities in the Fair Play for Cuba Committee, then he became reticent, reluctant to furnish information, and in some instances refused to furnish any information.

Mr. STERN. Was he antagonistic, hostile?

Mr. QUIGLEY. He was antagonistic to some extent, not overly so. He certainly was not friendly.

Mr. STERN. How long did the interview last, to the best you can recall?

Mr. QUIGLEY. As best I can recall approximately an hour and a half. This would include, of course, my reviewing of the documents with him, and so on.

Mr. STERN. Did you get any indication that he was a dangerous individual or that he was, potentially, a violent individual?

Mr. QUIGLEY. Absolutely none at all.

Mr. DULLES. What documents did you review with him?

Mr. QUIGLEY. Yes, sir.

Mr. DULLES. The Fair Play for Cuba Committee and the Corliss Lamont report?

Mr. QUIGLEY. Yes, sir; and the throwaways I went over those generally with him.

Mr. STERN. When you concluded your interview, then what did you do? After awhile you talked to Lieutenant Martello. What did you do after that?

Mr. QUIGLEY. I returned to my headquarters.

Mr. STERN. Did you check your office—

Mr. QUIGLEY. I did check our files and I determined that we had an investigation currently underway with regard to Oswald. I knew it was assigned to an agent in the New Orleans office who sat right in front of me. So I, on Monday morning, I discussed the fact that I had interviewed Oswald at the first district jail on Saturday morning.

Mr. STERN. Do you recall what you told him about the case other than the details? Did you think Oswald was worthy of further investigation?

Mr. QUIGLEY. Well, sir, this was not my decision. I was merely recording the results of an interview. I had nothing to do with the actual investigation of this particular matter.

Mr. STERN. Did you think he was behaving rationally or irrationally?

Mr. QUIGLEY. I would say he was acting rationally. You are speaking of the time I interviewed him?

Mr. STERN. Yes.

Mr. QUIGLEY. Rationally.

Mr. STERN. Were you concerned at all by the fact that he had requested this interview, volunteered for it after his arrest in connection with Fair Play for Cuba Committee activity and thereafter was misleading and reluctant to talk to you about these activities? Didn't you think it was strange?

Mr. QUIGLEY. No, sir; I just thought this was a normal situation that has occurred many times of persons in custody of the police wish to talk to an FBI agent. We have them come to our headquarters in New Orleans all the time to talk to us. So I didn't consider this unusual at all.

Mr. STERN. Would it be usual or had it occurred before that someone would ask for an interview and then refuse to respond to your questions. Didn't that seem strange?

Mr. QUIGLEY. Not necessarily; not necessarily. Frequently people will have a problem and want to talk to an FBI agent and they want to tell them what their problem is, but then when you start probing into it then they don't want to talk to you. I think that is just human nature. If you are probing too deep it gets a little touchy.

Mr. DULLES. Who was in charge of this other investigation from the FBI office with regard to Lee Harvey Oswald that you found out about later, was this Special Agent Milton R. Kaack?

Mr. QUIGLEY. Yes, sir.

Mr. DULLES. Did you make your report to him, did you?

Mr. QUIGLEY. Orally, yes; I discussed it with him.

Mr. DULLES. When it was sent forward was it sent forward with these documents we have in Exhibit 826 of which your report forms pages 6 through 10?

Mr. QUIGLEY. Yes, sir; this was prepared—that is correct—this was then prepared and transcribed. But I had discussed the matter or discussed the fact that I had interviewed him.

Mr. DULLES. Was Special Agent Kaack your superior or just happened to be in charge of this particular subject?

Mr. QUIGLEY. No; this investigative matter was assigned to him.

Mr. DULLES. I see. He was the one then who forwarded the report to Washington, this report we have, Exhibit 826?

Mr. QUIGLEY. He is the one who prepared it; yes, sir.

Mr. DULLES. And included verbatim your memorandum in this report?

Mr. QUIGLEY. Yes, sir.

Mr. DULLES. Pages 7 to 10.

Mr. QUIGLEY. Yes, sir.

The CHAIRMAN. Six to ten.

Mr. STERN. Have you found subsequent to this interview, Mr. Quigley, that you had any other contact with the case of Lee Harvey Oswald before this interview?

Mr. QUIGLEY. Yes; I discovered at the time I checked our files that on April 18, 1961, I had, as a result of a request of the Dallas office, checked the office of naval intelligence records at the U.S. Naval Station at Algiers. My purpose in checking that was merely to record what information their files contained.

Mr. STERN. And then you would send a report to that effect to the Dallas office?

Mr. QUIGLEY. I sent a letter I believe in that particular case.

Mr. STERN. Any other contact before this?

Mr. QUIGLEY. No, sir.

Mr. STERN. Any other contact with Lee Harvey Oswald or his case or anything to do with his case?

Mr. QUIGLEY. No, sir.

Mr. STERN. After your interview in the police station but before the assassination?

Mr. QUIGLEY. No, sir.

Mr. STERN. Up to the time of the assassination?

Mr. QUIGLEY. No, sir.

Mr. DULLES. I note this case is marked "P," which I understand is pending.

Mr. QUIGLEY. That means——

Mr. DULLES. This was an open case in the New Orleans office?

Mr. QUIGLEY. That is correct, sir. In other words, this indicates to us administratively that there is further investigation to be conducted, whether it be in New Orleans or some other place in the United States or the world, as a matter of fact.

Mr. DULLES. You mentioned Algiers a minute ago. What Algiers is this?

Mr. QUIGLEY. Algiers, La., sir, right across from New Orleans.

Mr. DULLES. I don't know the geography well enough, I thought it wasn't Algiers in Africa.

Mr. QUIGLEY. Yes, sir.

The CHAIRMAN. Gentlemen, I think we might as well adjourn for lunch now. What time would you like to return? Is 2 o'clock all right with you, or 2:30? Which would you rather have? We will be back at 2 o'clock.

(Whereupon, at 1:05 p.m., the President's Commission recessed.)

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### Afternoon Session

#### TESTIMONY OF JOHN LESTER QUIGLEY RESUMED

The President's Commission reconvened at 2:20 p.m.

The CHAIRMAN. The Commission will be in order. Mr. Stern, you may continue.

Mr. STERN. Before the luncheon recess, Mr. Chief Justice, the witness, Mr. Quigley, had identified Commission Exhibit No. 826 and afforded the Commission this one-page document which has been marked Commission Exhibit No. 827. He identified it as a copy furnished him by Lieutenant Martello of the New Orleans Police Department of Lieutenant Martello's own handwritten copy of a document in the wallet of Lee Harvey Oswald at the time of his arrest. I think it should be admitted, if it may be, in this form.

The CHAIRMAN. It may be.

(The documents heretofore marked for identification as Commission Exhibits Nos. 826 and 827, were received in evidence.)

Mr. STERN. Also, this morning a question was raised concerning the two membership cards which are mentioned at page 7 of the report.

Mr. QUIGLEY. I show you an envelope marked Commission Exhibit 828 for identification. There is a card inside which, unfortunately, has been badly discolored by fingerprint testing. Would you look at it and I think if you turn it in different directions of light you may be able to make out the typing and writing on the card.

Mr. QUIGLEY. Yes; I can see this.

Mr. STERN. Can you identify the card?

Mr. QUIGLEY. I am in no position to identify this particular exhibit.

Mr. STERN. Can you tell us anything about the information that appears on

the card? Does it compare with any other information you have about another card?

Mr. QUIGLEY. At the time that I interviewed Oswald in New Orleans on August 10, 1963, I observed two Fair Play for Cuba Committee cards. One of them was signed V. L. Lee and was dated May 28, 1963, and it purported to be a Fair Play for Cuba Committee card showing the address of 799 Broadway, New York 3, N.Y. In looking at this exhibit, I see that this is a similar card as described in my report.

Mr. STERN. Similar in what respects?

Mr. QUIGLEY. Similar in that the identification I have just described appears on the card in the Exhibit 828. However, I am not able to identify the signature of any person other than V. L. Lee, and the date I am unable to determine, although I do believe I see 5-28-63 typewritten on the card.

Mr. STERN. What about the color of the card? There is a portion on the back, Mr. Quigley, which has not been discolored by the fingerprint treatment.

Mr. QUIGLEY. I notice this is gray in color and it is similar to a card that was in Oswald's possession at that time which was also gray in color.

Mr. STERN. Mr. Chairman, may this be admitted?

The CHAIRMAN. It may be admitted.

(The document referred to was marked Commission Exhibit No. 828 for identification, and received in evidence.)

The CHAIRMAN. It has been identified and has a number, has it?

Mr. STERN. Yes; No. 828.

The CHAIRMAN. 828 will be admitted under that number.

(Discussion off the record.)

Mr. STERN. Mr. Quigley, will you look, please, at Commission Exhibit No. 825 for identification, at the fourth page from the end of that exhibit? Can you identify that page for us?

Mr. QUIGLEY. Yes; I can. This is an affidavit that was prepared at the FBI office, Dallas, Tex., on February 17, 1964, which bears my signature as well as the signature of Miss Matty Havens, the notary public.

Mr. STERN. What was the occasion for your making this affidavit, Mr. Quigley?

Mr. QUIGLEY. I was instructed to proceed to our Dallas office to prepare such a document. This document relates to informant material. This is the general context of it. Did you care for me to read the document?

Mr. STERN. No; we have it. Does informant mean to you only a person who gives information in return for money or some other valuable consideration, or does it have a broader meaning as far as you are concerned?

Mr. QUIGLEY. It would have a broader meaning as far as I was concerned.

Mr. STERN. What would that mean when you used the word in this affidavit? What did you mean by "informant"?

Mr. QUIGLEY. One who furnishes information.

Mr. STERN. For whatever reason?

Mr. QUIGLEY. Whatever may be the reason; yes.

Mr. STERN. And you did not, according to your affidavit, ask Mr. Oswald—

Mr. QUIGLEY. I did not ask or suggest that Mr. Oswald become an informant of the FBI nor did I offer him any money or any other inducements to become an informant.

Mr. STERN. Did you say anything to him at all about getting in touch with you or the FBI again about any matter?

Mr. QUIGLEY. I did not.

The CHAIRMAN. Mr. Quigley, if you will, we will recall you if a document comes just for your identification. It will only take a few moments, I am sure.

Thank you very much for your coming and helping us.

Mr. QUIGLEY. Thank you very much, sir.

#### TESTIMONY OF JAMES PATRICK HOSTY, JR.

The CHAIRMAN. Would you raise your right hand, please, and be sworn? Do you solemnly swear the testimony you are about to give before this Commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HOSTY. I do.

The CHAIRMAN. Will you be seated, please? Mr. Stern will conduct the examination, Mr. Hosty.

Mr. STERN. Would you state your full name for the record?

Mr. HOSTY. My full name is James Patrick Hosty, Jr.

Mr. STERN. And what is your present address?

Mr. HOSTY. 11018 Genetta Drive, Dallas, 28, Tex.

Mr. STERN. What was your education at the college level, Mr. Hosty?

Mr. HOSTY. I have a bachelor of science degree in business administration from the University of Notre Dame.

Mr. STERN. When was that granted?

Mr. HOSTY. In 1948, June of 1948.

Mr. STERN. When did you join the Federal Bureau of Investigation?

Mr. HOSTY. January 21, 1952.

Mr. STERN. Briefly, what sort of work were you employed at between 1948 and 1952?

Mr. HOSTY. I was first employed by the First National Bank in Chicago, and then employed by the Beechnut Packing Co. as a salesman.

Mr. STERN. What were your assignments in the FBI?

Mr. HOSTY. I was first assigned to the Louisville division on general investigation, then transferred to the Dallas division and served in general investigation until approximately June of 1955 when I was assigned to the internal security squad.

Mr. STERN. When did you first arrive in the Dallas office?

Mr. HOSTY. December 2, 1953.

Mr. STERN. You have been in Dallas—

Mr. HOSTY. Ever since.

Mr. STERN. Ever since?

Mr. HOSTY. Correct.

Mr. STERN. Are you familiar with the Dallas area generally?

Mr. HOSTY. Yes, sir.

Mr. STERN. You know the downtown locations?

Mr. HOSTY. Yes, sir.

Mr. STERN. The buildings and streets?

Mr. HOSTY. Yes, sir.

Mr. STERN. Can you tell us whether you were assigned to the case of Lee Harvey Oswald?

Mr. HOSTY. Yes, sir; I was.

Mr. STERN. Did you take over from Agent Fain or in some other way?

Mr. HOSTY. No, sir; I did not take over directly. When Agent Fain retired directly from the Bureau he had closed the case. He had a case which we call a pending inactive case on Mrs. Marina Oswald. This case I did take over. It was in what we call a pending inactive status, that is, nothing was to be done for a period of 6 months. Then at the end of the 6-month period it was then turned into a pending case and I went out and attempted to locate Mrs. Marina Oswald for the purpose of interviewing her.

I might add that it is the practice of the FBI to interview immigrants from behind the Iron Curtain on a selective basis, and she was so selected to be one of these persons to be interviewed.

Mr. STERN. When was this?

Mr. HOSTY. This was March 4, 1963, when I began my inquiry as to her present whereabouts. I determined on March 4, 1963, through the Immigration and Naturalization Service records that she had moved from Fort Worth to the Dallas area. She was living on a street called Elsbeth Street in the Oak Cliff section of Dallas.

Mr. STERN. What happened in connection with the case of Lee Harvey Oswald?

Mr. HOSTY. This case was closed at this time. It was closed.

On March 11, 1963, I made inquiry at this Elsbeth address, and determined from the landlady, I believe her name was Mrs. Tobias, that she had just evicted Lee and Marina Oswald from her apartment building because of their alleged fighting and his alleged drinking. They caused a disturbance and she had asked

him to leave on March 3, 1963. She told me they had moved a short distance away. She didn't know where. On that same date, I was able to determine from the postal authorities that they had changed their address to 214 Neely Street, also in the Oak Cliff section of Dallas.

On the 14th of March, I verified that Oswalds were residing at this address when I found the mailbox with the name of Lee and Marina Oswald at this address, 214 Neely Street. Now, because of the alleged marital difficulties they were having, I in my judgment decided this was not the time to interview Mrs. Oswald, but to allow a certain cooling off period. So I then checked Lee Oswald's file, at which time I determined that he had a contact with the New York Daily Worker.

Mr. STERN. How did you learn that?

Mr. HOSTY. From our New York office. Our New York office sent a letter through to the Dallas office. This was the first time I had seen this letter.

Mr. STERN. This appeared in his file?

Mr. HOSTY. In his file; yes, sir.

Mr. STERN. Even if the case was closed, the file would continue to accumulate?

Mr. HOSTY. That is correct, and they are periodically rechecked for things of this nature.

I noticed it, and then because of the domestic difficulty and the fact that I knew I would be interviewing his wife in the near future, I requested that the case be reopened. I requested the supervisor in Dallas to reopen the case to me.

Mr. STERN. Was that in writing or verbally?

Mr. HOSTY. Actually, it was, it would appear in writing. I did this by sending a letter to the Bureau, to the FBI headquarters in Washington, setting forth the information I had developed, and then on our office copy I made a request that this case be reopened. This is a normal procedure that we go through when we open cases, or reopen cases.

The CHAIRMAN. Mr. Hosty, did the letter from your New York office say what the nature of the contact with the Daily Worker was?

Mr. HOSTY. It said he was on the mailing list, sir, of the Daily Worker.

The CHAIRMAN. On the mailing list?

Mr. HOSTY. Yes, sir.

The CHAIRMAN. Proceed.

Mr. HOSTY. Then, like I say, I made a judgment that it would be best not to interview Mrs. Oswald at this time until there was a certain cooling off of their domestic difficulty, because it is not wise to interview a person of that type under a strain.

So I set it up that I would go back and recheck in 45 days. This was not highly urgent at the time. We had waited a period of time, and it wouldn't hurt to wait another 45 days. When I went back to check again in May, the middle of May, I found out that they had moved from their Neely Street address and had left no forwarding address.

Mr. STERN. Stop there and let's go back and cover a few details.

Mr. HOSTY. All right, sir.

Mr. STERN. Your recommendation to reopen the case of Lee Harvey Oswald was made at the end of March 1963?

Mr. HOSTY. Right; I believe the letter would be dated March 31.

Mr. STERN. Was your recommendation accepted?

Mr. HOSTY. Yes; and it was reopened.

Mr. STERN. With respect to the pending inactive investigation of Marina Oswald, had any work been done previous to the time when you thought about interviewing her?

Mr. HOSTY. No, sir; in a pending inactive case it is really almost in the same status as a closed case. We do nothing on it, and it was just a waiting period of 6 months that we had set up.

Mr. STERN. Had that case been an active case?

Mr. HOSTY. No, sir; it never had been. It was opened as a pending inactive case.

Mr. STERN. So that no work had been done?

Mr. HOSTY. No, sir.

Mr. STERN. Until the point in time when you were considering the possibility of interviewing Mrs. Oswald?

Mr. HOSTY. The only work that had been done was the work which I did in connection with the Lee Oswald case for Mr. Fain. I checked the immigration records on Marina Oswald and got her background, just put her background, her name, her description, her place of birth, and that sort of thing in the file.

Mr. STERN. What is the difference administratively between a "pending inactive" and a "closed" case?

Mr. HOSTY. In a pending inactive case, any information coming into the office would be routed to the agent, it would not be put in the file and be missed by the agent.

Mr. STERN. Could Lee Harvey Oswald's case have been put in a pending inactive status rather than a closed status in 1962?

Mr. HOSTY. I wasn't involved in that. Mr. Fain was the one.

Mr. STERN. But as far as administrative procedures are concerned?

Mr. HOSTY. If they had so desired, I think they could have, yes.

Mr. STERN. There was no policy or procedure?

Mr. HOSTY. If there was some more work to be done, if they had decided to, say, reinterview him at, say, in 6 months, they could have.

Mr. STERN. But it would have taken something of that sort?

Mr. HOSTY. Yes; it would have to be some more work to be done on the case in the opinion of the agent.

Mr. STERN. So that pending inactive is part of pending?

Mr. HOSTY. It is sort of midway between.

Mr. STERN. Only the work you have decided to do is more remote?

Mr. HOSTY. Right.

Mr. STERN. More in the future?

Mr. HOSTY. Right.

Mr. STERN. You say that you were considering interviewing Marina Oswald?

Mr. HOSTY. Right.

Mr. STERN. Did you know that she did not speak English?

Mr. HOSTY. Yes; I knew that. In fact, I determined that when I did the neighborhood check on the 3d of March.

Mrs. Tobias told me that she didn't speak a word of English and couldn't communicate with anybody except her husband who spoke Russian.

Mr. STERN. I show you a report of four pages, marked "Report of James P. Hosty, Jr."

Mr. HOSTY. Right.

Mr. STERN. Dated 9-10-63.

Mr. HOSTY. Right.

Mr. STERN. And marked for identification Commission Exhibit No. 829.

(The document referred to was marked Commission Exhibit No. 829 for identification.)

Mr. STERN. Can you identify that report for us?

Mr. HOSTY. Yes, sir; that is my report.

Mr. STERN. Tell us how you came to prepare this report?

Mr. HOSTY. Well, as I told you earlier, in May I found that they had left, Marina and Lee Oswald had apparently left the Dallas area.

In June, I believe it was the middle of June, we received a communication from our New Orleans office advising that one Lee Oswald, was apparently in New Orleans, and requested information on him. They had had previous correspondence with the Dallas office in connection with the Lee Oswald case, as an auxiliary office, and we are aware that we did have a case on him. They asked if this could be the same man, and I wrote back and told them that Lee Oswald had left the Dallas area, and for them to attempt to verify the presence of Lee Oswald and Marina Oswald in New Orleans.

Mr. STERN. This was at what time, Mr. Hosty?

Mr. HOSTY. This was June 17, I believe, they notified us, and by the time I got the letter back to them within a week or 2 it would have been the end of June, early part of July. I sent a request back that they verify his presence in New Orleans. They then wrote back a letter to me, within 2 or 3 weeks. It

would have been in August when it came back, that they had verified Oswald's presence in New Orleans, and that he was working in New Orleans.

Now, this meant under our procedure that since Lee Oswald and Marina Oswald were now located in the New Orleans division, they would take control of the case.

Mr. STERN. Would you explain briefly for the Commission the terms "Office of Origin" and "Auxiliary Office" and how you use those terms?

Mr. HOSTY. Office of origin is the office covering the area of the residence of the individual under investigation. This is the office which controls the case. Now, an auxiliary office is any other office which has investigation in the case and assists the office of origin in this matter.

New Orleans had earlier been an auxiliary office. Dallas had been the office of origin. Now, the situation was reversed, because Lee Oswald and Marina Oswald were now in New Orleans. This had been verified.

Mr. STERN. Would you just summarize the relevant dates from March 1963 through August 1963 in terms of your concern and what you found out about his movements and your communications with the New Orleans office?

Mr. HOSTY. All right. This would be March 4 I got the address in Dallas.

March 11 I determined that they had moved from that one address to another address in Dallas.

March 14 I verified that address. I sent the communication to the Bureau and requested the case be reopened on March 25. I rechecked in the middle part of May as to if they were still at that address in Dallas and determined that they were gone.

On June 17 New Orleans contacted our office, and advised that they had information that the Oswalds were in New Orleans. Early July I wrote to New Orleans and requested that they verify this information and let me know. Early August they did so verify it.

Mr. STERN. If you will look at page 2 of the report we have marked for identification No. 829—

Mr. HOSTY. Yes, sir.

Mr. STERN. The last paragraph on that page relates—well, tell us what information that refers to.

Mr. HOSTY. It says, "On April 21, 1963, Dallas confidential informant T-2 advised that Lee H. Oswald of Dallas, Tex., was in contact with the Fair Play for Cuba Committee in New York City at which time he advised that he passed out pamphlets for the Fair Play for Cuba Committee. According to T-2, Oswald had a placard around his neck reading, 'Hands Off Cuba, Viva Fidel.'"

Mr. STERN. Did you attempt to verify that information?

Mr. HOSTY. When I got it, it was approximately 6 or 7 weeks old, past the date it allegedly took place, and we had received no information to the effect that anyone had been in the downtown streets of Dallas or anywhere in Dallas with a sign around their neck saying "Hands Off Cuba, Viva Fidel." It appeared highly unlikely to me that such an occurrence could have happened in Dallas without having been brought to our attention. So by the time I got it, it was, you might say, stale information and we did not attempt to verify it.

Mr. STERN. When you record this as something that an informant advised about on April 21, that doesn't mean he advised you or the Dallas office on April 21?

Mr. HOSTY. That is right.

Mr. STERN. Did this information come from another part of the FBI?

Mr. HOSTY. Yes, sir; it came from the New York office of the FBI. They were advised on the 21st of April.

Mr. STERN. But the information didn't get to you until some time after?

Mr. HOSTY. In June, I believe.

Mr. STERN. Did you have any information apart from this that there was an organization active in the Dallas area called, "The Fair Play for Cuba Committee"?

Mr. HOSTY. No, sir; we had no information of any organization by that name.

Mr. STERN. Had you at this time ever heard of such an organization?

Mr. HOSTY. Yes, sir; I had.

Mr. STERN. In what connection?

Mr. HOSTY. The New York office had advised all offices of the FBI to be on the alert for the possible formation of chapters of this organization which was headquartered in New York.

Mr. STERN. Had you investigated the Dallas area in that connection?

Mr. HOSTY. We had checked our sources, I had and other agents assigned to the internal security division had checked sources. We were on the alert for it.

Mr. STERN. And you found what?

Mr. HOSTY. We found no evidence that there was any such organization in Dallas.

Mr. STERN. Have you reviewed this report marked for identification No. 829, Mr. Hosty?

Mr. HOSTY. Yes, sir; I have.

Mr. STERN. In connection with your preparation for testimony today?

Mr. HOSTY. Yes, sir.

Mr. STERN. Is there any change you would like to make in anything set forth in it?

Mr. HOSTY. No, sir; I wish it to stand as it reads.

Mr. STERN. Is there anything you would like to add?

Mr. HOSTY. No, sir.

Mr. STERN. Amplify?

Mr. HOSTY. No, sir.

Mr. STERN. The letters "RUC" appear on the first page after the synopsis.

Mr. HOSTY. Right.

Mr. STERN. What do they mean?

Mr. HOSTY. That stands for "Referred Upon Completion" to the office of origin.

Mr. STERN. What does that indicate?

Mr. HOSTY. This indicates that as an auxiliary office we have now completed our investigation.

Mr. STERN. When did Dallas become an auxiliary office in connection with this case?

Mr. HOSTY. It became an auxiliary office upon the submission of the proper forms to the New Orleans office in which I designated them as office of origin. They had verified the residence and employment of Lee Oswald in their city, so upon sending this report and the form they automatically became office of origin.

Representative FORD. Who makes that determination, Mr. Hosty?

Mr. HOSTY. Well, sir; actually it is made by the person who resides in their area, sir. When they reside in their area and work in their area they automatically become office of origin.

The old office of origin sends a form to the new office and advises them, "You are now office of origin." Of course the Bureau gets a copy of that.

Representative FORD. Do you actually move the files or do they get duplicates?

Mr. HOSTY. No, sir. What we do is we review our files and see what communications in the file they do not have copies of. Then they are then sent the copies of any communications they don't have, so that they have a complete file. There is nothing that they don't have.

Representative FORD. You don't actually transfer anything from your office?

Mr. HOSTY. No; the file is not transferred. Individual communications would be if they were lacking a particular communication. Now, in this case New Orleans had previous communications. They did have some background. It was necessary for me to give them a couple of Mr. Fain's reports that you people have looked at earlier. I had to send those reports to them. They hadn't gotten them.

Mr. STERN. I think it is appropriate to have this admitted at this time, if we may, Mr. Chairman.

The CHAIRMAN. The document that has been numbered 829 may be admitted.

(The document heretofore marked Commission Exhibit No. 829 for identification was received in evidence.)

The CHAIRMAN. I would like to ask you, Mr. Hosty, about the information that Mrs. Tobias gave you. I am reading from it now: "Mrs. Tobias advised

they had considerable difficulty with Mr. Oswald who apparently drank to excess and beat his wife on numerous occasions. They had numerous complaints from the other tenants due to Oswald's drinking and beating his wife."

Mr. HOSTY. Yes, sir.

The CHAIRMAN. Did you investigate that to see if that was true.

Mr. HOSTY. No, sir; I took her word for it. There was no reason for me to press it any farther. She had apparently looked into it and had evicted them on the basis of her feelings. I was just reporting what she had done.

Mr. STERN. Had you had any part of the investigation of the case of Lee Harvey Oswald before the time covered by the report?

Mr. HOSTY. Yes, sir; I had.

On the 12th of July 1962 on request of former Agent John Fain, I checked the records of the Immigration and Naturalization Service in Dallas, and got the background information on Marina Oswald, the wife of Lee Oswald. I incorporated it into a memorandum.

Mr. STERN. I show you Commission Exhibit No. 824 which has previously been admitted. Can you identify any part of that?

Mr. HOSTY. Yes, sir; starting in the details here, when it says "At Dallas the following investigation was conducted by S. A. James P. Hosty, Jr.," this is a direct copy of my memorandum which I prepared for Agent Fain down to and including all of page 2.

Mr. STERN. Have you reviewed that—

Mr. HOSTY. Yes, sir.

Mr. STERN. In preparation for your testimony, and have you anything you would like to correct or add?

Mr. HOSTY. No, sir.

Mr. STERN. After the New Orleans office became office of origin, Mr. Hosty, did you have any further connection with the investigation of Lee Harvey Oswald?

Mr. HOSTY. No, sir; not until October of 1963.

Mr. STERN. Not until October? No mention of his name as far as you are concerned until then?

Mr. HOSTY. No.

Mr. STERN. I show you a two-page document which has been marked Commission Exhibit No. 830 for identification.

(The document referred to was marked Commission Exhibit No. 830 for identification.)

Can you identify this document?

Mr. HOSTY. Yes, sir. This is an insert which I prepared for a larger report. Notice on the top the initials "JPH." Those are my initials, showing I prepared these two pages.

Mr. STERN. Have you looked at the larger report from which this was taken?

Mr. HOSTY. Yes, sir.

Mr. STERN. Does any part of that report relate to an investigation made before November 22, 1963?

Mr. HOSTY. No, sir; this is the only part that relates to investigation prior to the 22d of November 1963.

Mr. STERN. Why was it that this was not made the subject of a separate report?

Mr. HOSTY. I don't know. I didn't make that decision.

Mr. STERN. This is something you filed covering—

Mr. HOSTY. I was told to do it this way, and I did it.

Mr. STERN. You said before that you had no further connection with the case of Oswald until October 1963.

Mr. HOSTY. That is correct.

Mr. STERN. Would you tell us in detail what your first contact was in October?

Mr. HOSTY. On October 3, 1963, I received a communication from our New Orleans office advising that Lee Oswald and his wife Marina Oswald had left the New Orleans area a short time before. According to the communication, Marina Oswald, who was at that time 8 months pregnant, had left New Orleans with her small child, 2-year-old child, in a station wagon with a Texas license plate driven by a woman who could speak the Russian language. Lee Oswald

had remained behind and then disappeared the next day. I was requested to attempt to locate Lee and Marina Oswald.

Mr. STERN. Did the request come to you personally?

Mr. HOSTY. To the Dallas office, and the case was then reopened to me. Dallas was an auxiliary office to New Orleans, and it was reopened. I had previously handled the case. It was reopened and assigned to me.

Mr. STERN. And by what office?

Mr. HOSTY. By the Dallas office, reopened the case in Dallas.

Mr. STERN. By the supervisor?

Mr. HOSTY. Supervisor of our squad, yes.

Mr. STERN. And what squad is that?

Mr. HOSTY. The internal security squad.

Mr. STERN. What did you do on October 3 and thereafter?

Mr. HOSTY. Well, there wasn't too much to go on, just a woman driving a station wagon with a Texas license plate. I went to the immigration office to check to see if they had any information, tried to determine if we had any persons around the area. I tried to think of anyone who spoke Russian who had a station wagon and who was a friend of Marina Oswald's. I went to Fort Worth and checked in his old neighborhood, Lee and Marina's old neighborhood, attempted to locate Robert Oswald, his brother, and determined that Robert Oswald had left the Fort Worth area, had moved to Arkansas.

I then sent out a lead to the Little Rock office which covered the area of Malvern, Ark., where Robert Oswald was living, and requested that he be contacted to see if he knew where Lee Oswald was. Then I continued checking through the Dallas and Fort Worth area attempting to determine if the Oswalds had returned to the Dallas or Fort Worth areas.

Mr. STERN. Was this a usual or unusual amount of effort?

Mr. HOSTY. I would say usual amount. I went to neighborhoods where I knew they had been, checked with relatives who had previously been cooperative, just the usual.

Mr. STERN. Was there any notion of urgency in locating him that you got from the New Orleans office?

Mr. HOSTY. No particular note of urgency. Just to let me know that he had left and be on the alert for him.

Mr. STERN. Did they tell you anything about what he had been doing in New Orleans?

Mr. HOSTY. Not at that time.

Mr. STERN. Did you have any information apart from what you knew before he moved to New Orleans at that time?

Mr. HOSTY. Well, I had learned before we had referred the case to New Orleans that he had been engaged in this Fair Play for Cuba Committee work down in New Orleans. They had told us that. We were aware that he was in contact with the Fair Play for Cuba Committee in New York. That was about all at this time.

Mr. STERN. You learned this from the New Orleans office?

Mr. HOSTY. Right.

Mr. STERN. What next happened in your effort to locate him?

Mr. HOSTY. I then received a communication on the 25th of October from the New Orleans office advising me that another agency had determined that Lee Oswald was in contact with the Soviet Embassy in Mexico City in the early part of October 1963.

Mr. STERN. Did they tell you anything else?

Mr. HOSTY. No. Just very briefly that there had been a contact.

Mr. STERN. Did this increase your effort to find him?

Mr. HOSTY. Very much so, yes. I became curious then. Shortly thereafter, on the 29th of October, I received another communication from the New Orleans office advising that they had a change of address for Lee and Marina Oswald to 2515 West Fifth Street, Irving, Tex.

Mr. STERN. You received that information when?

Mr. HOSTY. On the 29th of October.

Mr. STERN. What did you do then?

Mr. HOSTY. Well, I went to—I checked the Dallas crisscross. Unfortunately

Irving is a suburb outside of Dallas and people residing in Irving are not covered in the city directory, so it is very difficult to determine who resides at a given address in Irving. I then went out on the same date, on the 29th of October 1963, to the neighborhood of 2515 West Fifth Street, made inquiry at 2519 West Fifth Street, made what we call a pretext interview, and talked to a woman, whose name at that time I didn't know, but who I now know to be Mrs. Dorothy Roberts.

Mr. STERN. What did Mrs. Roberts tell you?

Mr. HOSTY. Mrs. Roberts told me that the residence of 2515 West Fifth Street was Mrs. Ruth Paine, the wife of Michael R. Paine. They were at this time separated. Michael was not living at that address.

She told me that Michael Paine was employed as engineer at the Bell Helicopter Co. in Fort Worth, Tex., that Mrs. Paine was employed on a part-time basis as a teacher of the Russian language at St. Marks School for Boys in Dallas, Tex.

She further told me that there was a Russian-born and Russian-speaking woman residing with Mrs. Paine. She told me this woman did not speak any English, and that she had just given birth the week before that to a new baby and she had another small child.

This woman further advised me that the wife of this Russian-born woman, who was an American, had visited his wife there on one occasion, but did not reside on West Fifth Street in Irving.

Mr. STERN. You mean husband.

Mr. HOSTY. Husband, yes; I am sorry. I mean the husband of the Russian, that is right.

Mr. STERN. Did you obtain any other information?

Mr. HOSTY. No, not at that time. That is what I determined from Mrs. Roberts at the time.

Mr. STERN. What did you do next?

Mr. HOSTY. On the 31st of October, I did a credit check on Michael and Ruth Paine for the purpose of developing further background.

This credit check showed that Michael Paine was employed at Bell Helicopter as an engineer, showed no employment for Mrs. Paine, just showed her as a housewife, showed they had resided in Irving area for a number of years, and showed a good reputation.

I then checked the criminal records of the Irving Police Department, Dallas County Sheriff's Office. They had no record for either Ruth or Michael Paine. Contacted the Bell Helicopter Co. and the security officer at Bell Helicopter, Mr. Ted Schurman, advised me that Michael Paine was employed by them as a research engineer and he held a security clearance.

I then went to St. Marks School in Dallas. I had known from previous experience this school enjoyed a good reputation and I could approach them safely. I talked to Mr. Edward T. Oviatt, the assistant headmaster at St. Marks School. He told me that Mrs. Paine was a satisfactory employee, loyal to the United States, and he considered her to be a stable individual. He stated that Mrs. Paine was employed as a part-time teacher of the Russian language at that school, and he also advised that in a recent conversation with Mrs. Paine she had advised him that she had a Russian-born woman living with her.

This woman could not speak any English. She had just given birth to a new baby, and she had another small child. The husband of this woman had deserted her and Mrs. Paine felt sorry for her and had taken her in.

Mr. Oviatt went on to explain that Mrs. Paine did this for two reasons. She wanted to improve her Russian-speaking ability by having this person who spoke only Russian in her household. Also, he stated that she was by nature a very kindly individual, Quaker by background, and this was the sort of thing that she would do to help a person in distress.

Mr. STERN. What was the purpose of all these inquiries into the background of Mr. and Mrs. Paine?

Mr. HOSTY. I wanted to make sure before I approached Mrs. Paine that she was not involved in any way with Lee Oswald, in any type of activities which were against the best interests of the United States.

Mr. STERN. How do you mean before you approached Mrs. Paine?

Mr. HOSTY. Well, it was my intention since we could not determine where Lee Oswald was, that he was obviously not at her address, that the best way to find out would be to ask Mrs. Paine.

Mr. STERN. And you were doing all this in connection with the original request?

Mr. HOSTY. Right.

Mr. STERN. From the New Orleans Office?

Mr. HOSTY. Right.

Mr. STERN. And that was?

Mr. HOSTY. To locate Lee Oswald.

Mr. STERN. What did you do next?

Mr. HOSTY. The next day was the 1st of November. I worked in the Fort Worth area in the morning and on my way back from the Fort Worth area at approximately 2:30 p.m., I stopped at the residence of Mrs. Ruth Paine, 2515 West Fifth Street, and identified myself as a special agent of the FBI, and asked if I could talk to her. She was very cordial and friendly, invited me into the house. At this time, she was the only one in the living room. Her small children were taking their naps, and apparently Marina Oswald and her children were, also napping.

Mr. STERN. Excuse me, Mr. Hosty. I show you Commission Exhibit No. 430, which is a floor plan of the Paine home.

Mr. HOSTY. Right.

Mr. STERN. Can you show the Commission from this where you went as you came into the house and where you talked to Mrs. Paine?

Mr. HOSTY. This is the front door, and we talked right here in the living room. I believe the couch was right along here. I believe I sat here and Mrs. Paine sat here, right here in the living room. We were the only two in the living room, to start with.

Mr. STERN. Did you conduct this interview alone?

Mr. HOSTY. Yes, sir; I was the only agent present.

Mr. STERN. Is that usual or unusual?

Mr. HOSTY. It is the usual custom when we are talking to a person who is not a subject or a hostile witness, and Mrs. Paine was not considered a hostile witness.

Mr. STERN. Can you show us from Exhibit 430 approximately where you parked your car that day if you recall?

Mr. HOSTY. I don't recall specifically. I do recall that her station wagon was parked in the driveway. There was another car in front of the house, and it is my recollection that I parked, perhaps, here.

There is another house right next door here which was vacant, and I believe I parked in front of the vacant house right next door.

Mr. STERN. Would you put your initials where you think you parked your car, on that exhibit, please? It was about that close to the front of the house, you believe?

Mr. HOSTY. Yes; it was not directly in front of the house because there was another car. Michael Paine, apparently, had two cars, and he kept one of them over here and he used the other one where he was now living. He left his other car here and there was a station wagon in the driveway.

Representative FORD. Is Mrs. Roberts' residence on——

Mr. HOSTY. Mrs. Roberts' residence is over here, sir.

Representative FORD. On the other side?

Mr. HOSTY. Right. This is a vacant house.

Mr. STERN. The top of that page is north.

Mr. HOSTY. Right. This would be 2519, 2515, and probably 2511 here.

Mr. STERN. 2511, you are indicating the east side of that diagram?

Mr. HOSTY. East, yes. It would go east.

Mr. STERN. 2519 the west side?

Mr. HOSTY. West side, that is correct.

Mr. STERN. North being the top?

Mr. HOSTY. Right.

Mr. STERN. Now, tell us in detail of your interview with Mrs. Paine starting from the time you rang the doorbell.

Mr. HOSTY. All right. As I say, when I entered the house I immediately identified myself. I showed her my credentials, identified myself as a special agent of the FBI, and requested to talk to her.

She invited me into the house.

Mr. STERN. Did she seem surprised at your visit?

Mr. HOSTY. No, she didn't. She was quite friendly and invited me in, said this is the first time she had ever met an FBI agent. Very cordial.

As I say, it is my recollection I sat here on the couch and she sat across the room from me.

I then told her the purpose of my visit, that I was interested in locating the whereabouts of Lee Oswald.

She readily admitted that Mrs. Marina Oswald and Lee Oswald's two children were staying with her. She said that Lee Oswald was living somewhere in Dallas. She didn't know where. She said it was in the Oak Cliff area but she didn't have his address.

I asked her if she knew where he worked. After a moment's hesitation, she told me that he worked at the Texas School Book Depository near the downtown area of Dallas. She didn't have the exact address, and it is my recollection that we went to the phone book and looked it up, found it to be 411 Elm Street.

Mr. STERN. You looked it up while you were there?

Mr. HOSTY. Yes; that is my recollection that we looked it up in her telephone book to show it at 411 Elm Street, Dallas, Tex.

She told me at this time that she did not know where he was living, but she thought she could find out and she would let me know.

Mr. STERN. Did she tell you why she thought he was living alone in Dallas at that time?

Mr. HOSTY. Well, she said that she did not want him at her house; that she was willing to take Marina Oswald and the two children, but she didn't have room for him and she didn't want him at the house. She was willing to let him visit his wife and family, but she did not want him residing there.

Mr. STERN. What did she say about his visits?

Mr. HOSTY. She remarked that he came out there periodically to visit his wife and children on weekends.

Mr. STERN. Did she say when she expected his next visit might be?

Mr. HOSTY. I don't recall her stating when she expected him, no.

Mr. STERN. Did she say anything about the possibility of his coming later that day?

Mr. HOSTY. No, sir.

Mr. STERN. You say the interview started at about 2:30?

Mr. HOSTY. Approximately 2:30; yes, sir.

Mr. STERN. About how long did it last?

Mr. HOSTY. At the very most 20-25 minutes.

Mr. STERN. Were you alone with Mrs. Paine throughout this period?

Mr. HOSTY. No; towards the conclusion of the interview, Marina Oswald, who had apparently been napping, entered the living room.

Mr. STERN. Had you ever met Mrs. Oswald before?

Mr. HOSTY. Never before, no. As I had learned previously, and as Mrs. Paine had told me, she did not speak any English, so Mrs. Paine then told her in the Russian language who I was. I was an agent with the FBI.

I could tell from her eyes and her expression that she became quite alarmed, quite upset. I had had previous experience with people who come from Communist-controlled countries that they get excited when they see the police. They must think that we are like the Gestapo or something like that.

She became quite alarmed, and, like I say, I knew that she just had a baby the week before. So I didn't want to leave her in that state, so rather than just walking out and leaving her and not saying anything to her, I told Mrs. Paine to relate to her in the Russian language that I was not there for the purpose of harming her, harassing her, and that it wasn't the job of the FBI to harm people. It was our job to protect people.

Mrs. Paine relayed this information.

I assume she relayed it correctly. I don't speak Russian.

Representative FORD. What was the reaction, if any, on the part of Marina following that comment by Mrs. Paine?

Mr. HOSTY. The information I had her relay? She seemed to calm down a little bit, and when I left she was smiling. I left her in a relaxed mood. I didn't want to leave her alarmed and upset, a woman with a new baby. It is not the thing to do. So she apparently was smiling, happy, and she shook hands with me as I left, I wanted to leave her in a good frame of mind. I then left.

Mr. STERN. Did you address any questions to Marina Oswald through Mrs. Paine?

Mr. HOSTY. Not questions, no. I just relayed the information to her of this nature I just gave.

Mr. STERN. Anything else that you said—

Mr. HOSTY. No, sir; that is all I can recall.

Mr. STERN. To be translated for Marina Oswald?

Mr. HOSTY. No.

Mr. STERN. Anything else about your interview with Mrs. Paine?

Mr. HOSTY. Yes; after Mrs. Paine told me that she would try to find out where Lee Oswald was living, I then gave her my name and telephone number. I wrote it down on a piece of paper for her. I am fairly certain I printed it so she would be able to read it all right. I printed my name and wrote down my office telephone number, and handed it to Mrs. Paine.

Mr. STERN. Did you put anything else on this piece of paper?

Mr. HOSTY. No, sir; that was all.

Mr. STERN. Are you quite sure about your recollection of that, or are you telling us on the basis of your ordinary experience? Is this what you remember of the incident?

Mr. HOSTY. This is what I remember of it; yes, sir.

Mr. STERN. You don't remember putting anything on this paper other than your name?

Mr. HOSTY. My name and telephone number.

Mr. STERN. Office telephone?

Mr. HOSTY. Office telephone; right.

Mr. STERN. And no other telephone number?

Mr. HOSTY. No, sir.

Mr. STERN. No address?

Mr. HOSTY. No, sir.

Mr. STERN. License number?

Mr. HOSTY. No, sir.

Mr. STERN. You are quite certain that you can recall now only those two things?

Mr. HOSTY. Yes; I do this as a standard procedure. I do this all the time. I will write my name out if a person says they want to contact me. I will give them my name and telephone number, write it on a piece of paper and give it to them.

Representative FORD. Did you write on notepaper you had or paper provided by Mrs. Paine, or what?

Mr. HOSTY. It was my recollection it was on my paper. I took a piece of paper off, tore it in half, printed my name and telephone number on it that I gave to her.

Mr. STERN. Do you have cards?

Mr. HOSTY. No, sir; we don't have cards. We are not allowed to carry cards.

Mr. STERN. When Mrs. Paine told you that Lee Harvey Oswald was working at the School Book Depository, did that mean anything to you? Did you remember the building?

Mr. HOSTY. No, sir; I knew of the building in the outskirts of the downtown area. That is about all. I looked up the address, and I recognized the address, but it meant nothing to me.

Mr. STERN. Is there anything else at all that you can recall being said on November 1?

Mr. HOSTY. As I said earlier, I think I should bring this in, that Mrs. Paine

was a little bit reluctant to give me his place of employment at first. She said that Lee Oswald had alleged that the FBI had had him fired from every job he ever had. I told her this was not true, that I had never had anyone fired from any job nor did I know of any other FBI agents that had ever done this.

I reassured her that I wanted to know his place of employment for the purpose of determining whether or not he was employed in a sensitive industry, and when I found out that he was working in a warehouse as a laborer, I realized this was not a sensitive industry.

Mr. STERN. You were acting for the New Orleans office at this time?

Mr. HOSTY. At this time; yes, sir.

Mr. STERN. In trying to locate him?

Mr. HOSTY. Right.

Mr. STERN. Had they asked you to try to determine what kind of work he was doing and whether he might be in a sensitive position?

Mr. HOSTY. Well, this is automatically considered; yes. They didn't have to ask me. I knew I was to do that.

Mr. DULLES. Did you clear this with the Dallas or Fort Worth office? How do you work out that liaison?

Mr. HOSTY. How do you mean, sir?

Mr. DULLES. I mean with the FBI. At this time this was the territory, I assume, of Dallas or Fort Worth.

Mr. HOSTY. Right. Irving, Tex., is in the Dallas territory; yes, sir.

Mr. DULLES. The Dallas territory?

Mr. HOSTY. Right.

Mr. DULLES. Did you clear or notify the Dallas office either before or after?

Mr. HOSTY. You mean after I determined this?

Mr. DULLES. Yes.

Mr. HOSTY. Oh, yes, sir. This occurred on the 1st. This was a Friday. I returned to the Dallas office. I covered a couple of other leads on the way back. I got in shortly after 5 o'clock and all our stenos had gone home. This information has to go registered mail, and it could not go then until Monday morning.

Monday morning—shall I continue?

Mr. STERN. Yes.

Mr. HOSTY. On Monday morning, I made a pretext telephone call to the Texas School Book Depository. I called up and asked for the personnel department, asked if a Lee Oswald was employed there. They said yes, he was. I said what address does he show? They said 2515 West Fifth Street, Irving, Tex., which I knew not to be his correct address.

I then sent a communication, airmail communication to the New Orleans office advising them—and to the headquarters of the FBI advising them—and then instructing the New Orleans office to make the Dallas office the office of origin. We were now assuming control, because he had now been verified in our division.

Representative FORD. When you say you made several other checks on the way to the office, did this involve—

Mr. HOSTY. Not in this case; other cases. I run anywhere from 25 to 40 cases any one time. I have to work them all, fit them in as I go.

Representative FORD. These other checks did not involve this case?

Mr. HOSTY. No; other cases I was working on.

Mr. STERN. Mr. Hosty, at your interview on November 1 with Mrs. Paine, do you recall whether you asked her whether there was any telephone number that she knew of where Lee Harvey Oswald could be reached?

Mr. HOSTY. No, sir; I didn't ask her about a telephone number; no, sir.

Mr. STERN. And she didn't tell you?

Mr. HOSTY. She didn't volunteer. She told me she did not know where he lived.

Mr. STERN. Why don't you continue with the chronological report.

Mr. HOSTY. As I say, then I forwarded this airmail communication.

Mr. McCLOY. May I ask at this point, did she indicate whether there were any belongings of Lee Oswald in the house?

Mr. HOSTY. She did not indicate, but, of course, she did tell me his wife and

children were there, and I assumed that their personal effects would be there. We didn't go into that.

Mr. McCLOY. You made no search of the house?

Mr. HOSTY. No, sir; that would have been illegal. I couldn't have done it without his consent. There was no attempt to do that.

Mr. STERN. Did you have any thought of interviewing Marina Oswald at the time she came into Mrs. Paine's living room in connection with the investigation of Marina Oswald that you had started out thinking about in March?

Mr. HOSTY. Yes; I could have interviewed her here, but I thought at the time she was under a little emotional stress, this was maybe not a good time. Also, as I said before, we have a requirement to have two agents present when a subject is interviewed. I was alone. And, also, I wanted to get the New Orleans office to check their files to see if there was anything that I didn't have. For all I knew, they could have already interviewed her. I didn't know this. So before I would proceed with that, I wanted to make sure I had all the records, another agent, and at a better time where I could talk in more detail with Mrs. Oswald.

Then on the 5th of November—

Mr. STERN. Have you told us everything that elapsed—that occurred between November 1 and November 5?

Mr. HOSTY. Yes. Then on the 5th of November, I was on my way to the Fort Worth area, and stopped at Mrs. Paine's very briefly.

Mr. STERN. How did that happen to come about?

Mr. HOSTY. Well, I was on my way to Fort Worth, and I did not have his residence. I thought I would stop by. Mrs. Paine told me she would attempt to locate where he was living. It was not too much out of my way, so I just drove over to Mrs. Paine's. I had another agent with me that day.

Mr. STERN. Who was that?

Mr. HOSTY. Agent Gary S. Wilson. Agent Wilson was a brand new agent out of training school. And it is the custom to assign a new agent to work with an older agent for a period of 6 weeks. They work with different agents every day to observe what they are doing. This is the only reason he was with me, the only reason I had another man.

We went to the front porch. I rang the bell, talked to Mrs. Paine, at which time she advised me that Lee Oswald had been out to visit her, visit his wife, at her house over the weekend, but she had still not determined where he was living in Dallas, and she also made the remark that she considered him to be a very illogical person, that he had told her that weekend that he was a Trotskyite Communist. Since she did not have his address, I thanked her and left.

Mr. STERN. Did she indicate how she felt about this description of Trotskyite Communist that he pinned on himself?

Mr. HOSTY. Well, she thought he was rather illogical, is the way she put it. She was a little more amused than anything else. She thought he was illogical, as I say, was the term she used.

Mr. STERN. Was Marina Oswald present at all?

Mr. HOSTY. I didn't see her. She was probably in the house, but I didn't see her. I didn't go in the house. I just went in the front door.

Mr. STERN. How long do you think it was?

Mr. HOSTY. Not more than 1 or 2 minutes. Then I got in the car and left.

Mr. STERN. Where was your car parked at that time?

Mr. HOSTY. I believe in the same place, because here, again, this second car of Michael Paine's was still in front of the Paine house, and Mrs. Paine's station wagon was in the driveway. So I am fairly sure I parked here at the same spot.

Mr. STERN. And you are indicating the spot on Exhibit 430 where you initialed?

Mr. HOSTY. Right, where I parked on the first of November, to the best of my recollection that is where I parked.

Representative FORD. Did Agent Wilson accompany you to the door?

Mr. HOSTY. Yes; he walked up.

Representative FORD. And heard the conversation?

Mr. HOSTY. Yes, sir; he did.

Mr. STERN. Did you report anything about this conversation to the New Orleans office?

Mr. HOSTY. No; because there was nothing new to report. I knew I was to become the office of origin. There would be a report which I would be preparing and I would incorporate it in my report. There was nothing new that they didn't already know that would aid them.

Mr. STERN. Is there anything else about this interview on November 5 that you can tell us?

Mr. HOSTY. No, sir; that is about all.

Representative FORD. Was this comment by Mrs. Paine that Oswald had said he was a Trotskyite—

Mr. HOSTY. Trotskyite Communist was the word she used; yes, sir.

Representative FORD. Was that new as far as your knowledge of your file was concerned?

Mr. HOSTY. Well, he was a self-admitted Marxist. He had stated that earlier. The New Orleans office had reported that. He had been on television and made that statement in New Orleans, so this appeared to be in keeping with his character.

Representative FORD. The use of the word Trotskyite didn't add anything to the previous Marxist identification?

Mr. HOSTY. Well, of course, that is a particular type of Marxism, Trotskyite, the followers of Leon Trotsky's particular deviation, but this did show that he was not a member of the Communist Party USA, follower of the Leninist-Stalinist-Khrushchev movement, but would be an independent Marxist would be what it would show me, not tied in with the regular Communist Party USA.

Representative FORD. Is there anything particularly identifiable with the Trotskyite element that might alert you to anything?

Mr. HOSTY. Well, yes. The Socialist Workers Party is the Trotskyite Party in the United States, and they are supposedly the key element in the Fair Play for Cuba Committee, or were the key element in the Fair Play for Cuba Committee. So this would tie in with the fact that he was a member of the Fair Play for Cuba Committee, and, therefore, he claimed to be a Trotskyite—this would follow.

Mr. McCLOY. Do you associate with Trotskyite Communists any greater disposition to acts of violence than the normal Communist?

Mr. HOSTY. No, sir; no more than the others.

Mr. McCLOY. No doctrine of policy by assassination?

Mr. HOSTY. No, sir.

Mr. STERN. Have you reviewed, Mr. Hosty, the document that has been marked No. S30 for identification preliminary to your testimony today?

Mr. HOSTY. Oh, yes; this one you gave me earlier; yes, sir.

Mr. DULLES. I don't find a date on that. Maybe there is one there.

Mr. HOSTY. This is an insert, sir. The date of the various information will appear at the head of each paragraph.

Mr. DULLES. I see. But the date of preparation is not—

Mr. HOSTY. The date of preparation would be some time after the 22d of November.

Representative FORD. What do those identification numbers at the top in the left-hand corner mean?

Mr. HOSTY. That is our Dallas office file number 105-1716.

Representative FORD. Does that appear on the other documents?

Mr. HOSTY. Wait a minute; this relates to a control file. I believe that is the control file on Mrs. Paine, Mrs. Paine's file number.

Mr. DULLES. I wonder if I could just interrupt.

This is on the record. I am not quite clear, maybe because I came in late. Are you from the Dallas or New Orleans office?

Mr. HOSTY. I am from the Dallas division.

Mr. DULLES. From the Dallas division?

Mr. HOSTY. Yes, sir.

The man right before me was from the New Orleans division. I am from the Dallas division.

Mr. DULLES. You are from the Dallas division?

Mr. HOSTY. Yes, sir.

Representative FORD. May I pursue this just a minute. These identification numbers at the top in the upper left—as I understand it now, you are saying related to Mrs. Paine's file?

Mr. HOSTY. Right.

Representative FORD. Now, would this, even though it was from Mrs. Paine's file, have been in either Marina or Lee Harvey Oswald's file or both?

Mr. HOSTY. This did appear in the report on Lee Harvey Oswald. That was the report of December 2, I believe was the date. That was the first report. You probably have that overall report, don't you?

(Discussion off the record.)

Representative FORD. Did this material which was in Mrs. Paine's file—

Mr. HOSTY. Right.

Representative FORD. Appear in either Marina or Lee Harvey Oswald's file prior to the assassination?

Mr. HOSTY. Let me see. Part of it would have, this paragraph on page 11, this November 1, Mrs. Ruth Paine was interviewed. This appeared in the communication I sent out to the New Orleans office advising them where he was employed.

Mr. DULLES. When was that sent?

Mr. HOSTY. The 4th of November, sir. The rest of it was in note form. I hadn't reduced it to writing yet.

Representative FORD. I am still not clear what part was in Mrs. Paine's file and what part was in Marina's file and what part was in Lee Harvey Oswald's file prior to November 22.

Mr. HOSTY. Prior to November 22 just—there was no file for Mrs. Paine prior to November 22.

Representative FORD. So this didn't appear in her file?

Mr. HOSTY. No.

Representative FORD. Until subsequent to—

Mr. HOSTY. Right.

Representative FORD. The assassination?

Mr. HOSTY. There was no file for Mrs. Paine until after the assassination.

Representative FORD. Then what part appeared in Marina's file or Lee Harvey's file prior to November 22?

Mr. HOSTY. Just the second paragraph of this page 11 or the second page.

Mr. DULLES. Would this have constituted a reopening of the Lee Harvey Oswald file, because I think we had testimony this morning that the file had been closed.

Mr. HOSTY. This would constitute having the New Orleans office change origin to Dallas. At this time the file on Lee Oswald was open. We were open as an auxiliary office.

Mr. DULLES. In—

Mr. HOSTY. In Dallas.

Mr. DULLES. In Dallas?

Mr. HOSTY. Right, and this communication to New Orleans was a request that we be made origin.

Mr. STERN. I wonder if I might summarize this?

Mr. DULLES. It is not clear to me.

Mr. HOSTY. You missed a lot of this.

Mr. STERN. The file was closed, sir, until March of 1963 when Mr. Hosty decided it should be reopened on the basis of two items of information, one of them the fact that Lee Harvey Oswald was listed as a subscriber to the Worker newspaper.

Mr. DULLES. This is the Dallas file you are now talking of?

Mr. STERN. Dallas. The case was closed in the Dallas office. He reopened it in the Dallas office. He subsequently found that Oswald had moved, apparently permanently, to New Orleans, and had the file and the case administra-

tively shifted as far as his responsibility, as far as his primary responsibility, to the New Orleans office.

Mr. DULLES. Does that mean the papers were also shifted?

Mr. HOSTY. No, sir; just those papers which they lacked. I reviewed our file. I could tell what communications they had and which communications they didn't. I then gave them all communications which I was not certain that they had.

Mr. DULLES. But the other communications remained in the Dallas file?

Mr. HOSTY. Right.

Mr. DULLES. But the Dallas file, then, was not, in a sense, reactivated since the action had been transferred to New Orleans, is that correct?

Mr. HOSTY. To New Orleans; right. Then in October the case was shifted back to Dallas again.

Mr. DULLES. At what time?

Mr. HOSTY. Well, actually, November 4 would be our request to have the case transferred back to Dallas office of origin.

Mr. STERN. I think you ought to make clear, Mr. Hosty, to Mr. Dulles, that early in October you started doing something for the New Orleans office at their request.

Mr. HOSTY. Yes.

Mr. STERN. New Orleans found that they couldn't locate Lee Harvey Oswald in New Orleans.

Mr. DULLES. He had left in the meantime?

Mr. HOSTY. Right.

Mr. STERN. Yes; from their leads he seemed to have gone back into the Dallas area, and they asked the Dallas office to see if they could locate him. Mr. Hosty was doing this work at the end of October and the beginning of November when he ran these interviews. Just to complete that, Mr. Hosty, you expected, did you not, that the case would be reassigned?

Mr. HOSTY. Oh, yes.

Mr. STERN. To the Dallas office?

Mr. HOSTY. Oh, yes. This was tantamount to requesting it be shifted to us, yes, when I sent this communication.

Mr. STERN. And you were beginning to think in terms of the case being your problem again?

Mr. HOSTY. Right.

Mr. STERN. Even though formally at the time you were only—

Mr. HOSTY. Auxiliary office.

Mr. STERN. Operating on the request of the New Orleans office to try to locate him, is that correct?

Mr. HOSTY. That is correct.

Mr. McCLOY. This has all been previously testified to?

Mr. DULLES. I am sorry to have missed that.

Mr. HOSTY. That is all right, Mr. Dulles, that is entirely all right.

Mr. DULLES. Just one question. Are cases of this kind administratively transferred by agreement between two offices, or does that have to go up to Washington?

Mr. HOSTY. Washington always gets a copy of these communications. They know what we are doing. Actually the original is sent to Washington, and a carbon is sent to the other field office.

Mr. DULLES. But you can transfer it directly from one office to another?

Mr. HOSTY. Right.

Mr. DULLES. And just notify Washington as to the possibility of its being transferred?

Mr. HOSTY. Right; because he is now residing and employed in our division. There is no more needs to be done.

Mr. DULLES. I am clear. Thank you very much.

Mr. STERN. I think perhaps we can just complete the line of inquiry started by Congressman Ford. Do your records or notes show when you first reduced to writing your notes on the interviews that began on October 29 and the last one of which occurred on November 5?

Mr. HOSTY. I can only say that it would have been sometime between the 22d of November and the 2d of December, because it went out in a report on the 2d of December.

Mr. STERN. Until then they were in the form of——

Mr. HOSTY. Notes.

Mr. STERN. Raw notes?

Mr. HOSTY. Right.

Mr. STERN. Do you take shorthand or any other form of speedwriting?

Mr. HOSTY. No.

Mr. STERN. Have you preserved the notes?

Mr. HOSTY. I don't have them with me, no; because once it is reduced to writing then we destroy the notes. That is the procedure.

Mr. STERN. You say you don't have them with you. Did you preserve these notes?

Mr. HOSTY. No; they were thrown away.

Mr. STERN. And this is the only record now that you have——

Mr. HOSTY. Right.

Mr. STERN. Of these activities?

Mr. McCLOY. Do you have any record in your office as to when that was put into type? Does your secretary have it?

Mr. HOSTY. They might, sir. I think they might. I couldn't say for sure.

Mr. McCLOY. I think you might look that up and see if you have any record, and give it to us.

Mr. HOSTY. All right, sir.

Mr. STERN. But you are clear that it occurred after the assassination?

Mr. HOSTY. Oh, yes, sir; positive.

Mr. STERN. Is that usual, that you would——

Mr. HOSTY. Something of this nature, yes, sir; no reason to reduce it to writing right away.

Mr. STERN. It is true, isn't it, that some of this information had already been——

Mr. HOSTY. Transmitted in letter form to New Orleans; right.

Mr. DULLES. Prior to the assassination?

Mr. HOSTY. Prior to the assassination; yes, sir.

Representative FORD. That part on the second page?

Mr. HOSTY. Right; this second paragraph starting, "On November 1, 1963, Mrs. Ruth Paine"——

Representative FORD. What did you do, dictate that to a stenographer?

Mr. HOSTY. Right.

Representative FORD. And she typed it and it was sent officially?

Mr. HOSTY. On the 4th of November, right, airmail letter to New Orleans.

Mr. STERN. Would that be sent to your headquarters in Washington?

Mr. HOSTY. Also. Excuse me, the original goes to headquarters in Washington, a copy goes to New Orleans. It is addressed to the headquarters.

Mr. STERN. But the only information sent was the information in that paragraph beginning "On November 1, 1963."

Mr. McCLOY. But you had your original notes with you?

Mr. HOSTY. Right.

Mr. McCLOY. And still intact?

Mr. HOSTY. Right.

Mr. McCLOY. At the time you put this——

Mr. HOSTY. Because I knew I was going to get this into a report. The next report was written, and I would put it in a report form and destroy the notes.

Mr. DULLES. Do we have a copy of that letter of November 4?

Mr. HOSTY. I don't know.

Mr. DULLES. That you sent to headquarters and to New Orleans?

(Discussion off the record.)

Mr. STERN. You tell us you have reviewed these two pages?

Mr. HOSTY. Yes.

Mr. STERN. Is there anything you would like to add?

Mr. HOSTY. No, sir.

Mr. STERN. Anything you would like to correct?

Mr. HOSTY. No, sir.

Mr. STERN. This accurately states the interviews that you covered. May this be admitted in the record?

The CHAIRMAN. It may be admitted, No. 830.

(The document marked Commission Exhibit No. 830 for identification was received in evidence.)

Representative FORD. May I ask one question here?

Mr. HOSTY. Yes, sir.

Representative FORD. Why in these notes that are now Commission Exhibit 830 didn't you mention the fact that Mrs. Paine had said that Oswald was a Trotskyite Marxist?

Mr. HOSTY. No; that is set forth down here, sir.

Representative FORD. Yes; right.

Mr. HOSTY. In this second to the last paragraph, the last line.

Mr. McCLOY. May I ask you this, Mr. Hosty. In your contacts with Mrs. Paine, did you get the impression that she was cooperative throughout?

Mr. HOSTY. Yes, sir; yes, sir.

Mr. McCLOY. Nothing that she said seemed to be inconsistent with any facts that you knew?

Mr. HOSTY. No.

Senator COOPER. May I ask a question? I believe you said that all the papers that you had respecting Lee Harvey Oswald were supplied to the office at New Orleans.

Mr. HOSTY. At the time they were made origin; yes, sir. In the summer of 1963, that is correct, all the files.

Senator COOPER. At the time that he was engaged in—

Mr. HOSTY. In the Fair Play for Cuba work; yes, sir.

Senator COOPER. What do you call it—Fair Play for Cuba?

Mr. HOSTY. Fair Play for Cuba; yes, sir.

Senator COOPER. Now Mr. Fain testified that he had interviewed Oswald I think in 19—

Mr. HOSTY. 1962.

Senator COOPER. 1962.

Mr. HOSTY. That is correct.

Senator COOPER. The year before. Mr. Quigley testified that Oswald told him that he had married a Russian girl whose maiden name was Prossa, and also in that file there was another statement in which Oswald had said that he had been married, that he had married a girl in Fort Worth. Now were all those papers available to the office in New Orleans?

Mr. HOSTY. Yes, sir.

Senator COOPER. I suppose this would be a question of Mr. Quigley, really, but if all those factors were known, it would appear that the facts that Mr. Fain had secured, which showed the defection and his marriage in Russia, and the fact that he had told someone else he was married in Texas, that there would have been some further investigation of it in New Orleans.

Mr. HOSTY. Well, this would be something that Mr. Quigley would have to answer.

Mr. McCLOY. You had a record of inconsistent statements in there.

Mr. HOSTY. Yes, sir.

Mr. STERN. Continuing that line, Mr. Hosty, do you recognize Commission Exhibit 826, I now hand you?

Mr. HOSTY. Yes.

Mr. STERN. That is the report of—

Mr. HOSTY. Milton R. Kaack.

Mr. STERN. And it is dated?

Mr. HOSTY. October 31, 1963. I received it on November 1.

Mr. DULLES. Do you recall whether that inconsistent statement, that inconsistency was picked up in New Orleans at this time, in the New Orleans office?

Mr. HOSTY. I don't; no, sir. You mean about—

Mr. DULLES. About marriage.

Mr. HOSTY. About marriage? I picked it up when I saw it.

Mr. DULLES. At what time was that?

Mr. HOSTY. November 1 when we got the report.

Mr. STERN. When you reviewed Mr. Kaack's report?

Mr. HOSTY. Right.

Mr. STERN. You were aware when you read that report that he had—

Mr. HOSTY. Lied; or was inconsistent.

Mr. STERN. He had said in New Orleans that he had been married in Fort Worth, married a girl named Prossa, that he had originally told the New Orleans police that he had been born in Cuba.

Mr. HOSTY. Yes.

Mr. STERN. You were aware of all these inconsistencies?

Mr. HOSTY. Right.

Mr. STERN. What did these suggest to you in view of what you knew about Oswald?

Mr. HOSTY. I knew that he was not telling the truth in his interview in New Orleans, because I had previously checked the background of his wife and himself, and I knew that she was born in Russia and her name was not Prossa. They were not married in Fort Worth, so I knew he was not telling the truth.

Mr. STERN. You knew that on November 1.

Mr. HOSTY. Right.

Mr. STERN. And at what time did you know of Oswald's trip to Mexico City and his apparent appearance there at the Russian Embassy?

Mr. HOSTY. The 25th of October.

Mr. STERN. Had you received any—

Mr. McCLOY. Let's get these years right.

Mr. HOSTY. The 25th of October 1963.

Mr. STERN. Had you received any information about any other contacts with Russian officials by Lee Harvey Oswald?

Mr. HOSTY. Not at that time.

Mr. STERN. What other information did you have at anytime about that?

Mr. HOSTY. On November 22, after the assassination of President Kennedy, I was advised that our Washington field office of the FBI had determined that he, Lee Oswald, had been in contact with the Soviet Embassy in Washington, D.C. I learned that after the assassination.

Mr. STERN. After the assassination?

Mr. HOSTY. Right, sir.

Mr. STERN. Putting that aside for the moment, what was your evaluation of Lee Harvey Oswald based on the work that you had done and the reports that you had made, the information you gathered early in November?

Mr. HOSTY. Well, there were many questions to be resolved. I was quite interested in determining the nature of his contact with the Soviet Embassy in Mexico City. I had not resolved that on the 22d of November. We were still waiting to resolve that. Prior to that, I mean that would be the only thing—

Mr. STERN. What had you planned to do after November 5 about this case?

Mr. HOSTY. Well, as I had previously stated, I have between 25 and 40 cases assigned to me at any one time. I had other matters to take care of. I had now established that Lee Oswald was not employed in a sensitive industry. I can now afford to wait until New Orleans forwarded the necessary papers to me to show me I now had all the information. It was then my plan to interview Marina Oswald in detail concerning both herself and her husband's background.

Mr. STERN. Had you planned any steps beyond that point?

Mr. HOSTY. No. I would have to wait until I had talked to Marina to see what I could determine, and from there I could make my plans.

Mr. STERN. Did you take any action on this case between November 5 and November 22?

Mr. HOSTY. No, sir.

Mr. STERN. I think we can then turn to the events of November 22, and have you tell us what transpired that day, beginning with the morning.

Mr. HOSTY. All right. The first order of business from 8:15 to 9 o'clock the special agent in charge held the regular biweekly conference. Now we held a conference in our office every other Friday morning. It so happened that this was the Friday morning which we would hold this conference, at which time

the agent in charge would bring various items to our attention. Among the items he brought to our attention was the fact that President Kennedy would be in Dallas on that date.

Mr. DULLES. Who was the special agent in charge?

Mr. HOSTY. Gordon Shanklin. Gordon L. Shanklin.

Representative FORD. How many others besides yourself were under his jurisdiction?

Mr. HOSTY. About 75 agents.

Representative FORD. Seventy-five?

Mr. HOSTY. Yes. Now only the ones at headquarters city in Dallas were present. That would be about 40 of the agents were present at this conference.

Mr. Shanklin advised us, among other things, that in view of the President's visit to Dallas, that if anyone had any indication of any possibility of any acts of violence or any demonstrations against the President, or Vice President, to immediately notify the Secret Service and confirm it in writing. He had made the same statement about a week prior at another special conference which we had held. I don't recall the exact date. It was about a week prior.

Mr. STERN. Did you know that there was going to be a motorcade on November 22?

Mr. HOSTY. I found out about 9 p.m. the night before that there was to be a motorcade in downtown Dallas. I read it in the newspaper. That was the first time I knew of it.

Mr. STERN. Did you know that the motorcade would pass the School Book Depository Building?

Mr. HOSTY. No, sir.

Mr. STERN. Did you know the route of the motorcade?

Mr. HOSTY. No, sir.

Mr. DULLES. Had there been any contact between you or the Dallas office with the Secret Service on this point?

Mr. HOSTY. On the motorcade route, sir?

Mr. DULLES. Yes.

Mr. HOSTY. No.

Mr. DULLES. Had not been?

Mr. HOSTY. No.

Mr. STERN. The newspaper stories did not as far as you can recall tell what the motorcade route would be?

Mr. HOSTY. Yes; they did. There was a description of the motorcade route, but as I say, I didn't bother to read it in detail. I noticed that it was coming up Main Street. That was the only thing I was interested in, where maybe I could watch it if I had a chance.

Mr. STERN. So that the fact that Lee Harvey Oswald was working in the Texas School Book Depository meant nothing—

Mr. HOSTY. No.

Mr. STERN. In connection with the motorcade route?

Mr. HOSTY. No.

Mr. STERN. Did you think of him at all in connection with the President's trip?

Mr. HOSTY. No, sir.

Representative FORD. Did you have any others among the cases that were assigned to you that came to your attention in reference to the President's visit?

Mr. HOSTY. I did turn over one item of information to the Secret Service on the 21st; yes, sir. I did bring some matters to their attention.

There were some scurrilous pamphlets circulated around Dallas on the 21st of November. You may have seen them. It was a poster of President Kennedy with a front and a profile view saying, "Wanted for Treason." I took those pamphlets over to the Secret Service office the morning of the 21st. Then I assisted another agent in our division in giving the Secret Service some information on an individual in Denton, Tex., who had made some remarks about the President, and another member of my squad had also given some information to the Secret Service the evening of the 21st about the possibility of a demonstration at the Trade Mart against President Kennedy, some picketing.

Representative FORD. Do you recall to whom you gave this information?

Mr. HOSTY. The one piece of information I gave, I gave to an Agent Warner of the Secret Service.

Representative FORD. That was the information about what?

Mr. HOSTY. The pamphlets, the "Wanted for Treason" pamphlets.

Representative FORD. Those are the only documents or contacts you personally had?

Mr. HOSTY. That I personally had, that is correct.

The CHAIRMAN. Was it a pamphlet or a dodger?

Mr. HOSTY. It was, I guess you would call it a dodger.

The CHAIRMAN. Single sheet?

Mr. HOSTY. Single sheet; yes, sir.

The CHAIRMAN. A single sheet, was it not?

Mr. HOSTY. Yes.

The CHAIRMAN. Did you ever ascertain who put that out?

Mr. HOSTY. No, sir; I never did.

The CHAIRMAN. Did you ever investigate it?

Mr. HOSTY. I didn't.

The CHAIRMAN. Do you know whether your office did?

Mr. HOSTY. I am not sure; no, sir.

Mr. STERN. What next occurred on the 22d, Mr. Hosty?

Mr. HOSTY. All right. After the conference that lasted until about 9 a.m., I then left the office and joined an Army Intelligence agent, and an agent of the Alcohol Tax Unit of the Treasury Department. We had a conference concerning a case not related to Lee Oswald. This conference lasted most of the morning until about 11:45. At 11:45 the Army Intelligence agent and myself left, and walked over towards Main Street. The motorcade was scheduled to pass down Main Street near our office at approximately noon. I was now on my lunch hour, so I stood and watched the motorcade go by at the corner of Field and Main Street in Dallas.

After the President passed by, I then went across the street, started eating lunch. While I was eating my lunch, the waitress came up and told me she had just heard a radio report that the President and the Vice President had both been shot. I immediately stopped my lunch.

Mr. STERN. The President and the Vice President?

Mr. HOSTY. That was the earliest report, that the Vice President had been shot too. These were the rumors. I then of course left the lunchroom immediately and headed back for the office, which is only a block away. I got back to the office.

One of the supervisors told me to get a radio car and get out on the street right away and I would get further instructions. I did that. I got in the car and started out. I gave the signal that I was on the air and I was told to proceed towards Parkland Hospital. Just as I got to Parkland Hospital I got a call to return to the office immediately.

Mr. STERN. Do you know why you were sent to Parkland Hospital?

Mr. HOSTY. No. We were just told they wanted four cars to proceed to Parkland Hospital to stand by for further orders.

Mr. STERN. Were you told why you were ordered to return to the office?

Mr. HOSTY. When I got back they told me they wanted me to start reviewing our files to see if I could develop any information, any leads at all on the possible assassin, to help out administratively in the office.

Mr. STERN. Did the case of Oswald come to your mind at that time?

Mr. HOSTY. No, sir.

Mr. STERN. As a possible—

Mr. HOSTY. No, sir; it was approximately 1:30 that we got the report that a police officer had been killed in the Oak Cliff area of Dallas, and that the police were surrounding a movie theatre where the suspect was allegedly located.

Shortly after 2 o'clock, we received information that this man had been captured and taken to the Dallas Police Department. One of our agents called from the Dallas Police Department and identified this man as Lee Harvey Oswald. I immediately recognized the name.

Mr. STERN. What was your reaction?

Mr. HOSTY. Shock, complete surprise.

Mr. STERN. Because?

Mr. HOSTY. I had no reason prior to this time to believe that he was capable or potentially an assassin of the President of the United States.

Mr. STERN. What happened next?

Mr. HOSTY. I immediately got the file on Lee Oswald, and I determined that on the 21st of November this change of origin from New Orleans had arrived. It had not been routed to me as yet. It apparently arrived on the afternoon of the 21st. I got it for the first time after the assassination.

Mr. STERN. That is the administrative—

Mr. HOSTY. Administrative form showing that I was now origin, that we now had all the information on the case.

Mr. STERN. Did they send any other information with that?

Mr. HOSTY. The only other thing that they sent was a photograph of Lee Oswald taken at the New Orleans Police Department when he was arrested during the summer of 1963. The report of Milton Kaack of the 31st had covered everything else.

Mr. STERN. Just to be clear, you were not waiting for this shift of administrative responsibility before you did anything?

Mr. HOSTY. No; I mean if there was anything else to do, I would have gone ahead and done it.

Mr. DULLES. Was that action in Washington or New Orleans?

Mr. HOSTY. New Orleans.

Mr. STERN. Had anything else arrived at your Dallas office that you were told about at that point?

Mr. HOSTY. Not at that point, no; nothing had arrived then. I then took the file to the agent in charge.

Mr. DULLES. May I ask one point here?

Mr. HOSTY. Yes, sir.

Mr. DULLES. From the point of view of the administration, is the New Orleans office over the Dallas office, or are they equal?

Mr. HOSTY. They are equal, sir.

Mr. DULLES. They are equal?

Mr. HOSTY. We have 55 offices. They are all equal.

Mr. DULLES. All equal?

Mr. HOSTY. Right. There are no regional offices. I then took the file to the agent in charge, told him that we had a case on Lee Harvey Oswald. While I sat there he immediately called headquarters and advised headquarters here in Washington, D.C., that Lee Harvey Oswald was under arrest down at Dallas and had been observed shooting a police officer. They had eyewitnesses to his killing of Officer Tippit.

Mr. STERN. How do you know that?

Mr. HOSTY. This had been given to us by one of our agents from the call from the Dallas Police Department who had given the information. I don't know who it was. I did not receive the call.

I sat there and assisted the agent in charge while he talked to the Bureau headquarters here. I knew the file. Of course he would need some information. I would leaf through the file and get it for him so that he could relay the pertinent information.

Then sometime after that, the agent in charge instructed me to proceed to the Dallas Police Department and to sit in on the interview of Lee Oswald, which was apparently in progress at this time. Just prior to my leaving, I was told that a communication had just come in that day from the Washington field office advising that Lee Oswald had been in contact with the Soviet Embassy in Washington, D.C.

Mr. STERN. Were you told anything more about that?

Mr. HOSTY. No; I mean this is the point I was given this information. I then went and got a car and drove to the Dallas Police Department, pulled my car into the basement garage of the Dallas Police Department, parked my car.

Mr. STERN. What were conditions like?

Mr. HOSTY. Very chaotic. The press was swarming all over the police station. There were television cameras being brought into the building. Many people were running, coming and going. The place was a beehive of activity.

I parked the car, got out, and started in the door of the basement, at which time I observed a Dallas police car, an unmarked car, drive in, in which there were four detectives. The man sitting on the right-hand side of the front seat next to the driver was a man I recognized as Lieutenant Revill. He signaled me that he wanted to talk to me, at which time he jumped out of the car at the head of the ramp and came over towards me. The rest of the detectives in the car continued down the ramp to be parked.

We then proceeded in, Lieutenant Revill and I proceeded into the police department and started up the stairs. Lieutenant Revill advised me that—I might add he was in a very excited state—he advised me that he had a hot lead, that he had just determined that the only employee from the Texas School Book Depository who could not be accounted for was a man named Lee.

Now this conversation took place at approximately 3 p.m., about an hour after Lee Harvey Oswald had been arrested by the Dallas Police Department. I told Lieutenant Revill that Lee Harvey Oswald had been arrested about an hour ago, that he was an employee of the Texas School Book Depository, and that he was the man who had defected to Russia and had returned to the United States in 1962.

Now either Lieutenant Revill—I don't recall if he made a statement doubting that Oswald was the one who assassinated the President, or whether it was just a look of doubt on his face, but there was doubt came into Lieutenant Revill's—at this time I stated to him that Lee Oswald was the main suspect in this case.

Now this conversation took place running up the stairs from the basement to the third floor. At this time the level of noise was very high. As I said, there were many press representatives, TV representatives, curious bystanders, police officers, everybody running all over the place.

It was not too much unlike Grand Central Station at rush hour, maybe like the Yankee Stadium during the world series games, quite noisy. We got to the head of the stairs and I left Lieutenant Revill and went into Captain Fritz' office.

Mr. STERN. Was anyone else with you and Lieutenant Revill as you came up the stairs, as you recall?

Mr. HOSTY. As I say, the place was swarming with people. Just the two of us were going up the stairs together. My conversation was with Lieutenant Revill only.

Mr. STERN. I now show you a document marked for identification Commission 831, a letter dated April 27, 1964, from Director Hoover to Mr. Rankin, the General Counsel of this Commission, having attached a one-page copy of a newspaper article and an affidavit. Do you recognize this letter?

Mr. HOSTY. Yes, sir; I do.

Mr. STERN. Where have you seen it?

Mr. HOSTY. I have seen the file copy of this letter in the FBI files.

Mr. STERN. Do you recognize the newspaper article which is the first attachment to this letter?

Mr. HOSTY. Yes, sir. It appeared in the Dallas Morning News on April 24, 1964, I believe.

Mr. STERN. And the attachment after this is?

Mr. HOSTY. My affidavit.

Mr. STERN. Your affidavit of five pages?

Mr. HOSTY. Of five pages, bearing my signature.

Mr. STERN. Now tell us what the reason for your making this affidavit was.

Mr. HOSTY. It was to refute the story that appeared in the Dallas Morning News on April 24, 1964, to set the record straight as to what actually did take place in my conversation with Lieutenant Revill.

Mr. STERN. What did that story state?

Mr. HOSTY. It stated in substance, alleged that I was aware that Lee Harvey Oswald was capable of assassinating the President of the United States, but did not dream he would do it.

Mr. STERN. Did you say that?

Mr. HOSTY. No, sir. I want to state for the record at this time that I unequivocally deny ever having made the statement to Lieutenant Revill or to anyone

else that, "We knew Lee Harvey Oswald was capable of assassinating the President of the United States, we didn't dream he would do it."

I also want to state at this time that I made no statement to Lieutenant Revill or to any other individual at any time that I or anyone else in the FBI knew that Lee Harvey Oswald was capable of assassinating the President of the United States or possessed any potential for violence.

Prior to the assassination of the President of the United States, I had no information indicating violence on the part of Lee Harvey Oswald. I wish the record to so read.

Mr. STERN. The newspaper story also mentioned another officer of the Dallas police force, V. J. "Jackie" Brian.

Mr. HOSTY. I know him as Jackie Brian.

Mr. STERN. Do you know this officer?

Mr. HOSTY. I know him to see him. I don't know him too well.

Mr. STERN. Do you recall whether or not he was present when you had your conversation with Lieutenant Revill?

Mr. HOSTY. I don't recall him being present. I was addressing my remarks to Lieutenant Revill.

Mr. STERN. Have you heard that there was a rumor to the effect of this story at any time before this newspaper article appeared?

Mr. HOSTY. About 2 weeks prior I heard a rumor, but I didn't know exactly what the story was all about. I did hear a rumor.

Mr. STERN. What was the tone and tenor of the rumor?

Mr. HOSTY. That I had made some statement concerning Oswald's assassinating the President. I wasn't clear. I was never given the exact wording. It involved my conversation with Lieutenant Revill.

Mr. STERN. Have you talked to Lieutenant Revill since this news story appeared?

Mr. HOSTY. No, sir; not since the news story appeared.

Mr. STERN. To Chief Curry?

Mr. HOSTY. No, sir.

Mr. STERN. To any supervising official of the Dallas police force?

Mr. HOSTY. No, sir.

Mr. STERN. To any newspaper reporter for any Dallas newspaper or otherwise?

Mr. HOSTY. They had contacted me for comment, and I have had no comment other than the first person who called me, I denied the story. Since then I have had no comment on instructions from headquarters.

Mr. STERN. Have you reviewed your affidavit in preparation for your testimony here today?

Mr. HOSTY. Yes, sir.

Mr. STERN. Is there anything you would like to add to it other than what you have already said?

Mr. HOSTY. No, sir. I think it speaks for itself.

Mr. STERN. Any change you would like to make in it?

Mr. HOSTY. No, sir.

The CHAIRMAN. Off the record.

(Discussion off the record.)

The CHAIRMAN. Will you put this on the record, please?

Mr. Rankin, is there anything in the record of the Commission showing that Lieutenant Revill made a report to his superior officers concerning this statement that is alleged to have been made by Agent Hosty in this newspaper article?

Mr. RANKIN. The only thing that we have is this affidavit which you will note is Commission Exhibit 709.

The CHAIRMAN. Yes.

Mr. RANKIN. And it bears the date November 22, 1963, at the top, and is sworn to as of the 7th day of April 1964. That is what Chief Curry testified he received from Lieutenant Revill.

The CHAIRMAN. Has Lieutenant Revill been a witness before the Commission or has he made a statement, a deposition of any kind?

Mr. RANKIN. He has not been a witness before the Commission.

Mr. REDLICH. He was talked to in Dallas.

Mr. RANKIN. He was a deposition witness.

The CHAIRMAN. When was that?

Mr. RANKIN. I will have to check that.

The CHAIRMAN. Was it before or after this affidavit?

Mr. RANKIN. I will have to check that, Mr. Chief Justice, to be sure.

The CHAIRMAN. Did he in that deposition state that Agent Hosty had made such a statement to him?

Mr. RANKIN. I haven't examined the deposition. I don't know. We have the deposition now, but I have not examined it.

The CHAIRMAN. Do you know, Professor Redlich?

Mr. REDLICH. Mr. Chief Justice, I asked that question, and the information I have is that he was not questioned about this particular allegation. He was questioned on other matters.

Representative FORD. Did he volunteer that information?

The CHAIRMAN. Yes. Is it in the deposition at all?

Mr. REDLICH. To the best of my knowledge, it is not, Mr. Chief Justice.

Mr. McCLOY. Don't we have the deposition here? Can't we get it?

Mr. RANKIN. Mr. Chief Justice, I would like to be sure to check that before we have that on the record. I will report by morning, if that is all right, and be sure of it.

The CHAIRMAN. What was the date of this newspaper article? It isn't dated here.

Mr. STERN. The cover letter, Mr. Chief Justice, states that it appeared on April 24, 1964.

The CHAIRMAN. Do I understand that Chief Curry said that no statement of that kind had been made by Lieutenant Revill at or about the time the statement was supposed to have been made by Agent Hosty?

Mr. RANKIN. I don't think his testimony was in that form, Mr. Chief Justice. It was in the form that this was given to him and there wasn't any indication that it was given as of the date of November 22 in his testimony.

The CHAIRMAN. I should like to see Lieutenant Revill's deposition.

Mr. RANKIN. Mr. Redlich has gone out for it.

The CHAIRMAN. We won't delay that now. We will proceed. Go right ahead, Mr. Stern.

Mr. STERN. What happened next?

Mr. HOSTY. As I said, I left Lieutenant Revill. I entered the office of Capt. Will Fritz. After a short delay, Agent James W. Bookhout and myself entered the inner office of Capt. Will Fritz of the homicide section, Dallas Police Department, where Lee Harvey Oswald was being questioned.

Mr. STERN. I show you a two-page document marked Commission No. 832 for identification. Can you identify that?

Mr. HOSTY. Yes, sir. This is an interview form which I made for my interview with Lee Harvey Oswald on the 22d of November 1963. It was dictated as the form will indicate, on the 23d of November 1963.

Mr. STERN. Let me ask you there, Mr. Hosty, about your practice in reducing to formal form your notes of interviews. This happened the next day?

Mr. HOSTY. Right.

Mr. STERN. Is that faster than usual because of the circumstances?

Mr. HOSTY. Because of the circumstances. We have to reduce them to writing within 5 days.

Mr. STERN. In 5 days?

Mr. HOSTY. Five working days.

Mr. STERN. Did you retain the notes of this?

Mr. HOSTY. No. After the interview is reduced to writing, I get it back and proofread it. My notes are then destroyed because this is the record.

Mr. STERN. And in this particular instance did you destroy your notes of this?

Mr. HOSTY. Yes, sir.

Mr. STERN. Now you say that you are required to reduce your notes of an interview to writing within 5 working days.

Mr. HOSTY. Right.

Mr. STERN. Did that happen with respect to the interviews you conducted on October 29, November 1, and November 5?

Mr. HOSTY. To make this a little clearer, this would be an interview of a subject, not of a witness, unless this witness has something that was quite pertinent to the investigation.

Routine-type matters do not have to be put on these interview forms, but pertinent interviews would be. Now everything in this case after the assassination was declared to be pertinent. All interviews, regardless of how insignificant, were to be put on these forms.

Mr. STERN. But the interviews you conducted at the beginning of November and the end of October were not within this rule?

Mr. HOSTY. No; because they were not an interview of the subject or anything that contained anything of major importance.

Mr. STERN. Do you yourself destroy the notes?

Mr. HOSTY. Yes.

Mr. STERN. Do you recall specifically destroying the notes of your interview?

Mr. HOSTY. Yes, sir; in the wastebasket.

Mr. STERN. Your interview of Oswald, on November 22, you put the notes in the wastebasket?

Mr. HOSTY. Right.

Mr. STERN. Do you recall specifically what you did with the notes of your interviews of October 29, November 1, and November 5?

Mr. HOSTY. After I reduced them to writing, such as I did here, and I got the form back, I proofread it, then I threw them away.

Mr. STERN. And you testified that the notes of your end of October—early November interviews were transcribed after November 22, is that correct?

Mr. HOSTY. Right.

Mr. STERN. Were the notes destroyed after you transcribed those interviews, also after November 22?

Mr. HOSTY. Yes.

Mr. STERN. Did you give any consideration to retaining the notes in view of the turn that the case had taken?

Mr. HOSTY. No.

Mr. STERN. The intervening assassination?

Mr. HOSTY. No; because this is the record and the notes would not be as good as this record, because the notes are not written out fully as this is. It would just be abbreviations and things of that type.

Mr. STERN. And you received no instructions about retaining notes?

Mr. HOSTY. No; we had no instructions. We were following the same rule we had always followed.

Mr. STERN. Why don't you tell us now, turning to your memorandum of the November 22 interview of Lee Harvey Oswald, what transpired from the time you first entered Captain Fritz' office.

Mr. HOSTY. As this interview form will show, the interview commenced at 3:15 p.m. I am certain of that time because I checked my wristwatch, and Agent Bookhout checked my wristwatch. We both agreed on the time, 3:15. We came in and identified ourselves as agents of the FBI. I told Oswald my name and he reacted violently.

Mr. STERN. How do you mean?

Mr. HOSTY. To both Agent Bookhout and myself. He adopted an extremely hostile attitude towards the FBI.

Mr. STERN. Was it the FBI or the name Hosty?

Mr. HOSTY. Both. He reacted to the fact that we were FBI, and he made the remark to me, "Oh, so you are Hosty. I've heard about you."

He then started to cuss at us, and so forth, and I tried to talk to him to calm him down. The more I talked to him the worse he got, so I just stopped talking to him, just sat back in the corner and pretty soon he stopped his ranting and raving.

Mr. STERN. What was he saying? Please be specific.

Mr. HOSTY. Well, he said, "I am going to fix you FBI," and he made some derogatory remarks about the Director and about FBI agents in general. I don't specifically recall the exact wording he used.

Representative FORD. Had this been the attitude that existed prior to you and Bookhout coming into the——

Mr. HOSTY. Apparently not; apparently not. I couldn't say because I wasn't in the room. We walked into the room. I immediately identified myself, told him I was with the FBI, and was a law-enforcement officer, and anything he said to me could be used against him. He did not have to talk to us.

Senator COOPER. Can you describe the tone of his voice and his manner?

Mr. HOSTY. I beg your pardon, sir?

Senator COOPER. Can you describe the tone of his voice?

Mr. HOSTY. He was highly excited. He was very surly, I think would be about the best way to describe him, very surly; and he was curt in his answers to us, snarled at us. That would be his general attitude.

Representative FORD. Did he use profanity?

Mr. HOSTY. Yes, sir. I can't recall any specific statements he made, however.

Mr. McCLOY. Did he complain that you had been abusing or harassing his wife in anyway?

Mr. HOSTY. He made the statement, "If you want to talk to me don't bother my wife. Come and see me." He didn't say that I had abused his wife in any manner, and I hadn't. He did criticize me for talking to her. He said, "Come talk to me if you want to talk to me."

Representative FORD. Is that why he knew your name, because of your conversations with her?

Mr. HOSTY. Yes; apparently.

Mr. STERN. Had you ever seen Oswald before?

Mr. HOSTY. Not until that time. That was the first time I had seen him.

Senator COOPER. Can you remember what he said about the FBI specifically?

Mr. HOSTY. He called us gestapo, secret police, we were harassing people. It was along that line. I don't recall the exact wording.

Mr. STERN. Was he handcuffed at this time?

Mr. HOSTY. He was handcuffed behind him. After he calmed down he asked Captain Fritz if they could remove the handcuffs. Captain Fritz ordered one of his detectives to remove them from the rear, and they handcuffed him in front.

Mr. STERN. This happened right after you came into the room?

Mr. HOSTY. Shortly after we came in the room.

Mr. STERN. Before or after his outburst?

Mr. HOSTY. After his outburst; after he had calmed down.

Mr. STERN. Please continue.

Mr. HOSTY. Captain Fritz actually conducted the interview. Agent Bookhout and myself sat back in the corner and observed. Captain Fritz asked Oswald if he had ever owned the rifle. He denied he had ever owned a rifle. He said that he had seen the superintendent of the School Book Depository with a rifle in his office a couple of days before the assassination, but that he had never had a rifle in the building. He then told Captain Fritz that he had been to the Soviet Union and resided there for 3 years, and he had many friends in the Soviet Union. Captain Fritz then showed him a piece of paper which had "Fair Play for Cuba" on it, and Oswald admitted to Captain Fritz that he was secretary for the Fair Play for Cuba Committee in New Orleans a few months ago.

He told Captain Fritz that the Fair Play for Cuba Committee had its headquarters in New York City. Captain Fritz then showed Oswald a marksman's medal from the Marine Corps, and Oswald admitted that this was his medal, that he had received a sharpshooter's medal while in the Marine Corps.

Mr. McCLOY. Was it a sharpshooter's or a marksman's? There are two different types, you know.

Mr. HOSTY. I believe it was a sharpshooter, sir. He then told Captain Fritz that he had been living at 1026 North Beckley, that is in Dallas, Tex., at 1026 North Beckley under the name O. H. Lee and not under his true name.

Oswald admitted that he was present in the Texas School Book Depository Building on the 22d of November 1963, where he had been employed since the 15th of October. Oswald told Captain Fritz that he was a laborer in this building and had access to the entire building. It had offices on the first and second floors with storage on third, fourth, fifth and sixth floors.

Oswald told Captain Fritz that he went to lunch at approximately noon on

the 22d of November, ate his lunch in the lunchroom, and had gone and gotten a Coca Cola from the Coca Cola machine to have with his lunch. He claimed that he was in the lunchroom at the time President Kennedy passed the building.

He was asked why he left the School Book Depository that day, and he stated that in all the confusion he was certain that there would be no more work for the rest of the day, that everybody was too upset, there was too much confusion, so he just decided that there would be no work for the rest of the day and so he went home. He got on a bus and went home. He went to his residence on North Beckley, changed his clothes, and then went to a movie.

Captain Fritz asked him if he always carried a pistol when he went to the movie, and he said he carried it because he felt like it. He admitted that he did have a pistol on him at the time of his arrest, in this theatre, in the Oak Cliff area of Dallas. He further admitted that he had resisted arrest and had received a bump and a cut as a result of his resisting of arrest. He then denied that he had killed Officer Tippit or President Kennedy.

Mr. STERN. The memorandum says, "Oswald frantically denied shooting"——

Mr. HOSTY. It should be emphatically, I believe, rather than frantically. I think this probably should be "emphatically denied."

Mr. STERN. Is this your memorandum?

Mr. HOSTY. Yes, sir.

Mr. STERN. It is signed or initialed both by you and by Mr. Bookhout.

Mr. HOSTY. Right. The procedure is that when there are two agents involved, they both must approve it, so there can be no discrepancies.

Mr. STERN. But you dictated it.

Mr. HOSTY. I dictated it and he read it and we both approved it.

Mr. STERN. Have you been over it recently in preparation for your testimony?

Mr. HOSTY. Yes, sir.

Mr. STERN. Is it accurate? Is there anything you would like to add to it?

Mr. HOSTY. I think it is correct as it stands.

Mr. McCLOY. I didn't hear you repeating your testimony that he denied ever having been in Mexico.

Mr. HOSTY. Oh, yes; he was being questioned about his activities outside of the United States, where he had been outside of the United States. He told Captain Fritz that he had only been to Mexico to visit at Tijuana on the border, and then he did admit having been in Russia.

Mr. McCLOY. He only admitted to having been at Tijuana in Mexico?

Mr. HOSTY. Right.

Mr. McCLOY. Not to Mexico City.

Mr. HOSTY. Not to Mexico City; that is right.

Representative FORD. There was no recording made of this interrogation?

Mr. HOSTY. No, sir; it was notes I took. Agent Bookhout and I took notes, and we dictated from the notes the next day.

Mr. STERN. Did you ask him any questions?

Mr. HOSTY. No; like I say, he was acting in such a hostile condition towards us that we did not. This was Captain Fritz' interview anyway. We were just sitting in as observers.

Mr. STERN. Did you tell Captain Fritz at this time any of the information you had about Oswald, about his trip to Mexico, for example?

Mr. HOSTY. No.

Mr. STERN. About his being in touch with the Russian authorities seeking a visa?

Mr. HOSTY. No.

Mr. STERN. About his previous residence in the Soviet Union?

Mr. HOSTY. Oswald himself told Captain Fritz of this. I didn't have to. Oswald came right out and told him.

Mr. STERN. About the affair in New Orleans and his arrest there?

Mr. HOSTY. No.

Mr. STERN. Did you subsequently tell Captain Fritz?

Mr. HOSTY. No; I didn't tell Captain Fritz; no.

Mr. STERN. Was any of this information provided to the Dallas police as far as you know?

Mr. HOSTY. I provided it to Lieutenant Revill earlier, as I pointed out. He

would have been the person I would have furnished this information to as the head of the intelligence section. He would be the logical and correct person to give this information to.

Mr. STERN. Was that the extent of your advice to the Dallas police?

Mr. HOSTY. Right.

Mr. McCLOY. Did you tell Chief Curry that you had a file?

Mr. HOSTY. No, sir; I haven't talked to Chief Curry in several years. Of course I don't deal with him too much on a chief level.

Mr. STERN. Wouldn't it be difficult for Lieutenant Revill to have gotten this information from you under the conditions that you described, running up the stairway and the rest of it? Do you think he heard enough of this?

Mr. HOSTY. Well, that is true, he might not have. But you see Oswald then proceeded to tell himself, he told the police all this information, so there was no point in me repeating it when he himself, Oswald, had furnished it directly to the police.

Mr. McCLOY. But you did tell Revill that you had a file on Oswald?

Mr. HOSTY. No; I didn't tell him I had a file; no, sir.

Mr. McCLOY. You did not?

Mr. HOSTY. Just as I related here in the affidavit.

The CHAIRMAN. Mr. Hosty, I think the answer to this question is implicit in your testimony, but I would just like to ask it directly. Did you or anyone in the FBI to your knowledge for compensation or in any manner whatsoever use Oswald as an informant in any way, shape or form?

Mr. HOSTY. I have previously furnished a sworn affidavit to this Commission to the effect that I had never seen or talked to Lee Harvey Oswald prior to the 22d of November 1963. I had never made payments of any kind to him, and, in addition, I had never made any attempt to develop him as an informant or source of information. I have made a sworn affidavit to that effect.

The CHAIRMAN. Your answer to my question then is "No."

Mr. HOSTY. Correct.

Mr. STERN. This might be a good opportunity, Mr. Chairman, to have him identify this affidavit. I show you from Commission Exhibit 825 a one-page affidavit. Can you—

Mr. HOSTY. This is my affidavit. This is my signature.

Mr. STERN. And it was made when?

Mr. HOSTY. On the 5th day of February 1964.

Mr. STERN. Why don't you read that?

Mr. HOSTY. "I, James P. Hosty, Jr., Special Agent of the Federal Bureau of Investigation since January 21, 1952, having been duly sworn, make the following statement:

"At no time prior to the assassination of President John F. Kennedy did I ever see or talk to Lee Harvey Oswald. I have never made payments of any kind to him. In addition, I have never made any attempt to develop him as an informant or source of information."

Signed, James P. Hosty, Jr., Special Agent, Federal Bureau of Investigation.

Mr. STERN. Mr. Chairman, may we have admitted Exhibits 831 and 832, which Mr. Hosty has identified, the letter from the Director of the FBI enclosing Mr. Hosty's affidavit as 831, and 832, which is his two-page memorandum on the interview?

The CHAIRMAN. That may be admitted with those numbers.

(The items marked Commission Exhibits Nos. 831 and 832 for identification were received in evidence.)

The CHAIRMAN. Is that all, Mr. Stern?

Mr. STERN. There are a few other points.

The CHAIRMAN. Let's hurry them along.

Mr. STERN. To conclude that last point, Mr. Hosty, do you have any knowledge of anyone else in the government service, either FBI or any other branch—

Mr. HOSTY. No, sir.

Mr. STERN. That tried or was successful in recruiting Lee Harvey Oswald as an informant or employee or agent?

Mr. HOSTY. No, sir.

Mr. STERN. Did you see Oswald again after the interview that Captain Fritz conducted?

Mr. HOSTY. No.

Mr. STERN. What did you do when this interview concluded?

Mr. HOSTY. As I stated here, he was removed from Captain Fritz' office at 4:05 p.m. Here again I checked my wristwatch, so I am certain the time is correct.

I then went to the outer office of Capt. Will Fritz and remained there until approximately 8 p.m. that evening.

Mr. STERN. You did not attend any of the lineups?

Mr. HOSTY. No, sir.

Mr. STERN. Did you talk to any member of the Secret Service at this time?

Mr. HOSTY. Yes, sir; at approximately 6 p.m. on the 22d of November 1963, Special Agent in Charge Forrest V. Sorrels of the United States Secret Service entered Captain Fritz' office with about five or six Secret Service agents. He then proceeded to interview Lee Harvey Oswald, I was not present during this interview.

I did see him take Lee Oswald to the rear of Captain Fritz' outer office and interview Lee Oswald. It appeared to me that Forrest Sorrels of the Secret Service had appeared for the purpose of representing the United States Secret Service in this investigation. I was aware at this time that the FBI did not have jurisdiction over this matter, that is, the assassination of the President of the United States, and that if any Federal agency did have jurisdiction, it would be the United States Secret Service. As I later determined, no Federal agency had jurisdiction over this assassination.

When Forrest Sorrels concluded his interview with Lee Oswald, I called him aside and advised him that there was some additional information on Lee Oswald which the FBI headquarters in Washington could furnish to the headquarters of the Secret Service in Washington, and that there were two items, and that I did not feel that I could give them to him directly since they were secret in nature.

Mr. STERN. Was anyone else present during this conversation?

Mr. HOSTY. As I said, this took place in the outer office of Capt. Will Fritz. There were about 30 or 40 people milling around out there. There were three or four Texas Rangers. There were perhaps a dozen Dallas police officers. There were, as I said, five or six Secret Service agents.

There were three other FBI agents besides myself, various clerical personnel from the police department who were assigned to the homicide division. I recognized two postal inspectors. I directed this conversation to Mr. Sorrels. I called him to one side and directed this to him directly.

Mr. STERN. Did you repeat the same information to anyone else later on?

Mr. HOSTY. No, sir.

Mr. STERN. What did you have in mind? What were the two pieces of information?

Mr. HOSTY. The two pieces of information I had in mind were the contacts that Lee Oswald had with the Soviet Embassy in Mexico City, and the contact that he had had with the Soviet Embassy in Washington, D.C.

Mr. STERN. Were you in touch with your Dallas office from the police headquarters regularly during the evening of the 22d?

Mr. HOSTY. Yes. I went out and made phone calls to them, advised them of my interview and how things were going.

Mr. STERN. Did you make any calls directly to Bureau headquarters in Washington?

Mr. HOSTY. I didn't; no, sir.

Mr. STERN. Were you advised at any time on the 22d after you left your office of other information, any other information with regard to Lee Harvey Oswald that had been supplied by Bureau headquarters in Washington through your Dallas office?

Mr. HOSTY. No; that was all, just what I previously related.

Mr. STERN. Just what you mentioned, nothing else came through?

Mr. HOSTY. Nothing else.

Mr. STERN. Were you in the police headquarters on Saturday, the 23d, or Sunday, the 24th, at all?

Mr. HOSTY. No, sir.

Mr. STERN. Did you have any further discussions with Lieutenant Revill that weekend?

Mr. HOSTY. No.

Mr. STERN. At any time until now?

Mr. HOSTY. I have had discussions with him on two occasions since then. We did not discuss this matter of the 22d of November, this conversation of the 22d.

Mr. STERN. Did you discuss the assassination with him on either of these two occasions that you recall?

Mr. HOSTY. No, sir.

Mr. STERN. The only conversation you had with him was going up the stairway from the basement to the third floor of the police headquarters on November 22?

Mr. HOSTY. That is correct.

Representative FORD. Do you recall the dates of these two subsequent meetings with him?

Mr. HOSTY. No, sir; I don't. Just the first time was maybe in January, January sometimes, possibly February, and that was at his office. Then he came to our office maybe in March. I just don't recall the dates.

Representative FORD. But those visits were on matters not at all related to the assassination or the events surrounding it?

Mr. HOSTY. Actually, when he came to our office he was coming to talk to another agent, and I just said "Hello" to him, and we didn't discuss anything official. I just nodded "hello" to him, "How are you doing?" When I went to his office it was in connection with another matter.

Mr. STERN. But on neither occasion did you discuss the assassination or the events surrounding it?

Mr. HOSTY. No, sir.

The CHAIRMAN. Have you any further questions, Congressman Ford?

Representative FORD. What did you do on Saturday and Sunday following, in rough outline, involving the assassination, if anything?

Mr. HOSTY. I worked practically round the clock Saturday night. I didn't go to bed at all, as I recall, Friday night and Saturday. I was covering various leads in connection with the assassination, talking to people who knew Lee Oswald.

I talked to Mrs. Paine, to give you an example, the first thing Saturday morning. I talked to various people that knew Oswald, just covering general investigative leads in connection with the assassination, like everyone else was. But I wasn't working at the police department.

Representative FORD. You weren't at the police department at all on Saturday or Sunday?

Mr. HOSTY. That is correct.

The CHAIRMAN. Mr. McCloy, have you anything?

Mr. McCLOY. I noticed you mentioned Lieutenant Revill and Jackie Brian. There is another name mentioned here, Gordon Shanklin.

Mr. HOSTY. He is the agent in charge of the Dallas FBI Office.

Mr. McCLOY. It doesn't say so in this article, but it may be in this by implication. You said nothing or anything that is comparable to the alleged statement, "We have a suspect who is capable of the assassination of the President, but I never dreamed of it," to your colleague Gordon Shanklin?

Mr. HOSTY. No, sir.

Mr. McCLOY. When you went to talk to Mrs. Paine, did you go over the premises then with her? Did she, for example, show you where Oswald is alleged to have kept the rifle in the garage?

Mr. HOSTY. No, sir; I didn't do that, no.

Mr. McCLOY. Did you, in the course of your followup leads, talk to Mr. Truly?

Mr. HOSTY. Yes, sir.

Mr. McCLOY. Can you tell us what transpired between you and Mr. Truly?

Mr. HOSTY. Yes, sir; I talked to him about—

Mr. McCLOY. Is this anticipating something you have got?

Mr. STERN. No.

Mr. HOSTY. This interview took place quite a bit after the assassination. I did talk to Mr. Truly about I believe it was in January or February of 1964, and it concerned the time that he, Mr. Truly, was aware of the fact that there would be a parade through downtown Dallas. And his recollection was that he was not aware of the fact that the motorcade would pass in front of his building until shortly before noon on the 21st when an article appeared in the Dallas Times Herald.

Now the Dallas Times Herald appears on the street at approximately 10:30 a.m., and Mr. Truly said shortly before noon someone from his office saw this article and mentioned it to the office employees and said they all became excited, and this was apparently the first time anyone at the Texas School Book Depository realized the motorcade was going to pass directly in front of their building.

Representative FORD. This was Thursday?

Mr. HOSTY. Thursday before, yes. It was shortly before noon.

Representative FORD. The 21st?

Mr. HOSTY. On the 21st of November, yes.

Mr. McCLOY. But according to your recollection of what he said, all the employees were excited and became aware of the fact that the motorcade——

Mr. HOSTY. At that time.

Mr. McCLOY. At that time was going to pass the School Book Depository.

Mr. HOSTY. Right.

Mr. McCLOY. Did you notice that Oswald said in the course of his interview by Captain Fritz that he had not had a rifle but he had seen a rifle in the possession of Mr. Truly?

Mr. HOSTY. Right.

Mr. McCLOY. Did you interrogate Mr. Truly about that?

Mr. HOSTY. No, I didn't.

Mr. McCLOY. Do you know whether anyone else did?

Mr. HOSTY. I can't say for certain, no.

(Discussion off the record.)

Mr. McCLOY. Back on the record.

Do you know, Mr. Rankin, whether or not Mr. Truly has been interviewed on this subject?

Mr. RANKIN. It has been reported to me by the staff that he has.

Mr. McCLOY. Does he deny it, do you know?

Mr. RANKIN. He denies it.

Mr. McCLOY. He denies it?

Mr. RANKIN. Yes.

Mr. McCLOY. But we have no deposition from him in that regard as yet.

Mr. BELIN. No; we do not.

Senator COOPER. May I ask first as to Exhibit No. 830, you have it?

Mr. HOSTY. Yes, sir.

Senator COOPER. Does that represent statements made to you?

Mr. HOSTY. Yes, sir.

Senator COOPER. On November 5, did Mrs. Ruth Paine tell you that she thought Lee Oswald was an illogical person?

Mr. HOSTY. Yes, sir.

Senator COOPER. And that he admitted to her being a Trotskyite Communist?

Mr. HOSTY. Yes, sir.

Senator COOPER. Did you know that he had engaged in this Fair Play for Cuba demonstration in New Orleans and had been arrested?

Mr. HOSTY. Yes, sir.

Senator COOPER. You were told on November 1 that he was employed at the Texas School Book Depository?

Mr. HOSTY. Yes, sir.

Senator COOPER. Had you checked there to see if he was employed?

Mr. HOSTY. I made a pretext interview on the 4th.

Senator COOPER. On what day?

Mr. HOSTY. The 4th of November.

Senator COOPER. Considering that he was a defector, you knew he was a defector?

Mr. HOSTY. Yes, sir.

Senator COOPER. And considering that he had been engaged in this demonstration in New Orleans, and the statement that Mrs. Paine had made to you, did it occur to you at all that he was a potentially dangerous person?

Mr. HOSTY. No, sir.

Senator COOPER. Why?

Mr. HOSTY. There is no indication from something of that type that he would commit a violent act. This is not the form that a person of that type would necessarily take. This would not in any way indicate to me that he was capable of violence.

Senator COOPER. I believe you testified that you didn't know the route of the——

Mr. HOSTY. That is correct, sir.

Senator COOPER. Of the procession which passed the Texas School Book Depository?

Mr. HOSTY. That is correct, sir.

Senator COOPER. Did it occur to you to communicate this information to the Secret Service or the Dallas police about Oswald?

Mr. HOSTY. No, sir; there would be no reason for me to give it to them.

Mr. McCLOY. You did know he was lying though, didn't you?

Mr. HOSTY. Yes, sir.

Mr. McCLOY. Don't you think the combination of the fact that you knew that he was lying and that he was a defector and that he had this record with the Fair Play for Cuba, that he might be involved in some intrigue that would be if not necessarily violent, he was a dangerous security risk?

Mr. HOSTY. He was a security risk of a sort, but not the type of person who would engage in violence. That would be the indication.

Representative FORD. What are the criteria for a man being a potential violent man? Is this a subjective test?

Mr. HOSTY. You mean to the point where we would report him to the Secret Service?

Representative FORD. Yes.

Mr. HOSTY. It is instructions we had as of the 22d of November, we had to have some indication that the person planned to take some action against the safety of the President of the United States or the Vice President.

Representative FORD. How do you evaluate that? Do you have any criteria?

Mr. HOSTY. No; at that time it was that there had to be some actual indication of plan or a plot.

Representative FORD. There had to be a conspiracy of some sort?

Mr. HOSTY. Well, or a single person doing something if anyone was going to take any action against the safety of the President or Vice President.

Representative FORD. I think you testified earlier that at the time of the motorcade you were at your lunch hour.

Mr. HOSTY. Right.

Representative FORD. And were actually eating lunch? When a President visits a community, is the FBI or its people assigned any responsibilities as far as the security of the President is concerned?

Mr. HOSTY. Prior to November 22, I know of no incidents where the FBI was called in to help the Secret Service, to my knowledge.

Representative FORD. And particularly on this day none of the——

Mr. HOSTY. Definitely not.

Representative FORD. Of the people in the FBI in the Dallas area were given any assignments?

Mr. HOSTY. That is correct.

Representative FORD. For the security of the President?

Mr. HOSTY. That is correct.

Mr. McCLOY. Mr. Hosty, let me ask you this: Suppose you had known that that motorcade was going to go past the School Book Depository, do you think your action would have been any different?

Mr. HOSTY. No, sir; it wouldn't have been any different.

Mr. McCLOY. Even though you knew that he was located there?

Mr. HOSTY. Right.

Mr. McCLOY. And that he was a defector?

Mr. HOSTY. Right.

The CHAIRMAN. Senator.

Senator COOPER. Have you received any evidence that any person other than Lee Oswald was involved in the assassination of President Kennedy?

Mr. HOSTY. No, sir; I have no knowledge of anyone else.

Senator COOPER. Did you know anything about the attempt on General Walker's life?

Mr. HOSTY. I have read in the newspapers about the attempt on General Walker's life; yes.

Senator COOPER. Your office was not connected with an investigation of that?

Mr. HOSTY. No; this was not a matter under the jurisdiction of the FBI. It was under the jurisdiction of the Dallas Police Department.

The CHAIRMAN. Mr. Hosty, you told us what your instructions were concerning dangerous persons as of the 22d of November. Have they been changed?

Mr. HOSTY. I think Mr. Belmont will bring that up tomorrow if it be all right. Yes; they have been.

The CHAIRMAN. You will be sure to ask him that to get that from him.

Are there any other questions, gentlemen?

Mr. McCLOY. Mr. Hosty, are you still engaged in any aspects of the assassination?

Mr. HOSTY. Oh, yes. I am still involved in the investigation of it, what investigation we still have.

Mr. McCLOY. And any odds and ends that come up?

Mr. HOSTY. Right.

Mr. McCLOY. You are still in the process of investigating?

Mr. HOSTY. Yes, sir.

The CHAIRMAN. I would like to ask Professor Redlich, did you find anything in the deposition of lieutenant, what was his name?

Mr. REDLICH. Revill.

The CHAIRMAN. Revill, on this subject?

Mr. REDLICH. No, sir. Lieutenant Revill was deposed on Tuesday, March 31, by Mr. Hubert of the Commission's staff.

The CHAIRMAN. What date?

Mr. REDLICH. March 31, 1964. The deposition consisted almost entirely of questions relating to Mr. Revill's responsibilities in connection with the investigation of the murder of Lee Harvey Oswald, and during the course of that interrogation there is nothing at all on the matter which was the subject of Commission Exhibit No. 709.

The CHAIRMAN. Is there any reference in his testimony to his going up the stairs with Agent Hosty on the 22d of November?

Mr. REDLICH. No, sir.

The CHAIRMAN. Nothing concerning that particular time in the police station?

Mr. REDLICH. No; there was not.

The CHAIRMAN. Very well. That is all.

Mr. RANKIN. Mr. Chief Justice, I answered Mr. McCloy's question in error about Mr. Truly. Mr. Belin tells me that he examined the FBI statement, and there is a statement by Mr. Truly in regard to two rifles in which he explains it, as he says, innocently. Mr. Belin, would you tell for the record what that is?

Mr. BELIN. I would almost rather wait until tomorrow morning to have the FBI reports before the Commission, if I can. I think it is a friend brought a rifle.

The CHAIRMAN. It would be better to have the report itself here.

Mr. BELIN. I will have that for the Commission tomorrow morning, sir.

Mr. McCLOY. I think, Mr. Hosty, you have probably answered this question which is very closely related to that which Senator Cooper asked you. You testified that you were continuing your investigation of various aspects of this case. You have not thus far at least unearthed anything which could be called in the nature of a conspiracy?

Mr. HOSTY. No, sir.

Mr. McCLOY. In connection with this assassination?

Mr. HOSTY. You mean involving someone else?

Mr. McCLOY. Someone else?

Mr. HOSTY. No.

Mr. McCLOY. Other than——

Mr. HOSTY. Lee Oswald.

Mr. McCLOY. Oswald. And that would cover certainly any connection with Mr. Ruby?

Mr. HOSTY. That is correct.

Mr. McCLOY. Have you ever interviewed Mr. Ruby?

Mr. HOSTY. No, sir.

Mr. McCLOY. I think that is all I have.

The CHAIRMAN. Are there any other questions?

Congressman Ford?

Representative FORD. I think earlier, Mr. Hosty, you indicated that the case of Oswald was under your jurisdiction?

Mr. HOSTY. Was assigned to me; yes, sir.

Representative FORD. Assigned to you?

Mr. HOSTY. Yes, sir.

Representative FORD. As I recall the language you indicated that documents or papers or reports came to you?

Mr. HOSTY. Correct.

Representative FORD. Would this go through the special agent in charge of the Dallas area or what would it be?

Mr. HOSTY. Here would be the procedure. The mail would be received at the chief clerk's office. They would then match it up with the proper file, and take it to the supervisor in question.

Representative FORD. Who is that?

Mr. HOSTY. Mr. Kenneth Howe was supervisor of the internal security squad, and he would get it first, would read it, and then route it to the agent to whom the case was assigned.

Representative FORD. So Mr. Howe——

Mr. HOSTY. Yes.

Representative FORD. Was knowledgeable about the Oswald case?

Mr. HOSTY. Right.

Representative FORD. Now how knowledgeable would a person in that capacity be about this case?

Mr. HOSTY. Well, I might point out where I would have 25 to 40 cases that I was working on, he might have 500 to 700 cases he was supervising, so obviously he couldn't pay as much attention to the details of the case as the agent to whom it was assigned.

Representative FORD. He saw all the documents that came in or went out involving this case?

Mr. HOSTY. This case and many other cases.

Representative FORD. Did you and Mr. Howe ever discuss the Oswald case prior to the assassination?

Mr. HOSTY. I have no recollection of any discussion of the case; no.

Representative FORD. Is this unusual or is this typical?

Mr. HOSTY. There would be a discussion if in my opinion there was something I wanted to consult him on or if in his opinion there was something he wanted to consult me on. If he thought I was handling the case all right, and I had no questions, we would not discuss the case.

Representative FORD. Your recollection is that in this instance you and Mr. Howe had no such discussion?

Mr. HOSTY. That is my recollection.

Mr. McCLOY. After this one interview in which you participated at least in part with Lieutenant or Captain Fritz, I forgot what his rank is——

Mr. HOSTY. Captain Fritz.

Mr. McCLOY. Captain Fritz, did you ever interview or were you ever a participant in an interview of Oswald thereafter?

Mr. Hosty. No ; this was the only time I participated.

Mr. McCLOY. Did you return to the police headquarters the next day?

Mr. Hosty. No, sir.

Mr. McCLOY. You weren't there when Oswald was shot?

Mr. Hosty. No, sir.

The CHAIRMAN. Thank you very much, Mr. Hosty.

Mr. Hosty. Thank you, Mr. Chief Justice.

The CHAIRMAN. Thank you for your help. We are very glad to have seen you, sir.

The meeting will adjourn.

(Whereupon, at 5 :10 p.m., the President's Commission recessed.)



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