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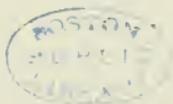
INVESTIGATION OF
THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

HEARINGS
Before the ^{U.S.} 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

VII



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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 VII: Johnny Calvin Brewer, Julia Postal, Warren H. Burroughs, Bob K. Carroll, Thomas Alexander Hutson, C. T. Walker, Gerald Lynn Hill, J. M. Poe, John Gibson, James Putnam, Rio S. Pierce, Calvin Bud Owens, William Arthur Smith, George Jefferson Applin, Jr., Ray Hawkins, Sam Guinyard, and Helen Markham, who were present either in the vicinity of the Tippit crime scene or at the Texas Theatre, where Lee Harvey Oswald was arrested; L. D. Montgomery, Marvin Johnson, Seymour Weitzman, W. R. Westbrook, Elmer L. Boyd, Robert Lee Studebaker, C. N. Dhority, Richard M. Sims, Richard A. Stovall, Walter Eugene Potts, John P. Adameik, Henry M. Moore, F. M. Turner, Guy F. Rose, W. E. Perry, Richard L. Clark, Don R. Ables, Daniel Gutierrez Lujan, C. W. Brown, L. C. Graves, James R. Leavelle, W. E. Barnes, J. B. Hicks, Harry D. Holmes, James W. Bookhout, Manning C. Clements, Gregory Lee Olds, H. Louis Nichols, and Forrest V. Sorrels, who participated in or observed various aspects of the investigation into the assassination; William J. Waldman and Mitchell J. Scibor, who testified concerning the purchase of the rifle used in the assassination; Heinz W. Michaelis, who testified concerning the purchase of the revolver used to kill Officer Tippit; J. C. Cason, Roy S. Truly, Warren Caster, Eddie Piper, William H. Shelly, and Mrs. Donald Baker, employees at the Texas School Book Depository Building; Edward Shields, an attendant at a parking lot near the TSBD; Thomas J. Kelley and John Joe Howlett of the Secret Service and J. C. Day, J. W. Fritz, and Marrion L. Baker of the Dallas police, all of whom participated in the investigation into the assassination; Mary Jane Robertson, a secretary with the Dallas police; Lyndal L. Shaneyfelt, a photography expert with the Federal Bureau of Investigation; James C. Cadigan, a questioned document expert with the Federal Bureau of Investigation; Earlene Roberts, housekeeper in the roominghouse occupied by Lee Harvey Oswald at the time of the assassination; Senator Ralph W. Yarborough, who was riding in the motorcade; Kenneth O'Donnell, Lawrence F. O'Brien, and David F. Powers, assistants to President Kennedy, who were riding in the motorcade and testified concerning the planning of the Dallas trip and the motorcade; Clifton C. Carter, assistant to President Johnson, Earle Cabell, former Mayor of Dallas, and Mrs. Earle Cabell, all of whom were riding in the motorcade; Philip L. Willis, James W. Altgens, and Abraham Zapruder, who took pictures of the motorcade during the assassination, and Linda K. Willis, Philip L. Willis' daughter; Buell Wesley Frazier, who drove Oswald home on the evening of November 21, and back to work on the morning of November 22; Joe Marshall Smith, Welcome Eugene Barnett, Eddy Raymond Walthers, James Thomas Tague, Emmett J. Hudson, and Edgar Leon Smith, Jr., who were present at the assassination scene; Perdue William Lawrence, a Dallas police captain who testified concerning the positioning of policemen along the motorcade route; Ronald G. Wittmus, a fingerprint expert with the Federal Bureau of Investigation; Robert A. Frazier, Cortlandt Cunningham, and Charles L. Killion, firearms identification experts with the Federal Bureau of Investigation; Robert Brock, Mary Brock, and Harold Russell, who were present in the vicinity of the Tippit crime scene; and David Goldstein, the owner of a firearms store in Dallas.

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

TESTIMONY OF JOHNNY CALVIN BREWER

The testimony of Johnny Calvin Brewer was taken at 3:15 p.m., on April 2, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. David W. Belin, assistant counsel of the President's Commission.

Mr. BELIN. Will you stand and raise your right hand. 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. BREWER. I do.

Mr. BELIN. Would you please state your name for the record?

Mr. BREWER. Johnny Calvin Brewer.

Mr. BELIN. How old are you, Mr. Brewer?

Mr. BREWER. Twenty-two.

Mr. BELIN. Where do you live?

Mr. BREWER. 512 North Lancaster, apartment 102.

Mr. BELIN. What city and state?

Mr. BREWER. Dallas, Tex.

Mr. BELIN. Were you born in Texas?

Mr. BREWER. Born in Miami, Okla.

Mr. BELIN. In Oklahoma?

Mr. BREWER. Yes.

Mr. BELIN. When did you move to Texas?

Mr. BREWER. About 2 years after I was born. My father was foreman on a construction company and we moved to Texas.

Mr. BELIN. Where did you go to school in Texas, please, sir?

Mr. BREWER. I went first year in Lockhart. The second year we moved to Houston, for a year, and we moved back to Lockhart, and I went there 10 years in Lockhart.

Mr. BELIN. You graduated from high school?

Mr. BREWER. Yes.

Mr. BELIN. Did you go to school after you graduated from high school?

Mr. BREWER. I went to Southwest Texas State Teachers College in San Marcos a year, and a year in Nixon Clay Business College in Austin.

Mr. BELIN. Then what did you do?

Mr. BREWER. I got married and quit school and went to work for Hardy's Shoe Store. I—that was in September, and I got married in December. And I have been with them ever since.

Mr. BELIN. When did you go to work for Hardy's Shoe Store?

Mr. BREWER. In September of 1961.

Mr. BELIN. Do they assign you to any particular store?

Mr. BREWER. I worked at the Capital Plaza Shopping Center in Austin for about 10 months, and then they transferred me to Dallas and gave me a store down on Jefferson.

Mr. BELIN. In Austin were you just a shoe salesman?

Mr. BREWER. I was assistant manager.

Mr. BELIN. And they transferred you to a shop on Jefferson?

Mr. BREWER. Yes.

Mr. BELIN. In Dallas?

Mr. BREWER. Yes.

Mr. BELIN. What is the address of that shop in Dallas?

Mr. BREWER. 213 West Jefferson.

Mr. BELIN. They made you the manager of that shop?

Mr. BREWER. Yes.

Mr. BELIN. How long have you been manager?

Mr. BREWER. Since August of 1962.

Mr. BELIN. From August 1962 on?

Mr. BREWER. Yes.

Mr. BELIN. Until the present time?

Mr. BREWER. Until the day I was made manager of the downtown store.

Mr. BELIN. Today is the 2d of April, or the 3d?

Mr. BREWER. Second.

Mr. BELIN. You were made manager of the Hardy's Downtown Shoe Store?

Mr. BREWER. Yes, sir.

It wasn't April Fool's. I thought they were firing me, but it turned out they weren't.

Mr. BELIN. Did he call you in yesterday to tell you?

Mr. BREWER. Day before yesterday and told me to get ready for an audit, that I would be going to town, if I wanted it, and I said yes.

Mr. BELIN. Would this be considered a promotion?

Mr. BREWER. A better store, more volume, and make more money. It would be considered a promotion.

Mr. BELIN. Any children at all, Mr. Brewer?

Mr. BREWER. No.

Mr. BELIN. I want to take you back to November 22, 1963. This was the day that President Kennedy was assassinated. How did you find out about the assassination, Mr. Brewer?

Mr. BREWER. We were listening to a transistor radio there in the store, just listening to a regular radio program, and they broke in with the bulletin that the President had been shot. And from then, that is all there was. We listened to all of the events.

Mr. BELIN. Did you hear over the radio that the President had died?

Mr. BREWER. I heard a rumor. They said that—one of the Secret Service men said that the President had died, and said that was just a rumor.

Mr. BELIN. Do you remember hearing anything else over the radio concerning anything that happened that afternoon?

Mr. BREWER. Well, they kept reconstructing what had happened and what they had heard, and they talked about it in general. There wasn't too much to talk about. They didn't have all the facts, and just repeated them mostly. And they said a patrolman had been shot in Oak Cliff.

Mr. BELIN. Is Oak Cliff the area in which your shoe store was located?

Mr. BREWER. Yes, sir.

Mr. BELIN. All right, would you describe what happened after you heard on the radio that an officer had been shot?

Mr. BREWER. Well, there was heard a siren coming down East Jefferson headed toward West Jefferson.

Mr. BELIN. What is the dividing street between East and West Jefferson?

Mr. BREWER. Beckley.

Mr. BELIN. How far is Beckley from your store?

Mr. BREWER. Two blocks.

Mr. BELIN. Two blocks to the east or to the west?

Mr. BREWER. There is Zangs to the east. The first street is Zangs and the next street is Beckley.

Mr. BELIN. The first street east is Zangs Boulevard and the next street is Beckley?

Mr. BREWER. Yes, right.

Mr. BELIN. Is your store located to the north or south side of Jefferson?

Mr. BREWER. On the north.

Mr. BELIN. All right.

Mr. BREWER. I looked up and out towards the street and the police cars—

Mr. BELIN. When you looked up, did you step out of the store at all?

Mr. BREWER. No; I was still in the store behind the counter, and I looked up and saw the man enter the lobby.

Mr. BELIN. When you say the lobby of your store, first let me ask you to describe how is—how wide is your store, approximately?

Mr. BREWER. About 20 feet.

Mr. BELIN. All right, is the entrance to your store right on the sidewalk?

Mr. BREWER. The entrance to the store is about 15 feet from the sidewalk, front doors.

Mr. BELIN. The front doors?

Mr. BREWER. Yes; they are recessed, and then there is windows, show windows on each side.

Mr. BELIN. This would be, if we were—if we would take a look at the letter “U,” or see the letter “V,” your doorway would be at the bottom part of the letter and the show cases would be at the sides of the letter, is that correct?

Mr. BREWER. Yes.

Mr. BELIN. What you call this lobby, that is the area between the sidewalk and your front door, is that correct?

Mr. BREWER. Yes, sir.

Mr. BELIN. All right, you saw a man going into what you referred to as this lobby area?

Mr. BREWER. Yes; and he stood there with his back to the street.

Mr. BELIN. When did he go in now? What did you hear at the time that he stepped into this lobby area?

Mr. BREWER. I heard the police cars coming up Jefferson, and he stepped in, and the police made a U-turn and went back down East Jefferson.

Mr. BELIN. Where did he make the U-turn?

Mr. BREWER. At Zangs.

Mr. BELIN. Do you remember the sirens going away?

Mr. BREWER. Yes; the sirens were going away. I presume back to where the officer had been shot, because it was back down that way. And when they turned and left, Oswald looked over his shoulder and turned around and walked up West Jefferson towards the theatre.

Mr. BELIN. Let me hold you a minute. You used the word Oswald. Did you know who the man was at the time you saw him?

Mr. BREWER. No.

Mr. BELIN. So at the time, you didn't know what his name was?

Mr. BREWER. No.

Mr. BELIN. Will you describe the man you saw?

Mr. BREWER. He was a little man, about 5'9", and weighed about 150 pounds is all.

Mr. BELIN. How tall are you, by the way?

Mr. BREWER. Six three.

Mr. BELIN. So you say he was about 5'9"?

Mr. BREWER. About 5'9".

Mr. BELIN. And about 150?

Mr. BREWER. And had brown hair. He had a brown sports shirt on. His shirt tail was out.

Mr. BELIN. Any jacket?

Mr. BREWER. No.

Mr. BELIN. What color of trousers, do you remember?

Mr. BREWER. I don't remember.

Mr. BELIN. Light or dark?

Mr. BREWER. I don't remember that either.

Mr. BELIN. Any other clothing that you noticed?

Mr. BREWER. He had a T-shirt underneath his shirt.

Mr. BELIN. Was his shirt buttoned up all the way?

Mr. BREWER. A couple of buttons were unbuttoned at the time.

Mr. BELIN. Light complexioned or dark?

Mr. BREWER. Light complexioned.

Mr. BELIN. All right. After you saw him in the lobby of your store there, what you call a lobby area, which is really kind of an extension of the sidewalk, then you saw him leave?

Mr. BREWER. Yes, he turned and walked up toward——

Mr. BELIN. Had the police sirens subsided at the time he turned, or not?

Mr. BREWER. No; you could still hear sirens.

Mr. BELIN. Did they sound like they were coming toward you or going away?

Mr. BREWER. They were going away at that time.

Mr. BELIN. Going the other way?

Mr. BREWER. Yes.

Mr. BELIN. How could you tell?

Mr. BREWER. They were getting further in the distance.

Mr. BELIN. Then what did you see this man do?

Mr. BREWER. He turned and walked out of the lobby and went up West Jefferson toward the theatre, and I walked out the front and watched him, and he went into the theatre.

Mr. BELIN. What theatre is that?

Mr. BREWER. Texas Theatre.

Mr. BELIN. Why did you happen to watch this particular man?

Mr. BREWER. He just looked funny to me. Well, in the first place, I had seen him some place before. I think he had been in my store before. And when you wait on somebody, you recognize them, and he just seemed funny. His hair was sort of messed up and looked like he had been running, and he looked scared, and he looked funny.

Mr. BELIN. Did you notice any of his actions when he was standing in your lobby there?

Mr. BREWER. No; he just stood there and stared.

Mr. BELIN. He stared?

Mr. BREWER. Yes.

Mr. BELIN. Was he looking at the merchandise?

Mr. BREWER. Not anything in particular. He was just standing there staring.

Mr. BELIN. Well, would you state then what happened? You said that you saw him walk into the Texas Theatre?

Mr. BREWSTER. He walked into the Texas Theatre and I walked up to the theatre, to the box office and asked Mrs. Postal if she sold a ticket to a man who was wearing a brown shirt, and she said no, she hadn't. She was listening to the radio herself. And I said that a man walked in there, and I was going to go inside and ask the usher if he had seen him.

So I walked in and Butch Burroughs——

Mr. BELIN. Who was Burroughs?

Mr. BREWER. He was behind the counter. He operated the concession and takes tickets. He was behind the concession stand and I asked him if he had seen a man in a brown shirt of that description, matching that description, and he said he had been working behind the counter and hadn't seen anybody.

And I asked him if he would come with me and show me where the exits were and we would check the exits. And he asked me why.

I told him that I thought the guy looked suspicious.

Mr. BELIN. Could you tell whether or not he bought a ticket?

Mr. BREWER. No; he just turned and walked right straight in.

Mr. BELIN. When he walked right straight in, could you see the box office?

Mr. BREWER. Well, the box office is right in the middle in front of the theatre, and he turned right at the corner and went in. You could see him if he was buying a ticket, because the box office is flush with all the other buildings.

Mr. BELIN. If he had purchased a ticket, would you have seen him purchasing the ticket from where you were standing or walking?

Mr. BREWER. I could have seen him, yes; standing in front of the box office.

Mr. BELIN. Then did you know when you saw him walk in and when you walked up to Julia Postal that he had not bought a ticket?

Mr. BREWER. I knew that he hadn't.

Mr. BELIN. Why did you ask Julia Postal whether he had or hadn't?

Mr. BREWER. I don't know.

Mr. BELIN. You just asked her?

Mr. BREWER. Just asked her whether he had bought or she had seen him go in.

Mr. BELIN. She—did she say whether she had seen him, or don't you remember?

Mr. BREWER. She said she couldn't remember a man of that description going in.

Mr. BELIN. All right. You saw this person Butch?

Mr. BREWER. Yes, sir.

Mr. BELIN. You say he is the usher, too?

Mr. BREWER. Yes.

Mr. BELIN. What did you and Butch do?

Mr. BREWER. We walked down to the front of the theatre to the stage. First we checked the front exit, and it hadn't been opened. We went to the back and it hadn't been opened.

Mr. BELIN. How could you tell that it hadn't been opened?

Mr. BREWER. Well, you open it from the inside, and you raise a bar, and a rod sticks into a hole at the bottom and then you open it. When you close it, it doesn't fall back in. You have to raise the rod again to close it from the inside.

Mr. BELIN. In other words, you have to close it from the inside?

Mr. BREWER. You can close it from the outside, but it won't lock.

Mr. BELIN. It was locked when you got there?

Mr. BREWER. Yes.

Mr. BELIN. So you knew that no one had left?

Mr. BREWER. Yes.

Mr. BELIN. Then what did you do?

Mr. BREWER. We went back up front and went in the balcony and looked around but we couldn't see anything.

Mr. BELIN. Now you first looked on the bottom floor and you did not see him?

Mr. BREWER. Yes.

Mr. BELIN. How many patrons were in the theatre at that time?

Mr. BREWER. I couldn't really tell. There weren't many, but it was dark and we couldn't see how many people were in there. There were 15 or 20, I would say, at the most, upstairs and downstairs.

Mr. BELIN. Together, 15 or 20?

Mr. BREWER. Yes.

Mr. BELIN. Then you went upstairs. Did you see him upstairs?

Mr. BREWER. No; I couldn't see anything upstairs.

Mr. BELIN. Did you hear any noises there?

Mr. BREWER. When we first went down to the exit by the stage, we heard a seat pop up, but couldn't see anybody. And we never did see him.

But we went back and upstairs and checked, and we came down and went back to the box office and told Julia that we hadn't seen him.

Mr. BELIN. Julia Postal is the cashier?

Mr. BREWER. Yes; and she called the police, and we went—Butch went to the front exit, and I went down by the stage to the back exit and stood there until the police came.

Mr. BELIN. Then what happened?

Mr. BREWER. Well, just before they came, they turned the house lights on, and I looked out from the curtains and saw the man.

Mr. BELIN. Where was he when you saw him?

Mr. BREWER. He was in the center section about six or seven rows, from the back, toward the back.

Mr. BELIN. Toward the back? Are you sure?

Mr. BREWER. do you know exactly which row he was in from the back?

Mr. BREWER. No; I don't know which row.

Mr. BELIN. Then what did you see?

Mr. BREWER. He stood up and walked to the aisle to his right and then he turned around and walked back and sat down and at this time there was no place I could see.

Mr. BELIN. Did he sit down in the same seat he had been in to begin with?

Mr. BREWER. I don't remember if it was the same seat or not.

Mr. BELIN. Then what happened?

Mr. BREWER. I heard a noise outside, and I opened the door, and the alley, I guess it was filled with police cars and policemen were on the fire exits and stacked around the alley, and they grabbed me, a couple of them and held and searched me and asked me what I was doing there, and I told them that there was a guy in the theatre that I was suspicious of, and he asked me if he was still there.

And I said, yes, I just seen him. And he asked me if I would point him out.

And I and two or three other officers walked out on the stage and I pointed him out, and there were officers coming in from the front of the show, I guess, coming toward that way, and officers going from the back.

Mr. BELIN. Then what did you see?

Mr. BREWER. Well, I saw this policeman approach Oswald, and Oswald stood up and I heard some hollering. I don't know exactly what he said, and this man hit Patrolman McDonald.

Mr. BELIN. You say this man hit Patrolman McDonald. Did you know it was Patrolman McDonald?

Mr. BREWER. I didn't know his name, but I had seen him quite a few times around Oak Cliff. But I didn't know his name.

Mr. BELIN. Then you later found out this was Patrolman McDonald?

Mr. BREWER. Yes.

Mr. BELIN. Did you say this man was the same man?

Mr. BREWER. The same man that had stood in my lobby that I followed to the show.

Mr. BELIN. Who hit who first?

Mr. BREWER. Oswald hit McDonald first, and he knocked him to the seat.

Mr. BELIN. Who knocked who?

Mr. BREWER. He knocked McDonald down. McDonald fell against one of the seats. And then real quick he was back up.

Mr. BELIN. When you say he was——

Mr. BREWER. McDonald was back up. He just knocked him down for a second and he was back up. And I jumped off the stage and was walking toward that, and I saw this gun come up and—in Oswald's hand, a gun up in the air.

Mr. BELIN. Did you see from where the gun came?

Mr. BREWER. No.

Mr. BELIN. You saw the gun up in the air?

Mr. BREWER. And somebody hollered "He's got a gun."

And there were a couple of officers fighting him and taking the gun away from him, and they took the gun from him, and he was fighting, still fighting, and I heard some of the police holler, I don't know who it was, "Kill the President, will you." And I saw fists flying and they were hitting him.

Mr. BELIN. Was he fighting back at that time?

Mr. BREWER. Yes; he was fighting back.

Mr. BELIN. Then what happened?

Mr. BREWER. Well, just in a short time they put the handcuffs on him and they took him out.

Mr. BELIN. Did you see police officers hit him after they got the handcuffs on him?

Mr. BREWER. No; I didn't see them.

Mr. BELIN. Did you see any police officer hit Oswald after Oswald stopped fighting?

Mr. BREWER. No.

Mr. BELIN. Did you hear Oswald say anything?

Mr. BREWER. As they were taking him out, he stopped and turned around and hollered, "I am not resisting arrest," about twice. "I am not resisting arrest." And they took him on outside.

Mr. BELIN. Then what happened?

Mr. BREWER. Well, then, the police officers and plainclothesmen, whoever they were, got everybody that was in the theatre and set them aside, and

another officer was taking their names and addresses of all the people that were in the theatre.

Mr. BELIN. When you first saw this man, when you saw him leave what you referred to as the lobby of your shoestore building, what is it, marble or concrete?

Mr. BREWER. Terrazzo.

Mr. BELIN. Terrazzo between the sidewalk and your front door?

Mr. BREWER. Yes.

Mr. BELIN. Where were you when you first saw him?

Mr. BREWER. I was behind the counter there by the hose bar.

Mr. BELIN. About how far were you from the front door?

Mr. BREWER. Ten feet.

Mr. BELIN. Could you see through there to get a good view?

Mr. BREWER. Yes; the doors are solid glass.

Mr. BELIN. Then you saw this man leave?

Mr. BREWER. Yes.

Mr. BELIN. Then what did you do?

Mr. BREWER. I went out the front door and stood in front of the store and watched him.

Mr. BELIN. You stood in front of the door?

Mr. BREWER. Yes.

Mr. BELIN. Where was he walking when you first saw him? As you got out in front of your store?

Mr. BREWER. He was, I would say, he was in front of the furniture store. What is the name of that?

Mr. BELIN. Would that be Thompson's Furniture Store?

Mr. BREWER. Yes.

Mr. BELIN. Did you know—notice how fast this man was walking?

Mr. BREWER. Just a little faster than usual.

Mr. BELIN. Faster than usual walk?

Mr. BREWER. Yes.

Mr. BELIN. Then about how far were you behind him?

Mr. BREWER. Well, I stood there until he walked into the theatre. I don't really know what I was thinking about.

Mr. BELIN. You stood in front of your store as he walked into the theatre?

Mr. BREWER. Yes.

Mr. BELIN. About how far is the entrance of the theatre from your store?

Mr. BREWER. I would say 50 or 60 feet—yards.

Mr. BELIN. Then after you saw him turn into the theatre, what did you do?

Mr. BREWER. Than I walked toward the theatre.

Mr. BELIN. At an average pace, or above average?

Mr. BREWER. I don't know.

Mr. BELIN. You don't remember? About how long after you got to the theatre did the police come in, if you can remember?

Mr. BREWER. I don't remember that either.

Mr. BELIN. Do you remember about what time it was when the police came in?

Mr. BREWER. No.

Mr. BELIN. Is there anything else you can think of that in any way bears on this?

Mr. BREWER. No.

Mr. BELIN. Mr. Brewer, I am handing you what has been marked "Commission Exhibit 150," and ask you to state whether or not that looks like the shirt you saw the man wear?

Mr. BREWER. That looks like the shirt, yes.

Mr. BELIN. Did you notice whether the man that wore it had any holes in the elbows at all, or not?

Mr. BREWER. I didn't notice.

Mr. BELIN. But this Exhibit 150, looks like the shirt?

Mr. BREWER. It looks like the shirt.

Mr. BELIN. Was he wearing a jacket? I believe you answered that before.

Mr. BREWER. No, he didn't have on a jacket.

Mr. BELIN. Did you hear this man as he was in the theatre say anything other than "I am not resisting arrest."?

Mr. BREWER. No.

Mr. BELIN. Did he say anything, or could you not understand it?

Mr. BREWER. He said something, but I couldn't understand what it was.

Mr. BELIN. When he said, "I am not resisting arrest," was this before or after they had the handcuffs on him?

Mr. BREWER. After.

Mr. BELIN. Mr. Brewer, you have the right, if you want, to come back and read this deposition and sign it, or you can just waive the signing of it and let the court reporter send it directly to us in Washington. Do you have any preference on it?

Mr. BREWER. No.

Mr. BELIN. Do you want to waive it?

Mr. BREWER. Yes.

Mr. BELIN. We want to thank you for all of your cooperation on this. I might ask one other question. We chatted for a few minutes when we first met before we started taking this deposition, did we not?

Mr. BREWER. Yes.

Mr. BELIN. Is there anything we talked there about that isn't recorded in this written testimony?

Mr. BREWER. No.

Mr. BELIN. Is there anything you said which is different insofar as stating the facts and what you have stated here on the record?

Mr. BREWER. No.

Mr. BELIN. When we first met, what is the fact as to whether or not I just asked you to tell your story, or whether or not I tried to tell you what I thought the story was?

Mr. BREWER. You asked me to tell the story first.

Mr. BELIN. Is that what you did?

Mr. BREWER. Yes.

Mr. BELIN. Anything else you can think of?

Mr. BREWER. No.

Mr. BELIN. Please thank Hardy's Shoe Store for us for letting you take the time to be here. We thank you very much.

Mr. BREWER. Okay.

TESTIMONY OF JULIA POSTAL

The testimony of Julia Postal was taken at 3 p.m., on April 2, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Will you stand and hold up your hand, please and be sworn?

Do you solemnly swear the testimony you will give before this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. POSTAL. I do.

Mr. BALL. Will you state your name, please?

Mrs. POSTAL. Julia Postal.

Mr. BALL. What is your address, please?

Mrs. POSTAL. 2728 Seevers.

Mr. BALL. Will you tell me something about yourself, where you were born and what your education was, what your occupation has been, just in general.

Mrs. POSTAL. Was born here in Dallas and I went through all school here to my first year at Adamson, and went to California and finished up out there.

Mr. BALL. Finished high school there?

Mrs. POSTAL. Went through 4 years of it.

Mr. BALL. In California?

Mrs. POSTAL. In California, and then I lived there for 12 years and came back here. I have been here ever since.

Mr. BALL. What has been your occupation?

Mrs. POSTAL. Well, basically it has been theatre, cashier, and officework in connection with theatres.

Mr. BALL. You have been to California? Did you work in theatres there?

Mrs. POSTAL. Yes, sir; I worked at the Paramount Theatre, and Graumans, and R.K.O. Used to work for the Pantages. Worked for the Wilshire in the office.

Mr. BALL. How long have you been back from California, to Dallas?

Mrs. POSTAL. Oh, me, I have been there 11 years, 14 or 15 years; really, I don't remember.

Mr. BALL. Have you been working? You are now working where?

Mrs. POSTAL. With the Texas—really, it is United Theatres, Inc., at the Texas Theatre.

Mr. BALL. How long have you been working there?

Mrs. POSTAL. It was 11 years last November 24.

Mr. BALL. Same theatre?

Mrs. POSTAL. Same theatre.

Mr. BALL. What were your hours of work last fall?

Mrs. POSTAL. Last fall? Well, let's see, I worked in the office, and then started cutting down personnel and I worked in the office until they opened the box office at 12:45, and then come down to the box office and worked until 5.

Mr. BALL. When you say worked in the box office, is that take tickets?

Mrs. POSTAL. Sell tickets.

Mr. BALL. Sell tickets. Is there a ticket taker inside the theatre?

Mrs. POSTAL. Yes, sir; now, during the slack period like this with school, just an usher who works the concession and tears the tickets, because it is just straight through.

Mr. BALL. On November 22, Friday, November 22, 1963, what time did your box office open?

Mrs. POSTAL. We open daily at 12:45, sometimes may be 5, 4 minutes later or something, but that is our regular hours.

Mr. BALL. On this day you opened on 12:45, November 22?

Mrs. POSTAL. Uh-huh.

Mr. BALL. And on that day, did you have the ticket taker working around 12:45, 1 o'clock?

Mrs. POSTAL. Just the usher, which, as I said, works the concession and ticket.

Mr. BALL. What was his name?

Mrs. POSTAL. Warren Burroughs. Call him Butch.

Mr. BALL. Butch Burroughs?

Mrs. POSTAL. Uh-huh.

Mr. BALL. Was he stationed inside the door, the entrance to the theatre?

Mrs. POSTAL. Yes, sir; he stays, actually, behind the concession counter, but as I said, the concession runs for the entire way as you go in the door and it runs this way so that you can see the door and steps insides, and tears tickets.

Mr. BALL. Now, did you have a radio in your ticket office?

Mrs. POSTAL. Uh-huh, a transistor.

Mr. BALL. Had you heard that the President had been shot?

Mrs. POSTAL. Yes; my daughter had called me at the office before we opened up and said it was on the TV, so I then turned the little transistor on right away, and of course it verified the—they were saying again that he had been shot.

Mr. BALL. And did you find out that he had died here? That President Kennedy was dead or—

Mrs. POSTAL. No, sir; I didn't.

Mr. BALL. You didn't hear that?

Mrs. POSTAL. I was listening to KLIF, and I was down in the little box office, and they kept saying that Parkland hadn't issued an official report, that he had been removed from the operating table, and everyone wanted to surmise, but still hope, and it was after this that they came out and said that he was officially dead.

Mr. BALL. But, you didn't hear that when you were in the box office, did you?
Mrs. POSTAL. Yes, I did. In fact, I was just about—it was just about the time all chaos broke loose.

Mr. BALL. Now, did many people go into the theatre from the time you opened at the box office until about 1:15 or so?

Mrs. POSTAL. Some.

Mr. BALL. How many? Can you give me an estimate?

Mrs. POSTAL. I believe 24.

Mr. BALL. Twenty-four?

Mrs. POSTAL. Fourteen or twenty-four. I believe it was 24. Everything was happening so fast.

Mr. BALL. You had sold about that many tickets?

Mrs. POSTAL. That's right.

Mr. BALL. What was the price of admission?

Mrs. POSTAL. We had three. Adults 90 cents, teenager with a card is 50 cents, and a child is 35, and you have a pass ticket.

Mr. BALL. It is cheaper that time of day than other times of day?

Mrs. POSTAL. No, sir; we don't change prices. Used to, but we don't.

Mr. BALL. Same price?

Mrs. POSTAL. Uh-huh.

Mr. BALL. Now, did you see anybody go in the theatre—well, did you see any activity on the street?

Mrs. POSTAL. Now, yes, sir; just about the time we opened, my employer had stayed and took the tickets because we change pictures on Thursday and want to do anything, he—and about this time I heard the sirens—police was racing back and forth.

Mr. BALL. On Jefferson?

Mrs. POSTAL. On Jefferson Boulevard, and then we made the remark, "Something is about to bust," or "pop," or something to that effect, so, it was just about—some sirens were going west, and my employer got in his car. He was parked in front, to go up to see where they were going. He, perhaps I said, he passed Oswald. At that time I didn't know it was Oswald. Had to bypass him, because as he went through this way, Oswald went through this way and ducked into the theatre there.

Mr. BALL. Let me see. Had you ever seen this man before then at that particular theatre?

Mrs. POSTAL. Not that I know of, huh-uh.

Mr. BALL. A police car had gone by just before this?

Mrs. POSTAL. Yes, sir; going west.

Mr. BALL. Its siren on?

Mrs. POSTAL. Yes; full blast.

Mr. BALL. And after you saw the police car go west with its siren on, why at the time the police car went west with its siren on, did you see the man that ducked? This man that you were—

Mrs. POSTAL. This man, yes; he ducked into the box office and—I don't know if you are familiar with the theatre.

Mr. BALL. Yes; I have seen the theatre.

Mrs. POSTAL. You have? Well, he was coming from east going west. In other words, he ducked right in.

Mr. BALL. Ducked in, what do you mean? He had come around the corner—

Mrs. POSTAL. Yes; and when the sirens went by he had a panicked look on his face, and he ducked in.

Mr. BALL. Now, as the car went by, you say the man ducked in, had you seen him before the car went by, the police went by?

Mrs. POSTAL. No, sir; I was looking up, as I say, when the cars passed, as you know, they make a tremendous noise, and he ducked in as my boss went that way to get in his car.

Mr. BALL. Who is your boss?

Mrs. POSTAL. Mr. John A. Callahan.

Mr. BALL. Where did you say he was?

Mrs. POSTAL. Yes; I say, they bypassed each other, actually, the man ducked in this way and my employer went that-a-way, to get in his car.

Mr. BALL. When you say "ducked in," you mean he entered the door from the street?

Mrs. POSTAL. No, sir; just ducked into the other—into the outer part of it.

Mr. BALL. I see, out in the open space?

Mrs. POSTAL. Yes, sir; just right around the corner.

Mr. BALL. Just right around the corner?

Mrs. POSTAL. Yes.

Mr. BALL. And your boss passed him, did he?

Mrs. POSTAL. Yes; they went—one came one way, and one went the other way just at the same time.

Mr. BALL. What did you see him do after he came around the corner?

Mrs. POSTAL. Well, I didn't actually—because I stepped out of the box office and went to the front and was facing west. I was right at the box office facing west, because I thought the police were stopping up quite a ways. Well, just as I turned around then Johnny Brewer was standing there and he asked me if the fellow that ducked in bought a ticket, and I said, "No; by golly, he didn't," and turned around expecting to see him.

Mr. BALL. And he had ducked in?

Mrs. POSTAL. And Mr. Brewer said he had been ducking in at his place of business, and he had gone by me, because I was facing west, and I said, "Go in and see if you can see him," it isn't too much people in there. So, he came and says, well, he didn't see him, and I says, "Well, he has to be there." So I told him to go back and check—we have exit doors, behind—one behind the stage and one straight through, and asked him to check them, check the lounges because I knew he was in there. Well, he just had to be.

Mr. BALL. The last time you had seen him before he ducked in, he was just standing outside of the door, was he?

Mrs. POSTAL. No, sir; he was still just in—just off of the sidewalk, and he headed for the theatre.

Mr. BALL. Were the doors of the theatre open?

Mrs. POSTAL. No, sir.

Mr. BALL. It was closed?

Mrs. POSTAL. It was closed.

Mr. BALL. And you didn't see him actually enter the theatre then?

Mrs. POSTAL. No, sir.

Mr. BALL. You hadn't seen him go by you?

Mrs. POSTAL. I knew he didn't go by me, because I was facing west, and Johnny, he had come up from east which meant he didn't go back that way. He had come from east going west.

Mr. BALL. All right, now what happened after that?

Mrs. POSTAL. Well, I, like—I told him—asked him to check everything.

Mr. BALL. Did you ask Butch Burroughs if he had seen him?

Mrs. POSTAL. No, sir; I told Johnny this, don't tell him, because he is an excitable person, and just have him, you know, go with you and examine the exits and check real good, so, he came back and said he hadn't seen anything although, he had heard a seat pop up like somebody getting out, but there was nobody around that area, so, I told Johnny about the fact that the President had been assassinated. "I don't know if this is the man they want," I said, "in there, but he is running from them for some reason," and I said "I am going to call the police, and you and Butch go get on each of the exit doors and stay there."

So, well, I called the police, and he wanted to know why I thought it was their man, and I said, "Well, I didn't know," and he said, "Well, it fits the description," and I have not—I said I hadn't heard the description. All I know is, "This man is running from them for some reason." And he wanted to know why, and told him because everytime the sirens go by he would duck and he wanted to know—well, if he fits the description is what he says. I said, "Let me tell you what he looks like and you take it from there." And explained that he had on this brown sports shirt and I couldn't tell you what design it was, and medium height, ruddy looking to me, and he said, "Thank you," and I called the operator and asked him to look through the little hole and see if he could see anything and told him I had called the police, and what was happening, and

he wanted to know if I wanted him to cut the picture off, and I says, "No, let's wait until they get here." So, seemed like I hung up the intercom phone when here all of a sudden, police cars, policemen, plainclothesmen, I never saw so many people in my life. And they raced in, and the next thing I knew, they were carrying—well, that is when I first heard Officer Tippit had been shot because some officer came in the box office and used the phone, said, "I think we have got our man on both accounts." "What two accounts?" And said, "Well, Officer Tippit's," shocked me, because Officer Tippit used to work part time for us years ago. I didn't know him personally.

Mr. BALL. You mean he guarded the theatre?

Mrs. POSTAL. On Friday nights and Saturdays, canvass the theatre, you know, and that—then they were bringing Oswald out the door over there and—

Mr. BALL. Well, now, was this before they had gone into the theatre that this officer used the phone?

Mrs. POSTAL. No, sir.

Mr. BALL. It was after?

Mrs. POSTAL. There was not one man walked through this theatre. They were running.

Mr. BALL. Did the officers go in the front of the theatre?

Mrs. POSTAL. Yes. Definitely.

Mr. BALL. Did you go in?

Mrs. POSTAL. No, sir; I stayed at the box office.

Mr. BALL. You didn't see anything that happened inside?

Mrs. POSTAL. No, sir.

Mr. BALL. Did you see them bring a man out?

Mrs. POSTAL. Yes, sir.

Mr. BALL. How many men had hold of him?

Mrs. POSTAL. Well, I—like I said, the public was getting there at that time, and the streets, sidewalk and around the streets and everything and they brought him out the double doors here [indicating]. I remember, the officer had his hands behind him with his chin back like this [indicating] because I understand he had been using some profuse (sic) language which—inside. I'd say four or five.

Mr. BALL. Was he handcuffed?

Mrs. POSTAL. I don't know, sir, because the officers were all around him and from the rear there and his hands were to his back.

Mr. BALL. They were?

Mrs. POSTAL. Uh-huh.

Mr. BALL. And an officer had hold of him from the side?

Mrs. POSTAL. Yes, sir; this way.

Mr. BALL. With his arm underneath his chin?

Mrs. POSTAL. Yes, sir.

Mr. BALL. Did he have any bruises or cuts? Did Oswald have any bruises or cuts on his face?

Mrs. POSTAL. No.

Mr. BALL. You didn't see any?

Mrs. POSTAL. No; huh-uh.

Mr. BALL. Was he saying anything?

Mrs. POSTAL. No, sir; as I said, that was my understanding, that is the reason that they had him like that, because he was screaming.

Mr. BALL. But, you didn't hear him say anything?

Mrs. POSTAL. No, sir. He couldn't possibly say anything the way they had him.

Mr. BALL. What happened then?

Mrs. POSTAL. That is when I really started shaking. I had never seen a live mob scene, that—

Mr. BALL. Well—

Mrs. POSTAL. They said, "What is going on?" And someone said, "Suspect," and they started in this way, just about that time I got out to the box office, back to the box office, and they started screaming profuse language and—"Kill the so-and-so," and trying to get to him, and this and that and the officers were trying to hold on to Oswald—when I say, "Oswald," that man, because as I said, I

didn't know who he was at that time and they was trying to hold him, because he was putting up a struggle, and then trying to keep the public off, and on the way to the car, parked right out front, one of the officers was—at that time I thought he was putting his hat on the man's face to try to keep the public from grabbing him by the hair, but I later read in the paper it was to cover his face and then he got him in the car, and all bedlam, so far as the public, broke.

Mr. BALL. They drove away with him, did they?

Mrs. Postal. Yes, sir; that one car did; uh-huh.

Mr. BALL. Did you ever go down to the police station?

Mrs. Postal. Police station?

Mr. BALL. Yes; later the city hall or police office?

Mrs. Postal. Yes; I went down to the homicidal bureau.

Mr. BALL. When?

Mrs. Postal. Well, let's see, that was a Friday. I believe it was the Thursday following.

Mr. BALL. You didn't go down there that day?

Mrs. Postal. No, sir.

Mr. BALL. Did you go down there the next day?

Mrs. Postal. No, sir.

Mr. BALL. According to your affidavit, it shows that you signed it on the 4th of December. Would that be about right?

Mrs. Postal. Was that on Thursday?

Mr. BALL. Yes; I think.

Mrs. Postal. I can't remember. I think it was a Thursday.

Mr. BALL. That was after Oswald was dead?

Mrs. Postal. Yes; well, yes; because he was killed on the 24th, yes; because I know I didn't go down until the following week.

Mr. BALL. Now, was it after Oswald, the man brought out on—out of the theatre was taken away in the car that the officer called and said, "I'm sure we have got our man——"?

Mrs. Postal. No, sir; that officer came out of the theatre and grabbed at the phone and made the call about simultaneously as they were bringing Oswald out.

Mr. BALL. And that was when you heard that Officer Tippit had been shot?

Mrs. Postal. Yes, sir.

Mr. BALL. Why didn't Warren Burroughs see him get in, get in there? Do you have any idea?

Mrs. Postal. We talked about that, and the concession stand is along here, and if he came in on the other end, which we summarized that is what Oswald did, because the steps, immediately as you open the door there. It has been done before with kids trying to sneak in, run right on up in the balcony.

Mr. BALL. You asked Warren Burroughs why he didn't see him, did you?

Mrs. Postal. Yes; we kidded him quite a bit anyway, because some people do then get by him.

Mr. BALL. What did he say?

Mrs. Postal. Ah, he said at first that he had seen him, and I says, "Now, Butch, if you saw him come in—" says, "Well, I saw him going out." But he didn't really see him. So, he just summarized that he ran up in the balcony, because if he had come through the foyer, Butch would have seen him.

Mr. BALL. He was arrested, though, down in the orchestra, the second row from the—

Mrs. Postal. Third.

Mr. BALL. Third?

Mrs. Postal. Three rows down, five seats over.

Mr. BALL. I was trying to say the third row. How could he get from the balcony down there?

Mrs. Postal. Oh, that is very easy. You can go up in the balcony and right straight down, those steps come back down, and that would bring you into it. He wouldn't have to go by Butch at all.

Mr. BALL. Oh, I see. And he could get into the balcony without Butch's seeing him?

Mrs. Postal. Yes; if Butch was down in the other end getting something.

Mr. BALL. And he could go in?

Mrs. POSTAL. He could have gotten in.

Mr. BALL. All right. I show you an Exhibit 150, a shirt. Does that look anything like the shirt he had on?

Mrs. POSTAL. Yes, it was something like this shirt. I couldn't say it is the same except it was brown and it was hanging out.

Mr. BALL. Outside his pants?

Mrs. POSTAL. Uh-huh.

Mr. BALL. Wasn't tucked into his pants?

Mrs. POSTAL. Huh-uh.

Mr. BALL. When he went in was it tucked in his pants when he went in?

Mrs. POSTAL. No, sir; because I remember he came flying around the corner, because his hair was and shirt was kind of waving.

Mr. BALL. And his shirt was out?

Mrs. POSTAL. Uh-huh.

Mr. BALL. You say—

Mrs. POSTAL. It was hanging out.

Mr. BALL. Mrs. Postal, this will be written up and you can read it and sign it if you wish, or you can waive signature and we will send it on to the Commission without your signature. Now, how do you feel about it? Do you want to do that?

Mrs. POSTAL. I don't know. I mean, this is all new to me anyway.

Mr. BALL. Would you just as leave waive your signature?

Mrs. POSTAL. Well, I see no reason why not.

Mr. BALL. Okay. Fine.

Then you don't have to come down and sign it. We will send it without your signature. Thank you, very much for coming in.

TESTIMONY OF WARREN H. BURROUGHS

The testimony of Warren H. Burroughs was taken at 9:15 a.m., on April 8, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Do you solemnly swear that the testimony you give before the Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BURROUGHS. Yes, sir.

Mr. BALL. State your name for the record, please.

Mr. BURROUGHS. Warren H. Burroughs.

Mr. BALL. Where do you live, Mr. Burroughs?

Mr. BURROUGHS. 407 Montreal.

Mr. BALL. Where were you born?

Mr. BURROUGHS. Dallas.

Mr. BALL. Where did you go to school?

Mr. BURROUGHS. Well, I'm going to private school 2 days a week. I stopped going to public school in the ninth grade.

Mr. BALL. You quit in the ninth grade?

Mr. BURROUGHS. I stopped in the ninth grade, but I'm going to private school 2 days a week over in Highland Park.

Mr. BALL. You are now?

Mr. BURROUGHS. Yes; I am now.

Mr. BALL. How old are you?

Mr. BURROUGHS. Twenty-two.

Mr. BALL. What have you been doing most of your life—what kind of work have you been doing?

Mr. BURROUGHS. I worked at the Texas Theatre and I helped my dad out as an apprentice, he is an electrician.

Mr. BALL. Were you ever in the Army?

Mr. BURROUGHS. No, sir—they tried to get me, but I couldn't pass—I passed the physical part, but the mental part—I didn't make enough points on the score, so the board sent me a card back and classifying me different.

Mr. BALL. On November 22, 1963, you were working at the Texas Theatre, were you?

Mr. BURROUGHS. Yes, sir.

Mr. BALL. What kind of job did you have?

Mr. BURROUGHS. During the week I worked behind the concession. On week-ends I usher.

Mr. BALL. On weekends you usher?

Mr. BURROUGHS. Yes, sir.

Mr. BALL. During the week?

Mr. BURROUGHS. I am behind the concession.

Mr. BALL. During the afternoon of the week—do you take tickets too?

Mr. BURROUGHS. Yes—I take tickets every day.

Mr. BALL. You do?

Mr. BURROUGHS. Yes.

Mr. BALL. And, run the concession?

Mr. BURROUGHS. Yes.

Mr. BALL. If anybody comes in there without a ticket, what do you do, run them off?

Mr. BURROUGHS. I make it a point to stop them and ask them to go out and get a ticket. I just failed to see him when he slipped in.

Mr. BALL. We will get to that in a minute—I want to see what you usually do if somebody comes in without a ticket.

Mr. BURROUGHS. I stop them and have them go out to the box office and get an admission ticket.

Mr. BALL. On this day of November 22, 1963, what time did you go to work?

Mr. BURROUGHS. I went to work at 12.

Mr. BALL. You went to work that day at 12?

Mr. BURROUGHS. That day at 12 o'clock—yes.

Mr. BALL. And you later saw a struggle in the theatre between a man and some officers, didn't you?

Mr. BURROUGHS. Yes.

Mr. BALL. Did you see that man come in the theatre?

Mr. BURROUGHS. No, sir; I didn't.

Mr. BALL. Do you have any idea what you were doing when he came in?

Mr. BURROUGHS. Well, I was—I had a lot of stock candy to count and put in the candy case for the coming night, and if he had come around in front of the concession out there, I would have seen him, even though I was bent down, I would have seen him, but otherwise—I think he sneaked up the stairs real fast.

Mr. BALL. Up to the balcony?

Mr. BURROUGHS. Yes, sir—first, I think he was up there.

Mr. BALL. At least there was a stairway there?

Mr. BURROUGHS. Yes, there was two.

Mr. BALL. Is there a stairway near the entry?

Mr. BURROUGHS. Of the door—yes. Yes, it goes straight—you come through the door and go straight—you go upstairs to the balcony.

Mr. BALL. Did anybody come in there that day? Up to the time of the struggle between the man and the police—who didn't have a ticket?

Mr. BURROUGHS. No, sir.

Mr. BALL. Later on the police came in your place?

Mr. BURROUGHS. Yes.

Mr. BALL. They asked you if you had seen a man come in there without a ticket?

Mr. BURROUGHS. Yes.

Mr. BALL. What did you tell him?

Mr. BURROUGHS. I said, "I haven't seen him myself. He might have, but I

didn't see him when he came in. He must have sneaked in and run on upstairs before I saw him."

Mr. BALL. Later on, did somebody point out a man in the theatre to you?

Mr. BURROUGHS. No—I got information that a man—the police were cruising up and down Jefferson hunting for Oswald, and he ran to a shoestore and then came out and came on up to the Texas, and the man came in and told me that a man fitting that description came in the show and he wanted me to help him find him, and we went and checked the exit doors, he was up in the balcony, I imagine, and then we went back out and the police caught him downstairs.

Mr. BALL. You went to check the exit doors?

Mr. BURROUGHS. Yes.

Mr. BALL. With the shoe salesman?

Mr. BURROUGHS. Yes.

Mr. BALL. And were the police out at the exit doors?

Mr. BURROUGHS. They came on—somehow they came in—one came in through the back and the rest of them came in through the front.

Mr. BALL. Did you see them come in through the back when you were back there?

Mr. BURROUGHS. I saw one of them.

Mr. BALL. The exit doors you are talking about were in the back or in the front?

Mr. BURROUGHS. They are at the back—they have one main one going out to the alley and they have one down here by the stage going out to the parking lot, and the other two are upstairs.

Mr. BALL. Did you see any struggle or fight between this man and any police officer?

Mr. BURROUGHS. No; not exactly, because I just had one door open and that was the middle door, and I couldn't see them—that was the main thing.

Mr. BALL. Where were you?

Mr. BURROUGHS. I was back behind the concession.

Mr. BALL. How do you get from the exit door in the rear of the theatre to behind the concession?

Mr. BURROUGHS. Well, the concession is right here [indicating] and the doors are right here, and the theatre is inside, and exit door No. 1 is straight down this way and another one is straight down this way.

Mr. BALL. Tell me what you did after you went to the exit door with the shoe salesman; what did you do?

Mr. BURROUGHS. Well, he went down to this door and I stayed at this door.

Mr. BALL. You mean at the rear of the theatre?

Mr. BURROUGHS. Yes—he went down to the rear of the theatre, and I stayed at this door in case he went out one of the exit doors.

Mr. BALL. You stayed there, did you?

Mr. BURROUGHS. I stayed there for about 5 minutes and I came back out to the concession.

Mr. BALL. Down the main aisle?

Mr. BURROUGHS. Yes.

Mr. BALL. Were there police in there at that time?

Mr. BURROUGHS. They were in there checking to see where he was.

Mr. BALL. Was there any struggle going on when you came back from the exit door to the concession?

Mr. BURROUGHS. No.

Mr. BALL. There was not?

Mr. BURROUGHS. No.

Mr. BALL. Did you hear or see any trouble between this man and the police?

Mr. BURROUGHS. Well, I heard a struggle from outside, but I really couldn't tell.

Mr. BALL. What did you hear?

Mr. BURROUGHS. Well, I couldn't hear anything on the inside, but when they brought him out, he was hollering and raising, "I demand my rights," and all that.

Mr. BALL. What else did you hear?

Mr. BURROUGHS. That's about all.

Mr. BALL. Tell me what his appearance was as they brought him out?

Mr. BURROUGHS. Well, he didn't seem—he seemed like he was mad at everybody.

Mr. BALL. He was?

Mr. BURROUGHS. Yes.

Mr. BALL. Did he shout in a loud voice?

Mr. BURROUGHS. Yes; like—"I demand my rights" [witness holding up both hands above his head.]

Mr. BALL. Anything else?

Mr. BURROUGHS. Well, they carried him out to the car and there was a mob of people out there—more people than I have ever seen before and they put him in the car and went off.

Mr. BALL. How many officers were with him? When you saw them take him from the theatre?

Mr. BURROUGHS. I believe about three or four.

Mr. BALL. Did any of them have ahold of him?

Mr. BURROUGHS. Yes; they had ahold of him—they were dragging him out—I mean, they had ahold of him—two on each side.

Mr. BALL. Was he walking or were they dragging him?

Mr. BURROUGHS. He was walking, but he was kind of urged on out the door into the car.

Mr. BALL. Was he handcuffed?

Mr. BURROUGHS. Yes.

Mr. BALL. Were his hands behind him or in front of him?

Mr. BURROUGHS. They were behind him.

Mr. BALL. Did you ever see a police officer strike him?

Mr. BURROUGHS. No.

Mr. BALL. Did you see a police officer with his arm around the neck of this man, who arrested him?

Mr. BURROUGHS. I don't believe so.

Mr. BALL. Did you ever see a police officer strike this man with the butt of a shotgun?

Mr. BURROUGHS. No, sir.

Mr. BALL. Were any of the officers in the theatre armed with shotguns?

Mr. BURROUGHS. No, sir; I don't believe so.

Mr. BALL. I think that's all, Mr. Burroughs, and this will be written up and you can go down and sign it if you wish, or you can waive your signature right now. Which do you prefer?

Mr. BURROUGHS. I want to come down and sign it.

Mr. BALL. All right. You will be notified to come down and you can read it over and sign it. Thank you very much for coming down here.

Mr. BURROUGHS. Thank you. I hope I helped you some.

Mr. BALL. Yes; I hope you did, too.

Mr. BURROUGHS. I'll see you later.

Mr. BALL. All right. Goodby.

TESTIMONY OF BOB K. CARROLL

The testimony of Bob K. Carroll was taken at 9 a.m., on April 3, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Mr. Carroll, would you stand up please and take the oath.

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. CARROLL. I do.

Mr. BALL. Will you state your name, please?

Mr. CARROLL. Bob K. Carroll.

Mr. BALL. And what is your residence address?

Mr. CARROLL. 814 Redbud, Duncanville, Tex.

Mr. BALL. And what is your occupation?

Mr. CARROLL. Detective, Dallas Police Department.

Mr. BALL. How long have you been with the Dallas Police Department?

Mr. CARROLL. Ten years and three months.

Mr. BALL. Tell me something about yourself? Where were you born?

Mr. CARROLL. I was born here in Dallas.

Mr. BALL. Where did you go to school?

Mr. CARROLL. Sunset High.

Mr. BALL. And did you go beyond high school?

Mr. CARROLL. No, sir.

Mr. BALL. What did you do after you got out of high school?

Mr. CARROLL. Actually, I quit high school in 1947 and went to work at Vitalic Battery Co. [spelling] V-i-t-a-l-i-c. I worked there off and on, sometimes I believe during the seasonal layoffs and I would go back when they started rehiring, and I worked there until I went on active duty with the Marine Corps March 1, 1952, and I was released from active duty in May of 1953, and when I returned to Dallas I went to work for James A. Lewis Engineering Co., and I worked for them for approximately 18 months and then I worked 2 months for the Texas Highway Department on a survey crew, and then I joined the Dallas Police Department.

Since I have been in the Dallas Police Department, I have worked the radio and patrol divisions, the accident prevention bureau and the special service bureau. While assigned to the special service bureau, I worked with the narcotics section, the criminal intelligence section and the vice section and the administrative section.

Mr. BALL. On November 22, 1963, were you on duty?

Mr. CARROLL. Yes, sir; I was.

Mr. BALL. What were your hours of work that day?

Mr. CARROLL. We were instructed to be in the assembly room at 10 a.m. for briefing prior to the arrival of President Kennedy, and at that time I was in the assembly room at 8 a.m.

Mr. BALL. What job was assigned to you that day?

Mr. CARROLL. I was assigned to the 700 block of Main Street.

Mr. BALL. Along the curb—did you stand along the sidewalk?

Mr. CARROLL. Yes, sir; to be there, and, of course, there were uniform officers also assigned in that block, but I think they had one detective for each block.

Mr. BALL. How far is 700 Main Street from Houston and Main?

Mr. CARROLL. That would be roughly about three blocks—three or four blocks, maybe.

Mr. BALL. Did you hear the sound of any shots?

Mr. CARROLL. No, sir; I did not.

Mr. BALL. When did you first hear that the President had been shot?

Mr. CARROLL. I had walked around to a tavern around the corner. I was walking down the street and I passed this person I know and I stepped in this tavern to speak to him and I heard it—they turned on the TV just as I walked in the door and I heard it on the TV set.

Mr. BALL. What did you do then?

Mr. CARROLL. I left and went to the office, and when I got to the office I called the dispatcher and they told me to go to the scene and I left the office and went to the garage, which is two blocks from city hall and got a car and reported to the School Book Depository.

Mr. BALL. About what time did you get to the School Book Depository?

Mr. CARROLL. Let's see—approximately—let's see, the shooting occurred—it was 12:30, I believe, it was approximately 1 o'clock—maybe a little before, but right around 1 o'clock, and after I got to the Depository, they started organizing search details and I was assigned to search the basement. Well, I went

into the basement and we determined that we needed some light in the basement, so I came back upstairs to get some lights, and when I got upstairs I heard that an officer had been shot in Oak Cliff, and no one had any information on it and the people I talked to had no information, so I got on the phone and I called the dispatcher's office. The dispatcher stated it was Officer Tippit who was shot and he was dead, and so when I come back out of the office where I had used the phone, I requested permission to go to Oak Cliff and permission was granted and I took K. E. Lyons, and he and I left for Oak Cliff.

Mr. BALL. Is K. E. Lyons a detective?

Mr. CARROLL. He is a patrolman assigned to the special service bureau. He doesn't work in uniform.

Mr. BALL. He works in plain clothes?

Mr. CARROLL. He works in plain clothes, but his rank is patrolman, but we were in the 300 block of East Jefferson when the call came out on the radio that a suspect had been seen going into the Texas Theatre. We went immediately to the Texas Theatre, which is about five blocks away—I think it is in the 200 block of West Jefferson, and ourselves and the radio patrol unit were the first units to arrive at the theatre, and we pulled to the curb and parked directly in front of the entrance to the theatre, and the radio patrol car pulled into the head-in parking behind us. When Lyons and I went in, a lady that was in the theatre—I don't know who she was—she said he was upstairs, and that was all the conversation I heard from her.

Mr. BALL. Do you know who the lady was?

Mr. CARROLL. No, sir; I have no idea.

Mr. BALL. Was it the girl who sells tickets?

Mr. CARROLL. I don't know, sir, whether it was or not.

Mr. BALL. Have you ever met Julia Postal?

Mr. CARROLL. No, sir; I never have.

Mr. BALL. And where was the lady when you talked to her?

Mr. CARROLL. I didn't actually talk to her, sir, but when we went through the door, she just more or less—she just made a statement that he was upstairs, and as far as having any direct conversation with her, we did not. She said upstairs and we immediately went up to the balcony. All of the house lights were turned on.

Mr. BALL. You and Lyons went in the front door then?

Mr. CARROLL. Yes, sir; and we went into the balcony and we had—or rather I had satisfied myself with the fact that he wasn't in the balcony.

Mr. BALL. Was there anyone in the balcony?

Mr. CARROLL. Well, there were people sitting around there.

Mr. BALL. How did you satisfy yourself that he was in the balcony?

Mr. CARROLL. Well, we went in and had more or less a vague idea—well, the people that I saw up in the balcony were either real young or older people and so we started back down—

Mr. BALL. Had you had a description of the man you were looking for?

Mr. CARROLL. They gave me a vague one on the telephone when I called and checked about the officer.

Mr. BALL. Who are "they"?

Mr. CARROLL. Whoever was on duty at the dispatcher's office—I don't know who it was at that time.

Mr. BALL. What was the description that he gave you?

Mr. CARROLL. He just gave a general height description and age—just generally.

Mr. BALL. Tell me what he said.

Mr. CARROLL. I'm trying to recall now exactly—he gave the height and I can't recall now exactly how he said it—it's been so long ago, and it was all—I know he gave roughly, just a rough description. It wasn't a detailed description at all, and I'm trying to remember now exactly how he worded it.

Mr. BALL. Can you give me the approximate age—around?

Mr. CARROLL. I believe he said he was between 20 or 25 or something, like that, I'm not quite sure, because everything moved real fast and everything like that.

Mr. BALL. And you don't have anything from which you can refresh your memory, I suppose?

Mr. CARROLL. No, sir; not as to that.

Mr. BALL. You didn't make a note of it?

Mr. CARROLL. It was just strictly a telephone conversation—no, sir.

Mr. BALL. At any rate, when you looked at the balcony, did you see anyone who fitted this vague description that had been given you over the telephone by the dispatcher?

Mr. CARROLL. Not that I thought fit it.

Mr. BALL. What did you do then?

Mr. CARROLL. Well, I started down the stairs and was going back down to the lower floor when I heard someone holler something—I believe it was "Here he is," or something like that. I mean, it was a loud holler, you could tell it wasn't just someone talking, and I started running, and Lyons fell—he sprained his ankle—and I started running and I came up to the right of Oswald. I came up to the right and Sergeant Hill to the left, and then Ray Hawkins was in the aisle behind him—he come up in the aisle behind from the left.

Mr. BALL. You came from the left aisle, did you, down the row of seats?

Mr. CARROLL. No, sir; facing the screen, I came from the right aisle and then come up on Oswald's right.

Mr. BALL. Who came from Oswald's left, facing the screen?

Mr. CARROLL. Jerry Hill—Sgt. Jerry Hill.

Mr. BALL. And then, who came from behind?

Mr. CARROLL. Ray Hawkins.

Mr. BALL. Where were you when you heard the sound "I've got him"?

Mr. CARROLL. Just coming off of the stairs from the balcony.

Mr. BALL. And you ran to the orchestra entrance—did you—to the aisle?

Mr. CARROLL. To the aisle from the lobby—you come downstairs into the lower lobby and the aisles lead off the lower lobby, and I come through the lobby and he was sitting rather close, I don't know exactly which row of seats it was, but it was back close to the back of the theatre.

Mr. BALL. And how many seats in from the right aisle, as you faced the screen?

Mr. CARROLL. It was approximately—close to the center of the second bunch of seats.

Mr. BALL. What did you see when you came into the entrance to the aisle?

Mr. CARROLL. I saw standing up at the time—Oswald was standing up there at that time. Several of us were converging at the same time upon him.

Mr. BALL. Where was McDonald?

Mr. CARROLL. He was on Oswald's, let me see, the first time I think I saw Nick was, I believe he was on Oswald's right side.

Mr. BALL. Were they struggling?

Mr. CARROLL. Everyone was struggling with him—yes, sir.

Mr. BALL. I mean, were Oswald and McDonald struggling together?

Mr. CARROLL. Yes, sir; and then when I got up close enough, I saw a pistol pointing at me so I reached and grabbed the pistol and jerked the pistol away and stuck it in my belt, and then I grabbed Oswald.

Mr. BALL. Who had hold of that pistol at that time?

Mr. CARROLL. I don't know, sir. I just saw the pistol pointing at me and I grabbed it and jerked it away from whoever had it and that's all, and by that time then the handcuffs were put on Oswald.

Mr. BALL. Who put them on him?

Mr. CARROLL. I'm not sure who actually put the handcuffs on—I think it was Ray Hawkins.

Mr. BALL. Put them on from behind?

Mr. CARROLL. Yes, sir.

Mr. BALL. Did—

Mr. CARROLL. They were behind him.

Mr. BALL. Did you see anybody strike Oswald with his fist?

Mr. CARROLL. No, sir; I did not.

Mr. BALL. We had one witness testify yesterday that he saw a man with a shotgun strike Oswald in the back with the butt of the gun; did you see that?

Mr. CARROLL. No, sir; I didn't see that.

Mr. BALL. Did you see anybody strike him?

Mr. CARROLL. I didn't see anybody strike him—it's possible that someone did, but I didn't see it because I was busy just trying to get him.

Mr. BALL. Did you grab some part of Oswald?

Mr. CARROLL. Yes, sir; I grabbed him.

Mr. BALL. Where?

Mr. CARROLL. It was below his shoulders, I think I grabbed him by his arm, trying to get one arm behind him or something.

I mean, it all happened so fast—as far as me sitting down and detailing it—I believe it was his right arm.

Mr. BALL. Was Oswald saying anything during this struggle?

Mr. CARROLL. Not that you could understand, you know; he was making sounds like normally they will do when you are engaged in some kind of a vigorous scuffle or something like that.

Mr. BALL. What happened then after that?

Mr. CARROLL. Well, after we got the handcuffs on him—it was McDonald and Jerry Hill, Ray Hawkins and myself, and I believe there was—I think it was Hutson—we started out of the theatre and we took him out through the main lobby to our car, which was parked right in front where we had left it—where Lyons and I pulled up, and we put him in our car in the back seat and I was driving and Jerry Hill was riding next to me and somewhere after this deal, somehow or other—I don't know exactly when it was—Paul Bentley had joined the crowd, and he got into the car in the right-front seat and then Oswald and Hutson, I believe, were in the back seat, and we left there and drove to the police station.

Mr. BALL. After Oswald had been handcuffed, did he say anything?

Mr. CARROLL. Yes, sir; as we were bringing him out of the theatre, he hollered that he was going to protest this police brutality. I believe those were his words—the latter part—"Protest the police brutality" were his exact words. The rest of it was what he had done and that he hadn't done nothing and stuff like that.

Mr. BALL. Did he say he hadn't done anything?

Mr. CARROLL. The best I remember that was it—after we had him in the car. We were coming down to the station and he said that he hadn't done anything and he said, "I did have a pistol and I know that that's wrong, but I haven't done anything." That's the best I recall of what he said.

Mr. BALL. Did you see any marks on Oswald's face?

Mr. CARROLL. Yes—there was one, I believe it was on the left—right eye—I can't recall which one it was—I know he had a mark up here, somewhere up here, I believe it was over his left eye—I'm not real sure.

Mr. BALL. Where was Oswald the first time you saw the mark over his eye?

Mr. CARROLL. The first time I remember was after we got him in the car. Of course, I wasn't paying too much attention to the marks or anything right there, we was trying to get him subdued.

Mr. BALL. As he came out of the theatre, was he shouting in a loud voice or speaking softly?

Mr. CARROLL. Well, when we came out the door, it was rather difficult because there was quite a crowd there outside the theatre and it was pretty noisy and several people were hollering, you know—"Kill him," or "Let us have him, and we'll kill him." It was rather noisy, and after we come out of the theatre—I couldn't hear, you know, if he said anything I couldn't actually hear it.

Mr. BALL. Did you shut Oswald up any way—did you do anything to keep his mouth shut?

Mr. CARROLL. No, sir.

Mr. BALL. A witness testified yesterday—he said that as Oswald came out of the theatre, that there were two men on each side of him and one man behind him that had his arm underneath his chin so as to tilt his head back and close his mouth; do you remember anything like that?

Mr. CARROLL. I don't remember anything like that. I was in front—when we came out of the theatre, I was directly in front of Oswald, and I say "directly"—just almost right in front of him and there were two people, I know,

one each side of him had him by his arms, but I did not see anyone holding his mouth or trying to keep his mouth shut.

Mr. BALL. On the way down to the police station, did anyone in the car ask Oswald if he had shot the President?

Mr. CARROLL. I don't think—I don't think they asked him if he shot the President. I don't recall asking him if he shot the President. I think most of the conversation was about Tippit at that time.

Mr. BALL. What do you remember as to that conversation about Tippit at the time?

Mr. CARROLL. Like—he said he hadn't done anything except, well, he said, "I had a pistol, and that's all I've done—just carry a pistol."

Mr. BALL. Did any one officer state to Oswald that he had killed Tippit?

Mr. CARROLL. I don't recall him just coming out openly and saying, "You killed him," or anything like that. Of course, questions were being asked. I don't remember now who was asking them then, but I was driving the car and I was trying to get him from out there down here as fast as we could.

Mr. BALL. After you took the pistol, what did you do with it?

Mr. CARROLL. The pistol?

Mr. BALL. Yes.

Mr. CARROLL. After I took the pistol, I stuck it in my belt immediately. Then, after we got into the car and pulled out from the theater over there, I gave it to Jerry Hill, Sgt. Jerry Hill.

Mr. BALL. And he was sitting in the front seat?

Mr. CARROLL. In the front seat right beside me and in the middle, I think Paul Bentley was sitting on the right side and Jerry was sitting there.

Mr. BALL. And you went down to the police station?

Mr. CARROLL. Yes, sir.

Mr. BALL. What did you do when you got there?

Mr. CARROLL. When we got down in the basement and brought Oswald up, I was in front with everyone else surrounding him and we walked directly from the car to the elevator, got on the elevator and went up to the third floor to the homicide and robbery office and took him right into the homicide and robbery office and took him into one of our interrogation rooms, where we released him to the homicide and robbery office.

Mr. BALL. Whom did you release him to?

Mr. CARROLL. I don't recall which one of the officers it was—there were several standing around there, but they would just take him and hand him to one particular officer. We just put him in the room and they more or less come in and we would back off.

Mr. BALL. Where did you go?

Mr. CARROLL. I went into the police personnel office.

Mr. BALL. Who went in there with you?

Mr. CARROLL. There was Jerry Hill, Ray Hawkins, McDonald, Hutson, Bentley, Lyons, and myself. Oh, by the way, Lyons was in the car with us also when we came from the theatre to the police department. I don't remember whether he was sitting in the front or back seat, though, but he did come down with us.

Lyons had sprained his ankle and Paul Bentley also had sprained his ankle, and shortly after we went into the police personnel office Lyons and Bentley left and went to Parkland to have their legs checked and taken care of.

Mr. BALL. Had you looked at the pistol to see if it was loaded before you got to the personnel office?

Mr. CARROLL. Yes, sir; when I gave it to Jerry Hill, he unloaded it.

Mr. BALL. He unloaded it there in the car?

Mr. CARROLL. Yes, sir.

Mr. BALL. And were you able to see that?

Mr. CARROLL. Wait just a minute—I know he checked the cylinder and I don't recall whether he actually unloaded it at the time or whether he waited to unload it downtown, but I believe he unloaded it there at the car.

Mr. BALL. Anyway, you know it was unloaded in your presence?

Mr. CARROLL. Yes; and I saw the bullets.

Mr. BALL. It was unloaded in your presence?

Mr. CARROLL. Yes, sir.

Mr. BALL. And how many bullets were there in the cylinder?

Mr. CARROLL. Just—the cylinder was full—six.

Mr. BALL. Six bullets?

Mr. CARROLL. Yes, sir. Yes; I believe it was full.

Mr. BALL. Was McDonald there at that time?

Mr. CARROLL. I don't recall whether he was right there at that moment or not.

Mr. BALL. Did you examine these bullets?

Mr. CARROLL. I looked at them, yes, sir.

Mr. BALL. Did you see anything unusual about any one of them?

Mr. CARROLL. Not—just at a glance. No, sir; they just looked like bullets.

Mr. BALL. Did you examine them more carefully at a later time?

Mr. CARROLL. Someone made mention that one of the caps, you know, had a small indent on it, and I looked at it and I could see what looked to me like a hammer might have fallen on it.

Mr. BALL. On the firing pin?

Mr. CARROLL. Yes—the firing pin looked like where the firing pin might have fallen on the cap.

Mr. BALL. It looked like the firing pin had fallen on the cap?

Mr. CARROLL. That's right.

Mr. BALL. And did you see that with your naked eye or did you need a glass?

Mr. CARROLL. Well, when I looked at it, it looked to me like it was just a real light indent.

Mr. BALL. That was without a glass?

Mr. CARROLL. Yes.

Mr. BALL. Did you look at it as you were there in the personnel department?

Mr. CARROLL. Yes, sir.

Mr. BALL. Was McDonald there that day?

Mr. CARROLL. I'm sure he was—I don't actually recall him sitting there. He was there most of the time.

Mr. BALL. Did you see McDonald make a mark on the gun?

Mr. CARROLL. Yes; I saw him make a mark.

Mr. BALL. When was this done?

Mr. CARROLL. It was up in the personnel police office.

Mr. BALL. At this meeting that you were just describing?

Mr. CARROLL. Yes; when we were all in there together.

Mr. BALL. And tell me briefly who was present when you saw McDonald make the mark on the gun?

Mr. CARROLL. Well, let's see—there was myself, Mack, I think Ray Hawkins was there, and I believe Hutson was there, and I believe Bentley and Lyons had already gone out to have their feet checked, and I don't recall whether Captain Westbrook was in there at the time or not. There were so many people—I would have to kind of explain that—I know it sounds vague, but there were so many people in and out of there and there were about no less than anywhere from half a dozen to a dozen newspaper reporters in and out and they were bringing in mikes and it was just a big mess of confusion. You couldn't just sit down and detail this thing and say this man was at this particular spot at this time. It was so jumbled up there.

Mr. BALL. Whom did you give the gun to finally?

Mr. CARROLL. After I gave it to—Jerry Hill—that was the last time I had possession of it—possession of the gun.

Mr. BALL. And did you know who took possession of the bullets?

Mr. CARROLL. I don't recall, sir. I don't recall even seeing the gun or the bullets turned over to anyone by Hill.

Mr. BALL. But you know in the personnel department after you had delivered Oswald to the homicide squadron, you saw the gun and six bullets?

Mr. CARROLL. Yes, sir.

Mr. BALL. With this group of officers?

Mr. CARROLL. Yes, sir.

Mr. BALL. And you examined them?

Mr. CARROLL. Yes.

Mr. BALL. I think that's all.

Mr. CARROLL, this will be written up by the shorthand reporter and you have the privilege of looking it over and making any corrections and signing it, if you wish, or you can waive signature and we will send it on to the Commission.

Mr. CARROLL. Yes, sir; all right, sir.

Mr. BALL. Do you want to waive signature?

Mr. CARROLL. No, sir; I will sign it.

Mr. BALL. All right, then, if you want to sign it, we'll get in touch with you and tell you what time it will be ready and you can come down and look it over.

Mr. CARROLL. All right.

Mr. BALL. All right, fine. Thank you very much for coming in.

Mr. CARROLL. All right, thank you.

TESTIMONY OF BOB K. CARROLL RESUMED

The testimony of Bob K. Carroll was taken at 10:30 a.m., on April 9, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. David W. Belin, assistant counsel of the President's Commission.

Mr. BELIN. Will you rise and be sworn, please. 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. CARROLL. I do, sir.

Mr. BELIN. Your name is?

Mr. CARROLL. Bob K. Carroll.

Mr. BELIN. You previously had your deposition taken here in Dallas by the President's Commission on the Assassination of President Kennedy, have you not?

Mr. CARROLL. Yes, sir.

Mr. BELIN. Did Mr. Ball take that?

Mr. CARROLL. It was Mr. Ball; yes, sir.

Mr. BELIN. About what day was that?

Mr. CARROLL. It was on a Friday, last, I believe. I don't know what day that would be.

Mr. BELIN. Well, today is the following Thursday. At that time we didn't have some of the exhibits here, Officer Carroll, and since then they have come in. I now want to hand you one of the exhibits which has been marked as Commission Exhibit 143 and ask you to state what that is?

Mr. CARROLL. Yes, sir. It is a .38 caliber revolver with a blue steel 2' barrel with wooden handle.

Mr. BELIN. Have you ever seen this before?

Mr. CARROLL. Yes; I have.

Mr. BELIN. Where did you first see it?

Mr. CARROLL. I first saw it in the Texas Theatre on November 22, 1963.

Mr. BELIN. Would you just tell us about this weapon, when you first saw it?

Mr. CARROLL. The first time I saw the weapon, it was pointed in my direction, and I reached and grabbed it and stuck it into my belt.

Mr. BELIN. What did you happen to be doing at the time?

Mr. CARROLL. At the time, I was assisting in the arrest of Lee Harvey Oswald.

Mr. BELIN. Do you know whose hand was on the gun when you saw it pointed in your direction?

Mr. CARROLL. No; I do not.

Mr. BELIN. You just jumped and grabbed it?

Mr. CARROLL. I jumped and grabbed the gun; yes, sir.

Mr. BELIN. Then what did you do with it?

Mr. CARROLL. Stuck it in my belt.

Mr. BELIN. And then?

Mr. CARROLL. After leaving the theatre and getting into the car, I released the pistol to Sgt. Jerry Hill.

Mr. BELIN. Sgt. G. L. Hill?

Mr. CARROLL. Yes, sir.

Mr. BELIN. Who drove the car down to the station?

Mr. CARROLL. I drove the car.

Mr. BELIN. Did you give it to him before you started up the car, or after you started up the car, if you remember?

Mr. CARROLL. After.

Mr. BELIN. How far had you driven when you gave it to him?

Mr. CARROLL. I don't recall exactly how far I had driven.

Mr. BELIN. Did you put any identification mark at all on this weapon?

Mr. CARROLL. Yes, sir; I did. The initials B. C., right above the screw on the inside of the butt of the pistol.

Mr. BELIN. That is about an inch or so from the bottom of the pistol?

Mr. CARROLL. Approximately an inch from the bottom of the butt of the pistol.

Mr. BELIN. As you hold the pistol pointing, that metal strip is pointing up also, is that correct?

Mr. CARROLL. That's correct.

Mr. BELIN. Where did you put the initials?

Mr. CARROLL. Where was I, or where did I put the initials on the pistol?

Mr. BELIN. Where were you?

Mr. CARROLL. I was in the personnel office of the city of Dallas police department.

Mr. BELIN. With Sergeant Hill?

Mr. CARROLL. Yes, and others who were present.

Mr. BELIN. Did you see Sergeant Hill take it out of his pocket or wherever he had it, or not?

Mr. CARROLL. Yes, sir.

Mr. BELIN. What day did you put your initials on it?

Mr. CARROLL. November 22, 1963.

Mr. BELIN. During the drive down from the Texas Theatre, to the police station, do you remember any conversation with Lee Harvey Oswald?

Mr. CARROLL. Some. He stated that he had not done anything that—he said, "Well, I was carrying a pistol, but that is all."

Mr. BELIN. Was he ever asked his name?

Mr. CARROLL. Yes, sir; he was asked his name.

Mr. BELIN. Did he give his name?

Mr. CARROLL. He gave, the best I recall, I wasn't able to look closely, but the best I recall, he gave two names, I think. I don't recall what the other one was.

Mr. BELIN. Did he give two names? Or did someone in the car read from the identification?

Mr. CARROLL. Someone in the car may have read from the identification. I know two names, the best I recall, were mentioned.

Mr. BELIN. Were any addresses mentioned?

Mr. CARROLL. Not that I recall; no, sir.

Mr. BELIN. Did you talk at any time to Oswald in the car?

Mr. CARROLL. No, sir; I had no conversation with him personally.

Mr. BELIN. You were driving the car?

Mr. CARROLL. Yes. If I looked at him, I would have to turn around.

Mr. BELIN. Did you talk to him after you got downtown to the station?

Mr. CARROLL. No, sir.

Mr. BELIN. Did you hear him say anything after he got downtown to the station?

Mr. CARROLL. No; I didn't hear him say anything.

Mr. BELIN. Did you ever hear anyone say anything about his having an address on North Beckley or on Beckley Street?

Mr. CARROLL. I heard later, but I couldn't say who it was that said it.

Mr. BELIN. When you say later, you mean later than what?

Mr. CARROLL. Later that day.

Mr. BELIN. Was this after you relinquished custody of Oswald?
Mr. CARROLL. Yes.
Mr. BELIN. Up to that time had you heard it?
Mr. CARROLL. I don't recall hearing it prior to the time I was in the city hall.
Mr. BELIN. Anything else you can think of, whether we have discussed this or not, that in any way might be relevant?
Mr. CARROLL. No, sir; because when we brought him out of the car, we took him straight up to the homicide and robbery office and there left him in custody of a homicide and robbery officer.
Mr. BELIN. When this gun, Commission Exhibit 143, was taken by you and then subsequently given to Hill, did you at any time notice whether it was or was not loaded?
Mr. CARROLL. I observed Sergeant Hill unload the gun.
Mr. BELIN. How many bullets were in it?
Mr. CARROLL. It was full. I believe there was six bullets, the best I recall.
Mr. BELIN. All right, sir; we thank you again for making the second trip down, and we are sorry we didn't have the exhibit here when you first testified.
You have an opportunity, if you like, to read your deposition and sign it before it goes to Washington, or you can waive.
Mr. CARROLL. I will sign it.
Mr. BELIN. All right, you will be contacted.
Mr. CARROLL. All right, fine.

TESTIMONY OF THOMAS ALEXANDER HUTSON

The testimony of Thomas Alexander Hutson was taken at 9 a.m., on April 3, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. David W. Belin, assistant counsel of the President's Commission.

Mr. BELIN. Would you stand and raise your right hand, please. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HUTSON. I do.
Mr. BELIN. Will you please state your name?
Mr. HUTSON. Thomas A. Hutson.
Mr. BELIN. And your occupation?
Mr. HUTSON. Police officer for the city of Dallas.
Mr. BELIN. How old are you, Mr. Hutson?
Mr. HUTSON. Thirty-five years.
Mr. BELIN. How long have you been a police officer?
Mr. HUTSON. Nine years.
Mr. BELIN. Go to school here in Dallas?
Mr. HUTSON. Yes, sir.
Mr. BELIN. High school?
Mr. HUTSON. Yes, sir.
Mr. BELIN. Graduate of high school or not?
Mr. HUTSON. Yes, sir.
Mr. BELIN. What school?
Mr. HUTSON. Forest Avenue High School.
Mr. BELIN. Where did you go when you got out of high school?
Mr. HUTSON. Went to work for Texas & Pacific Railway in the general office at Elm and Griffin Street as a mail clerk.
Mr. BELIN. How long was that?
Mr. HUTSON. That was in 1947, in July—that is in January of 1947, and I worked there continuously until July of 1948, when I enlisted in the U.S. Army.
Mr. BELIN. How long did you serve in the Army?
Mr. HUTSON. Four years.
Mr. BELIN. What did you do there?
Mr. HUTSON. I went to Fort Ord, Calif., for basic training, and from there

I went to Germany and joined the 1st Infantry Division, and I joined them in October of 1948.

I landed in Germany and I stayed with them in Germany until May of 1951, when I returned to the United States and was stationed at Fort Sam Houston.

Mr. BELIN. What did you do, basically, in Germany?

Mr. HUTSON. I started out in the Infantry, and when I left Germany I was in a more or less administrative part of my Infantry company, doing mail and administrative work in the sergeant's office. Plus, of course, you are primarily an Infantry soldier anyway.

Mr. BELIN. You got back to the States?

Mr. HUTSON. Right. In May of 1951, and I went to Fort Sam Houston, Tex., where I was promoted to Infantry sergeant, platoon sergeant, and there I gave instructions in Infantry tactics.

Mr. BELIN. And eventually you were discharged?

Mr. HUTSON. I went to Camp Pickett, Va., and we were there—this was during the Korean war when I started to train men in Camp Pickett, Va., and I got an extended year from a 3-year enlistment, and I was discharged in July of 1952.

Mr. BELIN. Honorable discharge?

Mr. HUTSON. Yes, sir.

Mr. BELIN. Then what did you do?

Mr. HUTSON. I returned to Dallas and went back to work for Texas & Pacific Railway as an interchange clerk in the accounting office.

Mr. BELIN. How long did you stay with them?

Mr. HUTSON. I stayed with Texas & Pacific for approximately a year, and at this time I resigned and a lifelong friend and I went into the service station business at Harwood and Grand here in Dallas.

Mr. BELIN. How long did you stay in the service station business?

Mr. HUTSON. We stayed in the service station business 18 months. I sold my interest to him around February the 5th, and I went to work for the Dallas Police Department.

Mr. BELIN. What year?

Mr. HUTSON. 1955.

Mr. BELIN. What were your duties in the Dallas Police Department in the fall of 1963?

Mr. HUTSON. I was a 3-wheel motorcycle officer.

Mr. BELIN. Would that have included November 22, 1963?

Mr. HUTSON. Yes, sir; it would.

Mr. BELIN. Did you have anything to do in connection with the Presidential motorcade on November 22?

Mr. HUTSON. Yes; I did.

Mr. BELIN. What did you do?

Mr. HUTSON. I was in charge of "no parking" on all of North Harwood Street and Main Street to Field on both sides of the street.

Mr. BELIN. After the motorcade passed down Main, what did you do?

Mr. HUTSON. I was at Main and Ervay Avenue, and after the motorcade passed, I began to pick up my "No-parking" signs.

Mr. BELIN. Were you at Main and Ervay when the motorcade passed?

Mr. HUTSON. Right.

Mr. BELIN. To direct traffic?

Mr. HUTSON. I was trying—we were trying to hold the noon crowds back that was surging in the street.

Mr. BELIN. After the motorcade passed, then you started picking up the signs?

Mr. HUTSON. Yes.

Mr. BELIN. What did you do after that?

Mr. HUTSON. As I was picking up the signs, I heard a Signal 19, involving the President of the United States at Elm and Houston.

Mr. BELIN. Now had you heard anything ahead of that time?

Mr. HUTSON. I saw this squad car go by me with the siren on.

Mr. BELIN. All right.

Mr. HUTSON. And as I got back to my motorcycle from picking up the signs, I heard the Signal 19, involving the President of the United States at Elm and Houston. I immediately made an emergency run to this location.

Mr. BELIN. What did you do when you got there?

Mr. HUTSON. I pulled up in front of the Texas School Book Depository and got off my motorcycle and took a position up on the sidewalk in front of the main entrance.

Mr. BELIN. Now there are a few steps between the sidewalk and the main entrance. Were you at the bottom of the steps?

Mr. HUTSON. Yes; I was at the bottom of the steps.

Mr. BELIN. What did you do at the bottom of the steps?

Mr. HUTSON. I stopped people and screened them from trying to enter, and prevented anyone from leaving if he got through the other two officers.

Mr. BELIN. You were there with two more officers?

Mr. HUTSON. Yes, sir.

Mr. BELIN. Where were they?

Mr. HUTSON. They were at the top of the stairs at the door.

Mr. BELIN. Do you know the names of these officers?

Mr. HUTSON. I am not positive, but the best of my knowledge, it was J. B. Garrick and H. R. Freeman.

Mr. BELIN. Were those officers there when you got there?

Mr. HUTSON. Yes, sir.

Mr. BELIN. Were they motorcycle officers or not?

Mr. HUTSON. Solo motorcycle officers.

Mr. BELIN. How long did you stay there?

Mr. HUTSON. I don't know the exact amount of time that I stayed there.

Mr. BELIN. What is your best judgment?

Mr. HUTSON. Thirty minutes.

Mr. BELIN. Why did you leave?

Mr. HUTSON. I was relieved by my sergeant.

Mr. BELIN. Did you let people go in that said they were employees within the building?

Mr. HUTSON. No, sir. One lady came up that was an employee. I refused to let anyone enter except police officers.

Mr. BELIN. Did you see anyone leave the building?

Mr. HUTSON. No, sir.

Mr. BELIN. Was your back to the building?

Mr. HUTSON. Yes, sir.

Mr. BELIN. Now there were lots of people milling around at that time, I assume?

Mr. HUTSON. Not at the entrance, there wasn't when I first got there. There wasn't a big crowd around that building, but all the sirens coming in, that is what brought the big crowd.

Mr. BELIN. Could you hear any witnesses say they had seen a rifle or anything from the building?

Mr. HUTSON. No; I didn't.

Mr. BELIN. Well, you left. What did you do when you were relieved from duty?

Mr. HUTSON. As I was being released, I heard the radio dispatcher come on the radio and give a Signal 19, and that a shooting involving a police officer in the 500 block of East Jefferson, and he came back on shortly and said to check both 500 East Jefferson and East Tenth, that they weren't sure on the exact location.

Mr. BELIN. Was this at about the time you were being released?

Mr. HUTSON. Yes, sir.

Mr. BELIN. Now when you first got the signal to go to Elm and Houston, did he say Elm and Houston?

Mr. HUTSON. Elm and Houston, that is the location I heard.

Mr. BELIN. How long do you feel that it took you to get from where you were on Main at that time?

Mr. HUTSON. I was in the 1800 block of Main Street, eastbound, and I made a turn and used my siren and red lights, and the maximum amount of time it could have taken me would be 3 minutes.

Mr. BELIN. So you got there in 3 minutes, and within 3 minutes after you heard the signal you were stopping people from going in?

Mr. HUTSON. Yes.

Mr. BELIN. You are nodding your head, yes?

Mr. HUTSON. Yes.

Mr. BELIN. Do you know how many minutes after the shooting you heard the first notice over the police radio?

Mr. HUTSON. No, I don't.

Mr. BELIN. At times you were working away from your police radio while you were picking up the signs, is that correct?

Mr. HUTSON. Yes; and you can't hear the radio from a distance.

Mr. BELIN. When you heard this news about this shooting in Oak Cliff—by the way, where was your regular station ordinarily?

Mr. HUTSON. I worked west of Vernon on Jefferson.

Mr. BELIN. Is that Oak Cliff?

Mr. HUTSON. Yes; that is West Jefferson Boulevard.

Mr. BELIN. What did you do after you heard about the shooting?

Mr. HUTSON. I got on my motorcycle and I proceeded down through the triple underpass and up onto R. L. Thornton Freeway to Oak Cliff.

Mr. BELIN. Where did you go?

Mr. HUTSON. I exited off Jefferson and went to the 400 block of East Jefferson Boulevard and began a search of the two-story house behind 10th Street where the officer had been shot.

Mr. BELIN. All right.

Mr. HUTSON. And after we searched this area, I got in the squad car with Officer Ray Hawkins, who was driving, and Officer Baggett was riding in the back seat.

Mr. BELIN. Why did you get inside the squad car?

Mr. HUTSON. The clutch on my motorcycle was burned out and I couldn't get any speed, and I just barely made it over there, and I didn't know whether I would be able to start and go or not.

Mr. BELIN. Then what did you do?

Mr. HUTSON. We proceeded west on 10th Street to Beckley, and we pulled into the Mobil gas station at Beckley and 10th Street.

Mr. BELIN. That is a Mobil gas station?

Mr. HUTSON. Yes.

Mr. BELIN. All right.

Mr. HUTSON. And Officer Ray Hawkins and Officer Baggett went inside of the Mobil gas station. And I am not positive, but I think they used the telephone to call in.

I am not positive, but I believe they gave us a call for us to call. I mean their number to call in.

At the time they were in the service station, I heard the dispatcher give a call that the suspect was just seen running across the lawn at the Oak Cliff Branch Library at Marsalis and Jefferson.

I reached over and blew the siren on the squad car to attract the officers' attention, Officers Baggett and Hawkins, and they came running out of the service station and jumped in the car, and I told them to report to, I can't remember, Marsalis and Jefferson, the suspect was seen running across the lawn at the library.

We proceeded south on Beckley to Jefferson, and east on Jefferson to Marsalis, where we hit the ground and searched the area at the library for the suspect who was—a teenager had run across the lawn and into the basement of the library.

At this time, after we found out that this person wasn't involved, we returned to the squad car and began to drive west on Jefferson, west on East Jefferson, and as we approached the 100 block of East Jefferson, the dispatcher said on the radio, that a suspect was just seen entering the Texas Theatre.

Mr. BELIN. Now the suspect in the library, do you know who he was?

Mr. HUTSON. No; I don't. There were several officers at the location, including some constables from the constable's office in Oak Cliff at Beckley and 12th, and there were four or five persons that came out from the basement with their hands over their head.

One of them was a young boy there, and another officer or two checked him. A sergeant was there.

Mr. BELIN. Was that young boy the one that they thought was a suspect?

Mr. HUTSON. Yes.

Mr. BELIN. Do you know what the young boy said he was doing there?

Mr. HUTSON. No, sir; I didn't interrogate him or talk to him.

Mr. BELIN. Then you heard about another report on the suspect, you say?

Mr. HUTSON. Yes, sir. Then we left that location as we were proceeding west on East Jefferson, and as we approached the 100 block of East Jefferson, the radio dispatcher said that a suspect had just entered the Texas Theatre.

Mr. BELIN. All right, now, prior to that time had there been any recovery of any items of clothing?

Mr. HUTSON. Yes, sir.

Mr. BELIN. When did that occur?

Mr. HUTSON. That occurred while we were searching the rear of the house in the 400 block of East Jefferson Boulevard at the rear of the Texaco station. Behind cars parked on a lot at this location, a white jacket was picked up by another officer. I observed him as he picked it up, and it was stated that this is probably the suspect's jacket. The original description was that he was wearing a white jacket.

Mr. BELIN. What kind of jacket was it?

Mr. HUTSON. It looked like a white cloth jacket to me.

Mr. BELIN. Was it the zipper type?

Mr. HUTSON. I didn't see it that close. I was approximately 25 yards away from the officer who picked it up.

Mr. BELIN. All right, go ahead, continue with your story. You heard about the suspect going into the Texas Theatre?

Mr. HUTSON. Yes, sir.

Mr. BELIN. Then what happened?

Mr. HUTSON. I told Officer Hawkins to drive west on Jefferson. He didn't know the exact location of the Texas Theatre. And from west on Jefferson to north on South Zangs Boulevard, and to make a left turn to travel west on West Sunset the wrong direction, which is a one-way street, and then to cut back in across the parking lot at the rear of the theatre to the fire exit doors at the rear.

Mr. BELIN. All right.

Mr. HUTSON. We pulled up to this location and I was the first out of the car to hit the ground. As I walked up to the fire exit doors, Officer Hawkins and Baggett were getting out of the car, and the door to the theatre opened, and this unknown white male was exiting.

I drew my pistol and put it on him and told him to put up his hands and not to make a move, and he was real nervous and scared and said: "I am not the one. I just came back to open the door. I work up the street at the shoestore, and Julia sent me back to open the door so you could get in."

I walked up and searched him briefly and I could see by the description and his clothes that he wasn't the person we were looking for.

Then I entered the theatre from this door, and Officer Hawkins with me, and Officer Baggett stayed behind to cover the fire exit door.

We walked down the bottom floor of the theatre, and I was joined there by Officer Walker by me, and as we walked up the north aisle from the center section, I observed Officer McDonald walking up the south aisle from the center section, and we observed two suspects sitting near the front in the center section.

Mr. BELIN. You were on the right center or the left center?

Mr. HUTSON. I was on the left center.

Mr. BELIN. That would be the left center, and McDonald on the right center aisle?

Mr. HUTSON. Yes; and Officer Walker was with me on the left center aisle.

Officer McDonald and Walker searched these two suspects, had them stand up and searched them while I covered.

As soon as they were searched—well, I left out that part about the number

of people sitting in the theatre on the lower floor. When I walked in, I noticed there were seven people I observed sitting on the lower floor.

Mr. BELIN. Did you count them?

Mr. HUTSON. Yes, sir; I counted them.

Mr. BELIN. All right, seven people. There were two people you noticed toward the front of the center section, right?

Mr. HUTSON. Right.

Mr. BELIN. Then where were the other five?

Mr. HUTSON. There was two sitting in the center section near the front, and directly behind them, five rows from the back, and three seats over, I am not sure whether that was the third row—I put it in my report—

Mr. BELIN. You say you put it in your report. Is that your report dated December 3, 1963?

Mr. HUTSON. The third row from the back and the fifth seat.

Mr. BELIN. Was there another person there?

Mr. HUTSON. That was another person.

Mr. BELIN. Who was that?

Mr. HUTSON. That was Lee Harvey Oswald.

Mr. BELIN. You didn't know it at the time?

Mr. HUTSON. I didn't know who it was; no, sir.

Mr. BELIN. Then who else?

Mr. HUTSON. And directly behind him sitting against the back of the theatre was another man.

Mr. BELIN. In the back of the last row of the center section?

Mr. HUTSON. Yes.

Mr. BELIN. That accounts for four people. Where were the others?

Mr. HUTSON. There were two young boys.

Mr. BELIN. Where were they?

Mr. HUTSON. They were sitting back on the same row as that man, back row.

Mr. BELIN. Right center or left center?

Mr. HUTSON. They were sitting in the left as you face the screen, left center section.

Mr. BELIN. All right, that accounts for six of them, and the only other person was one person sitting over here to the right side toward the rear?

Mr. HUTSON. Yes; toward the rear.

Mr. BELIN. Do you remember how many people were upstairs, or didn't you count?

Mr. HUTSON. I couldn't tell, so many people up there, and so many policemen when I looked up. I don't have any idea.

Mr. BELIN. Then what happened after you saw these two people towards the front of the center section? Were they searched?

Mr. HUTSON. Yes, sir.

Mr. BELIN. Then what?

Mr. HUTSON. Then I proceeded up the aisle toward the back of the theatre, and McDonald was walking toward the back of the theatre in the right center section aisle.

As he approached this person sitting in the same row of seats, he approached this person. I approached from the row behind.

Mr. BELIN. You approached from the second row from the back?

Mr. HUTSON. Yes, sir.

Mr. BELIN. All right, then what did you see happen?

Mr. HUTSON. I saw this person stand up, and McDonald and him became engaged in a struggle.

Mr. BELIN. Did you see who hit whom first?

Mr. HUTSON. No.

Mr. BELIN. You are shaking your head, no.

Mr. HUTSON. No, I didn't.

Mr. BELIN. Okay.

Mr. HUTSON. The lights were down. The lights were on in the theatre, but it was dark.

Mr. BELIN. All right.

Mr. HUTSON. Visibility was poor.

Mr. BELIN. Then what did you see happen?

Mr. HUTSON. I saw McDonald down in the seat beside this person, and this person was in a half standing crouching position pushing down on the left side of McDonald's face, and McDonald was trying to push him off.

Mr. BELIN. This person was right-handed?

You have used a motion here that he was pushing on the left side of McDonald's face?

Mr. HUTSON. Right.

Mr. BELIN. All right.

Mr. HUTSON. And McDonald was trying to hold him off with his hand.

Mr. BELIN. All right.

Mr. HUTSON. I reached over from the back of the seat with my right arm and put it around this person's throat.

Mr. BELIN. All right.

Mr. HUTSON. And pulled him back up on the back of the seat that he was originally sitting in.

At this time Officer C. T. Walker came up in the same row of seats that the struggle was taking place in and grabbed this person's left hand and held it.

Mr. BELIN. Okay.

Mr. HUTSON. McDonald was at this time simultaneously trying to hold this person's right hand.

Somehow this person moved his right hand to his waist, and I saw a revolver come out, and McDonald was holding on to it with his right hand, and this gun was waving up toward the back of the seat like this.

Mr. BELIN. Now you had your left hand, or was it McDonald's left hand, on the suspect's right hand?

Mr. HUTSON. McDonald was using both of his hands to hold onto this person's right hand.

Mr. BELIN. Okay.

Mr. HUTSON. And the gun was waving around towards the back of the seat, up and down, and I heard a snapping sound at one time.

Mr. BELIN. What kind of snapping sound was it?

Mr. HUTSON. Sounded like the snap of a pistol, to me, when a pistol snaps.

Mr. BELIN. Do you know which way the pistol was pointing when you heard the snap?

Mr. HUTSON. Was pointing toward the back of the seat.

Mr. BELIN. It was pointing toward the back of the seat?

Mr. HUTSON. Yes; toward the screen in the front of the theatre, in that direction.

Mr. BELIN. Wait a minute, now. Toward the screen?

Mr. HUTSON. Right.

Mr. BELIN. Toward the front of the theatre, or the back of the theatre?

Mr. HUTSON. Toward the front of the theatre, we will call, facing the screen.

Mr. BELIN. Was it aiming at anyone in particular?

Mr. HUTSON. No; not any officer in particular. The only one that could have came in the line of fire was Officer Ray Hawkins, who was walking up in the row of seats in front.

Mr. BELIN. Did you hear any people say anything? Did you hear the suspect say anything?

Mr. HUTSON. I don't remember hearing anybody say anything.

Mr. BELIN. Did you hear Officer McDonald say anything?

Mr. HUTSON. No.

Mr. BELIN. You are shaking your head no.

Mr. HUTSON. No, sir.

Mr. BELIN. All right, what happened then?

Mr. HUTSON. The gun was taken from the suspect's hand by Officer McDonald and somebody else. I couldn't say exactly. They were all in on the struggle, and Officer Hawkins, in other words, he simultaneously, we decided to handcuff him.

We had restrained him after the pistol was taken, but he was still resisting arrest, and we stood him up and I let go of his neck at this time and took hold

of his right arm and attempted to bring it back behind him, and Officer Hawkins and Walker and myself attempted to handcuff him.

At this time Sgt. Jerry Hill came up and assisted as we were handcuffing.

Then Captain Westbrook came in and gave the order to get him out of here as fast as you can and don't let anybody see him, and he was rushed out of the theatre.

I was in the row of seats behind. I saw Officer Walker and Sgt. Jerry Hill had hold of him, and that is the last I ever saw him.

Mr. BELIN. Did you ever see him down at the police station thereafter?

Mr. HUTSON. Oswald?

Mr. BELIN. Yes, sir.

Mr. HUTSON. No, sir; I never did see him again.

Mr. BELIN. How do you know this was Oswald?

Mr. HUTSON. After we finished up in the theatre, I went downtown and went into the office where they were writing up the report, and to tell them the part I took in the arrest of him, to get the information, and at this time they had his name, Lee Harvey Oswald, but all we knew is, he was probably the suspect that shot the officer.

Mr. BELIN. In the theatre did you know that he had any connection with the assassination?

Mr. HUTSON. No, sir.

Mr. BELIN. When did the police stop hitting him?

Mr. HUTSON. I never did ever see them hit him.

Mr. BELIN. You never saw any police hit him?

Mr. HUTSON. No, sir; I didn't.

Mr. BELIN. Is there anything else that you can think of about this incident that you haven't related here?

While you are thinking about it, I am going to get a piece of clothing here for a minute and I will be back.

Anything else, Officer, you can think of?

Mr. HUTSON. I can't think of anything else right now.

Mr. BELIN. I am showing you Commission Exhibit 162, which appears to be a jacket with a zipper. Does that look like the jacket you saw?

Mr. HUTSON. That looks like the jacket that was picked up by the officer behind the Texaco service station, behind the cars parked on the lot.

Mr. BELIN. How far were you from the officer when he picked it up?

Mr. HUTSON. Approximately 25 yards.

Mr. BELIN. Did you hear what he said when he picked it up?

Mr. HUTSON. I heard something—someone make the statement that that looks like the suspect's jacket. He has thrown it down. He is not wearing it now.

Mr. BELIN. Where is this Texaco station?

Mr. HUTSON. It is in the 400 block of East Jefferson at the intersection. It is on the northeast corner of the intersection of Crawford and Jefferson.

Mr. BELIN. How far north of Jefferson would this jacket have been when it was found?

Mr. HUTSON. One-half block.

Mr. BELIN. Do you know the name of the officer that found it?

Mr. HUTSON. No, sir; I don't know.

Mr. BELIN. What happened to the jacket?

Mr. HUTSON. The last time I saw this jacket, the officer had it in his possession.

Mr. BELIN. Do you know who he gave it to?

Mr. HUTSON. No, sir; I don't.

Mr. BELIN. You don't know if he gave it to Captain Westbrook?

Mr. HUTSON. I don't know. Captain Westbrook was there behind the house with us, and he was there at the time this was picked up with the man, but I don't know who had it in their hands. The only time I saw it was when the officer had it.

Mr. BELIN. Showing you Commission Exhibit 150, have you ever seen this before, or not?

Mr. HUTSON. It looks like the shirt that the person was wearing that we arrested in the theatre.

Mr. BELIN. Officer, you have the right, if you want, to come back and read your deposition and sign it, or you can waive the signing and let the court reporter send it to us directly in Washington. Do you desire to do either one?

Mr. HUTSON. I will go ahead and sign it.

Mr. BELIN. The court reporter can get in touch with you at the Dallas Police Department, is that correct?

Mr. HUTSON. Yes.

Mr. BELIN. We want to thank you very much for your cooperation, and please convey my thanks to your sergeant or captain, whoever is in charge.

Mr. HUTSON. All right, nice to have seen you all.

TESTIMONY OF C. T. WALKER

The testimony of C. T. Walker was taken at 1:30 p.m., on April 3, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. David W. Belin, assistant counsel of the President's Commission.

Mr. BELIN. Do you want to stand and 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. WALKER. I do.

Mr. BELIN. What is your name, please?

Mr. WALKER. C. T. Walker.

Mr. BELIN. What is your occupation, Mr. Walker?

Mr. WALKER. Accident investigations at the Dallas Police Department.

Mr. BELIN. How old are you?

Mr. WALKER. I am 31 years old.

Mr. BELIN. Married?

Mr. WALKER. Yes.

Mr. BELIN. Family?

Mr. WALKER. One child. One girl.

Mr. BELIN. How long have you been with the Dallas Police Department?

Mr. WALKER. Five years in July.

Mr. BELIN. What did you do prior to that?

Mr. WALKER. I worked in Chance Vought Aircraft, in Grand Prairie.

Mr. BELIN. Where were you born?

Mr. WALKER. Stephenville, Tex.—I wasn't born there, I am sorry. I was born in Slaton, Tex.

Mr. BELIN. Where were you born?

Mr. WALKER. Slaton, Tex.

Mr. BELIN. Where did you go to school?

Mr. WALKER. Stephenville, Tex.

Mr. BELIN. Did you go to high school there?

Mr. WALKER. I didn't finish high school.

Mr. BELIN. How far did you finish?

Mr. WALKER. Tenth grade.

Mr. BELIN. Then what did you do?

Mr. WALKER. I went to work at that time for Consolidated Aircraft in Fort Worth, Tex.

Mr. BELIN. How long did you work for them?

Mr. WALKER. Approximately 2 years.

Mr. BELIN. What did you do?

Mr. WALKER. Aircraft mechanic work.

Mr. BELIN. Then what did you do?

Mr. WALKER. I worked—I went back to Slaton, Tex., and worked for my uncle there for 1 year drilling irrigation wells.

Mr. BELIN. After that what did you do?

Mr. WALKER. I came back to Grand Prairie and went to work there and worked there 5½ years.

Mr. BELIN. Doing what?

Mr. WALKER. Aircraft mechanic and electrical work.

Mr. BELIN. Then what did you do?

Mr. WALKER. I came to work for the Dallas Police Department.

Mr. BELIN. When was that?

Mr. WALKER. 1959, July the 27th.

Mr. BELIN. And you have been there ever since?

Mr. WALKER. Yes, sir.

Mr. BELIN. Were you on duty on November 22, 1963?

Mr. WALKER. Yes; I was.

Mr. BELIN. Will you state where you were on duty around 12 or 12:30 or so on that day?

Mr. WALKER. I was at Jefferson and Tenth Street at the fire station.

Mr. BELIN. Is that in the Oak Cliff section there?

Mr. WALKER. Yes; it is.

Mr. BELIN. What were you doing there?

Mr. WALKER. I was cruising the area and I had heard on the radio about the disturbance downtown, so I checked out at the fire station. I didn't check out. I just stopped and went in and listened to the news broadcast to find out in more detail what happened.

Mr. BELIN. Were you cruising alone at that time?

Mr. WALKER. Yes.

Mr. BELIN. Is it general procedure for officers cruising in the daytime to work alone or in pairs?

Mr. WALKER. Accident investigations, we work alone. That is day and night.

Mr. BELIN. Day and night?

Mr. WALKER. Yes.

Mr. BELIN. What about nonaccident investigation? Do you know offhand?

Mr. WALKER. Radio patrol work, one man during the day. Second and third platoon, they work two men.

Mr. BELIN. That would be the second platoon would come to work about 4 in the afternoon?

Mr. WALKER. Yes, sir.

Mr. BELIN. Did you know Officer J. D. Tippit?

Mr. WALKER. Yes.

Mr. BELIN. Ever work with him at all?

Mr. WALKER. I believe I have. I can't recall. I worked at the same sub-station he did before I transferred downtown, and I knew him quite well. I talked to him. He worked at Austin, and I have talked to him there.

Mr. BELIN. Well, let's leave Officer Tippit for the moment and return to the fire station. You were there and you say you called in around shortly after you heard the news?

Mr. WALKER. Yes. I went directly there. I was about a block away or might have been in the block I don't recall exactly.

Mr. BELIN. You mean a block away from the fire station?

Mr. WALKER. Yes.

Mr. BELIN. Then what did you do when you called in?

Mr. WALKER. I didn't call in. I just went in there and looked. They have a television there, and they broadcast that the President had been shot. I had my radio up so I could hear from the door, and I went back out to my car. They were sending squads downtown, Code 3.

And I don't recall, I don't believe they actually sent me. I just went on my own because they normally don't send us in this type of call.

Mr. BELIN. So you went on your own where?

Mr. WALKER. I went to the Texas School Book Depository.

Mr. BELIN. That is at Elm and Houston?

Mr. WALKER. Yes.

Mr. BELIN. Where did you park your car?

Mr. WALKER. Right in front of the building.

Mr. BELIN. What did you do after you got your car parked?

Mr. WALKER. Went inside the building.

Mr. BELIN. Where did you go inside?

Mr. WALKER. I went right inside the front doors there and the hallway there and I stayed in there.

Mr. BELIN. What did you do?

Mr. WALKER. Well, there was squads of police upstairs supposedly searching the building out, and someone said they have enough upstairs, so I didn't go upstairs.

Mr. BELIN. What did you do when you were downstairs?

Mr. WALKER. We were checking persons as they came in the building.

Mr. BELIN. Did you keep people from coming in or going out, or what?

Mr. WALKER. We didn't let anyone in or out except policemen.

Mr. BELIN. About how soon after you saw the telecast do you think you got down there?

Mr. WALKER. Ten or fifteen minutes.

Mr. BELIN. Was the building sealed off at that time?

Mr. WALKER. Yes; it was.

Mr. BELIN. Did anyone tell you when they got it sealed off, or not?

Mr. WALKER. No; they didn't.

Mr. BELIN. What did you do after that?

Mr. WALKER. I heard that an officer had been killed in Oak Cliff, had been shot, and I got back in my car and started off. A newsman ran up to the window and said, "Can I ride with you," and I let him get in the car and I went to Oak Cliff and 10th Street, and drove by the scene.

In fact, there was two newspapermen, but one got out at the scene where Officer Tippit was killed.

Mr. BELIN. Was Officer Tippit's car still there?

Mr. WALKER. Yes; it was still there.

Mr. BELIN. Do you have any recollection—did you take a look at the car or not?

Mr. WALKER. I didn't really look real close.

Mr. BELIN. Did you talk to any witnesses there?

Mr. WALKER. No; I didn't get out.

Mr. BELIN. What did you do then?

Mr. WALKER. I started up cruising the area, and I went up the street that runs north and south and faces the, runs into the library at Jefferson and Marsalis, and I saw a white male running east across the lawn of the library. I was still approximately three-fourths of the block from Jefferson, and he was even south of Jefferson.

Mr. BELIN. How far would he have been from you then when you saw him?

Mr. WALKER. He was over a block.

Mr. BELIN. All right.

Mr. WALKER. I put out a broadcast on the air that there was a person fitting the description on the air that was seen running in front of the library, and I gave the location and said I will be around at the back. I ran around to the back of the library and other squads then surrounded the library.

Mr. BELIN. You were not the one that put out the first description of the suspect they sought?

Mr. WALKER. I didn't. The newspaperman was still with me at that time.

Mr. BELIN. What was the description, if you remember, over the radio as to what you were looking for?

Mr. WALKER. A white male, slender build, and had on a light-colored coat or shirt, and that is the best I can recall.

Mr. BELIN. All right.

Mr. WALKER. About 30 years old, I think he said.

Mr. BELIN. Then what did you do? Did you go into the library?

Mr. WALKER. As soon as the squads got there, I walked around with the other squads to the west entrance of the building, and we ordered everyone out of the building. They all came out with their hands up.

Mr. BELIN. Was this the upstairs?

Mr. WALKER. No; it is the downstairs. You had to go downstairs to get to it.
Mr. BELIN. Something like a basement?

Mr. WALKER. Yes. It is a semibasement, I would call it. And everyone came out, and I saw the person that had run in there, and he said that he had ran there to tell the other people about the shooting. And let's see, that he worked there, he told me he worked there and everything. I soon determined he wasn't the one.

Mr. BELIN. Then what happened?

Mr. WALKER. I got back in my car and started cruising the area again. I went up and down the alleys and streets. And there was one incident that really didn't have anything to do with it. I guess I was cruising up the alley with the newspaperman in the car, and I saw a man in long white sleeves, white shirt, walking across the parking lot there of the church, and I couldn't see below his legs, and there was a picket fence there, and when he got about 30 feet from me, I stopped the car, and he was walking toward me, and I had my gun in my lap at the time, and I said, "What is your name?" And he just looked at me. And at that time I didn't know whether he had a rifle or what he had, and he just looked at me, and he bent over, and I stuck my gun in the window and he raised up and had a small dog and he said, "What did you say?" And of course that newspaperman said, "My God, I thought he was going to shoot us."

I said, "I thought he was reaching down for a rifle."

Of course, he reached down and picked up a little dog.

Then we got around to Beckley and 10th Street, still cruising the area, when I heard the call come over the radio that the suspect was supposed to be at the theatre on Jefferson.

Mr. BELIN. Was this the Texas Theatre?

Mr. WALKER. Texas Theatre; yes.

Mr. BELIN. Then what did you do?

Mr. WALKER. I went in the alley up to the back door. When I arrived there, there was several officers there. There was a plainclothesman up on the ladder back there. I don't know what he was doing up there, but he was up on the ladder that goes up that door that is in the back. And there were several officers around the back of the theatre, and myself, and McDonald, and Officer Hutson went in the back door. And this man told us, or this boy told us that there was someone, said the person that he had seen was inside the theatre, and that he had changed seats several times, and he thought he was out there in the middle now.

Mr. BELIN. Did he say that he had seen him? Did he tell you what he had seen him do, or not?

Mr. WALKER. He said he seen him duck into the store where he worked, kind of looked back, and looked like he was running, and just run into the theatre.

Mr. BELIN. Did he say why he seemed to duck in the store at all?

Mr. WALKER. No; he didn't. He said he looked like he was scared.

Mr. BELIN. Then do you remember this man's name that you talked to?

Mr. WALKER. No; it was just for a second, and I went on past him.

Mr. BELIN. All right, this was at the back of the theatre?

Mr. WALKER. Yes.

Mr. BELIN. Did anyone have a gun drawn when this man came?

Mr. WALKER. I had my gun out. I had my gun out when I walked in the back of the theatre.

Mr. BELIN. Did you have your gun as you continued walking through the back of the theatre?

Mr. WALKER. I walked—McDonald and I walked across the stage, and he walked across the farthest away. It would be the south aisle. And I jumped off there where the north aisle runs east and west, and we started up. Hutson went down the steps in front of both of us, and he was slightly in front of me.

Mr. BELIN. You are speaking about Officer T. A. Hutson and Officer M. N. McDonald and yourself?

Mr. WALKER. Yes, sir.

Mr. BELIN. The three of you came in from the back?

Mr. WALKER. Yes; and there were probably a couple more, but I just don't remember.

Mr. BELIN. Those are the three you remember?

Mr. WALKER. Yes.

Mr. BELIN. Now as you faced the screen, were you going up the right center or the left center aisle?

Mr. WALKER. As I faced the screen, I would be going up the left.

Mr. BELIN. Was it the left center aisle or was it the far left aisle that you were going up?

Mr. WALKER. Be the far left aisle, I believe.

Mr. BELIN. Next to the wall?

Mr. WALKER. No; there is no aisle exactly against the wall. There is a row of seats, and then an aisle, and the middle aisle, and then another row of seats.

Mr. BELIN. So you would be in the aisle, as you faced the screen, which would be to the left of the center row of seats?

Mr. WALKER. That's right.

Mr. BELIN. Okay; just tell what happened.

Mr. WALKER. There were two white males sitting approximately in the center of the show. The lights had come on, and I don't know at what point they come on.

Mr. BELIN. About how many people was seated down on the first floor?

Mr. WALKER. There were two in the middle, and then there was Oswald, who turned out to be Oswald—I didn't know at that time it was him—and two behind him, I believe. I think there was one in the aisle, in the seats to the right of the right aisle. I don't know how you describe it, south of the south aisle, what I call it.

Mr. BELIN. You were coming up the north aisle?

Mr. WALKER. And this other person was sitting over on the other side of the show.

Mr. BELIN. Do you recall then a total of six people?

Mr. WALKER. That is all I recall seeing.

Mr. BELIN. The people behind the man that you later found out to be Oswald, how far were they behind?

Mr. WALKER. They were about three or four or five seats behind him.

Mr. BELIN. In what row were they?

Mr. WALKER. I believe they were in the last row, or maybe the next to the last.

Mr. BELIN. What row was Oswald in, to the best of your recollection?

Mr. WALKER. The best I recall, fourth or fifth aisle from me, from the back.

Mr. BELIN. Fourth or fifth row from the back?

Mr. WALKER. Yes.

Mr. BELIN. All right, now, you mentioned there were two people sitting together in the center?

Mr. WALKER. Yes.

Mr. BELIN. You came up and approached those people?

Mr. WALKER. McDonald approached them from the—

Mr. BELIN. Right?

Mr. WALKER. Right center aisle, and I approached from the left center aisle.

Mr. BELIN. Did you have your gun drawn?

Mr. WALKER. I had it drawn, and I put it back in my holster.

Mr. BELIN. Why did you do that?

Mr. WALKER. I had to search him. As I got up to him, we had him stand up and we searched him with their hands up, and I had my gun in the holster. I searched the one on the left, and McDonald searched the one on the right.

Mr. BELIN. Were you looking at other people?

Mr. WALKER. I looked around. Of course, I didn't recognize anybody. I didn't know who they were.

Mr. BELIN. Then what?

Mr. WALKER. I walked back up to the aisle that I had been going down, and McDonald walked out the aisle he had been walking down, and we approached the aisle where Oswald was sitting. McDonald approached him from his aisle, and Hutson, which was in front of me on the same aisle, had started in the seat toward Oswald, in the seat that runs behind him.

Mr. BELIN. You mean the row of seats that ran behind him?

Mr. WALKER. And he started down that way, and I was walking toward him slightly behind him in the same row of seats that Oswald was sitting.

Mr. BELIN. So you approached Oswald from Oswald's left, and McDonald approached Oswald from Oswald's right?

Mr. WALKER. That's right.

Mr. BELIN. Was Oswald sitting closer to McDonald, or you?

Mr. WALKER. Closer to McDonald. He was sitting in the third seat from McDonald's aisle.

Mr. BELIN. All right, then, what happened?

Mr. WALKER. McDonald approached him, and he said, I don't know exactly, I assumed he said, "Stand up!" And Oswald stood up.

Mr. BELIN. Did you hear Oswald say anything?

Mr. WALKER. No.

Mr. BELIN. Was Oswald facing you as he stood up?

Mr. WALKER. No; he faced McDonald.

Mr. BELIN. All right.

Mr. WALKER. He put his hand up, not exactly as you would raise your hands to be searched, but more or less showing off his muscles, what I call it, kind of hunching his shoulders at the same time, and McDonald put his hand down to Oswald's pocket, it looked like to me, and McDonald's head was tilted slightly to the right, looking down in the right hand.

Mr. BELIN. Looking in whose?

Mr. WALKER. McDonald's right hand as he was searching, and he felt of his pocket, and Oswald then hit him, it appeared, with his left hand first, and then with his right hand. They was scuffling there, and Officer Hutson and I ran toward the back of Oswald and Hutson threw his arm around his neck, and I grabbed his left arm, and we threw him back over the seat.

At this time I didn't see any gun that was involved. I don't know whether we pulled Oswald away from McDonald for a split second or what, but he was thrown back against the seat, and then the next thing I saw, Oswald's hand was down on the gun in his belt there, and McDonald had came forward again and was holding his, Oswald's hand.

Mr. BELIN. When you saw Oswald's hand by his belt, which hand did you see by his belt?

Mr. WALKER. I saw his right hand. I had his left hand, you see.

Mr. BELIN. When you saw Oswald's hand by his belt, which hand did you see then?

Mr. WALKER. He had ahold of the handle of it.

Mr. BELIN. Handle of what?

Mr. WALKER. The revolver.

Mr. BELIN. Was there a revolver there?

Mr. WALKER. Yes; there was.

Mr. BELIN. All right.

Mr. WALKER. And it stayed there for a second or two. He didn't get it out. McDonald had come forward and was holding his hand.

Ray Hawkins was behind me to my left at that time, and whether or not he came at the same time we did or not, but he was there, and there was a detective.

Oswald had ahold of my shirt and he practically pulled off my nameplate by gripping it with his hand, and I was bent over, and I was in an awkward position, and I could see several hands on the gun.

The gun finally got out of his belt, and it was about waist high and pointed out at about a 45° angle.

I turned around and I was holding Oswald trying to get his arm up behind him in a hammerlock, and I heard it click. I turned around and the gun was still pointing at approximately a 45° angle. Be pointed slightly toward the screen, what I call.

Now Hawkins was in the general direction of the gun.

Mr. BELIN. When you heard a click, what kind of click was it?

Mr. WALKER. A real light click, real light.

Mr. BELIN. Was it a click of the seat?

Mr. WALKER. Well, I assume it was a click of a revolver on the shell, and

that is when the gun was doing the most moving around. It was moving around in the general area, and they were still fighting. And some one said, "Let go of the gun," and Oswald said, "I can't."

And a detective, I don't recall who it was, there were so many people around by that time, the area was bursting with policemen, and it appeared to me that he reached over and pulled the gun away from everybody, pulled it away from everyone, best I can recall.

Mr. BELIN. Okay, what happened then?

Mr. WALKER. Ray Hawkins was on my left. He said, "Bring his arm around," and said, "I have the handcuffs."

He said, "Bring his arm around so I can get the cuffs on him."

I finally got his left arm around and I snapped the cuffs on it, and Hawkins went over the seat there and picked up, someone pulled his right arm around there, and Hawkins snapped the handcuffs on him, and turned him around and faced him, Oswald, north.

And Detective Bentley got on his left arm and I took his right arm, and we went out the aisle that I, which would be the left aisle, that I had come in, with Oswald, and walked him out the front.

He was hollering, "I protest this police brutality."

Mr. BELIN. All right. Let me ask you this. What is the fact as to whether you had seen police officers hitting Oswald?

Mr. WALKER. The only person I saw was McDonald. They were exchanging blows, and if he actually came in contact. He was to my back.

Mr. BELIN. Did you see anyone other than McDonald hit Oswald?

Mr. WALKER. No; I didn't.

Mr. BELIN. Did you hit Oswald?

Mr. WALKER. No; I didn't.

Mr. BELIN. Did Hutson hit Oswald?

Mr. WALKER. No, sir; he didn't.

Mr. BELIN. All right, go ahead. Did Oswald say, "I am not resisting arrest"? Do you remember him saying that at all, or don't you remember?

Mr. WALKER. The only thing he said later, I know, was, "I fought back there, but I know I wasn't supposed to be carrying a gun."

Mr. BELIN. In any event, you brought him down the lobby of the theatre?

Mr. WALKER. When we went out the front door, he started hollering, "I protest this police brutality."

People out there were hollering, "Kill the s.o.b." "Let us have him. We want him."

Mr. BELIN. At that time, did anyone connect him with the assassination of the President?

Mr. WALKER. Not unless the crowd had assumed that is who we were after, I don't know.

Mr. BELIN. When you were after him, you were after him for what?

Mr. WALKER. For the killing of Officer Tippit.

Mr. BELIN. All right, go ahead.

Mr. WALKER. There was a plain car, police car out in front. The right door was open, and Bentley went in first, and Oswald come and then I. We sat in the back seat with him.

Sgt. Jerry Hill in the front, and two more detectives that I don't know who they were, that rode down, too.

There were five officers and Oswald in the car. We took him down.

Mr. BELIN. Any conversation take place? First of all, anything up until the time you got in the car that you think is important in any way?

Mr. WALKER. Not that I recall, no.

Mr. BELIN. All right, you got in the car and went down to the police station?

Mr. WALKER. As we were driving down there, yes; he said—

Mr. BELIN. Who was he?

Mr. WALKER. Oswald said, "What is this all about?" He was relating this all the time. He said, "I know my rights." That is what he was saying, "I know my rights."

And we told him that the police officer, that he was under arrest because the police officer, he was suspected in the murder of a police officer.

And he said, "Police officer been killed?"

And nobody said nothing. He said, "I hear they burn for murder."

And I said, "You might find out."

And he said, "Well, they say it just takes a second to die."

And that is all I recall.

Now we talked some more going down, but that is the thing that I recall.

Mr. BELIN. Do you recall any other conversation that you had with him, or not?

Mr. WALKER. No; he was just denying it, and he was saying that all he did was carry a gun, and the reason he fought back in the theatre is, he knew he wasn't supposed to be carrying a gun, and he had never been to jail.

Mr. BELIN. Did he say anything about why he was at the theatre?

Mr. WALKER. No.

Mr. BELIN. Did he say why he was carrying the gun?

Mr. WALKER. No; he didn't.

Mr. BELIN. Do you remember what clothes he had on?

Mr. WALKER. He had on a white T-shirt under a brown shirt, and a pair of black pants.

Mr. BELIN. How would you describe Oswald? About how tall?

Mr. WALKER. About 5'8" about 150 pounds, or 155 pounds, something like that.

Mr. BELIN. What color hair?

Mr. WALKER. I would say sandy, the best I can recall.

Mr. BELIN. Sandy, by that, you mean blond?

Mr. WALKER. Darker than blonde. I just don't recall this for sure.

Mr. BELIN. Some shade of brown?

Mr. WALKER. It wasn't what you call blond. It was darker than blond, in my opinion.

Mr. BELIN. Was it some shade of brown?

Mr. WALKER. Yes; the best I can recall.

Mr. BELIN. Anything else about him on your way to the police station?

Mr. WALKER. He was real calm. He was extra calm. He wasn't a bit excited or nervous of anything. That was all the conversation I can recall going down.

Mr. BELIN. After you got down there, what did you do with him?

Mr. WALKER. We took him up the homicide and robbery bureau, and we went back there, and one of the detectives said put him in this room.

I put him in the room, and he said, "Let the uniform officers stay with him." And I went inside, and Oswald sat down, and he was handcuffed with his hands behind him.

I sat down there, and I had his pistol, and he had a card in there with a picture of him and the name A. J. Hidell on it.

Mr. BELIN. Do you remember what kind of card it was?

Mr. WALKER. Just an identification card. I don't recall what it was.

Mr. BELIN. All right.

Mr. WALKER. And I told him, "That is your real name, isn't it?"

Mr. BELIN. He—had he earlier told you his name was Lee Harvey Oswald?

Mr. WALKER. I believe he had.

Mr. BELIN. All right.

Mr. WALKER. And he said, "No, that is not my real name."

And I started talking to him and I asked him, I said, "Why did you kill the officer?"

And he just looked at me. And I said, "Did you kill the officer because you were scared of being arrested for something?"

And he said, "I am not scared of anything. Do I look like I am scared now?"

Mr. BELIN. Did he look like he was scared?

Mr. WALKER. No; he didn't look like he was scared. He was calm. Not a bit nervous.

Mr. BELIN. Any other thing that you can remember that took place during that time that he was with you?

Mr. WALKER. No; I can't recall.

Mr. BELIN. Were you asked ever to make a report of any conversation you had with him?

Mr. WALKER. No; they called me on the phone a couple of days after, and some

supervisor asked me, there had been a rumor got out that Oswald had said, "Well, I got me a President and a cop. I should have got me two more." Or something like that.

But that conversation was never said, because I was with him from the time that he was arrested until the time the detectives took him over.

I made a written report on the arrest about a week after it happened, and that is the only conversation I had with anyone.

Mr. BELIN. In that report you didn't put any conversation that Oswald had, did you?

Mr. WALKER. No; I didn't put any conversation. I just put the details of the arrest.

Mr. BELIN. Were you asked just to make a report on your arrest of Oswald?

Mr. WALKER. That is normal procedure, just what we call a "Dear Chief" letter.

Just describe the arrest and other officers involved, and we never did put what conversation we had.

Mr. BELIN. Anything else that Oswald said in your presence, or that you said to him?

Mr. WALKER. Not that I recall.

Mr. BELIN. At any time prior to the time you left him, did you find out he was a suspect in the assassination?

Mr. WALKER. When I got to the jail office and talk was going there that he was the suspect.

Mr. BELIN. Did you ask him any questions about the assassination?

Mr. WALKER. No; I didn't tie him in at that time with the actual killing of the President.

Mr. BELIN. Is there anything else you can think of now that might be relevant?

Mr. WALKER. No.

Mr. BELIN. Now we chatted a little bit at the beginning prior to this deposition, and you said that you knew Officer Tippit, is that correct?

Mr. WALKER. Yes.

Mr. BELIN. How long had you known Officer Tippit?

Mr. WALKER. Ever since I have been on the police department. When I first came to work, I was assigned to the Oak Cliff substation and worked there until I went to traffic investigation, and he was there all the time.

I am sure I worked with him when I first started out and was training and stuff like that. But I had worked with him prior to his death for, I know, maybe 2 or 3 years.

Mr. BELIN. Now at the time of the Tippit shooting, there had been no call for Lee Harvey Oswald as an individual, although there was a call for—I mean there was an announcement of a general description of the suspect in the assassination?

Mr. WALKER. Yes.

Mr. BELIN. Just from your knowledge of the way Tippit operated, do you have any reason to think whether that general call might have affected his perhaps stopping this man on the street at the time of the shooting?

Mr. WALKER. I believe the type of officer Tippit was, that he was suspicious of him as a suspect.

Mr. BELIN. Why do you believe that?

Mr. WALKER. Well, Officer Tippit was an exceptional officer. He made good arrests. It was known around the station that he was exceptionally good with investigative work and just general police work. He was above normal.

Mr. BELIN. Why do you think he stopped this man?

Mr. WALKER. I believe that the description given on the radio, that he probably stopped just to check him out as a general procedure, as we do.

Mr. BELIN. Well, if he stopped him for that reason, this man, he would have stopped him because the man was a suspect for perhaps the assassination, why wouldn't he have had his gun out when he stopped him?

Mr. WALKER. Well, there are a lot of people of that description, and it is just not police practice to pull your gun on a person because he fits the description of someone, unless you are positive almost that it is the suspect. You just don't do it.

Mr. BELIN. Let me ask you, did you have anything to do on November 22, or anything more to do on November 22, with either the Tippit shooting or investigation or apprehension of Oswald or the assassination of the President's investigation?

Mr. WALKER. No. I stayed down in Captain Westbrook's office for a while until I got off.

Mr. BELIN. How about November 23, did you have anything to do that day?

Mr. WALKER. That would have been Saturday.

Mr. BELIN. Or did you work on Saturday?

Mr. WALKER. Yes, I worked on Saturday. I didn't follow up on any investigation of any kind.

Mr. BELIN. Were you going back to accident investigation?

Mr. WALKER. Yes, I went back to the accident investigation.

Mr. BELIN. You didn't have anything to do with anything connected with the assassination after November 22?

Mr. WALKER. No.

Mr. BELIN. Is there anything that we haven't covered here that you can think of at this time, Officer Walker?

Mr. WALKER. Not that I can think of. It's been a long time, and I just don't recall. I think there was more conversation with Oswald, but I can't recall all of it. I just remember what I considered the high points of it.

Mr. BELIN. Did he ever ask for a lawyer in your presence?

Mr. WALKER. I don't recall. I think he said—I know he was repeating, "I know my rights." I don't recall him actually asking for a lawyer.

Mr. BELIN. Did he say where he got the gun?

Mr. WALKER. No, he didn't say where he got the gun.

Mr. BELIN. Did he admit that it was his gun?

Mr. WALKER. Never did ask him actually whether it was his gun. He said he knew he was carrying a gun and he wasn't supposed to, so I assumed it was his gun.

Mr. BELIN. Well, we certainly appreciate your taking the time to come down here to testify before us, and we want to thank you very much for your cooperation.

Mr. WALKER. Okay. I know you've got a problem here.

Mr. BELIN. Have I asked you whether or not you care to read the deposition? I don't believe I have. You have an opportunity here to either read the deposition and then sign it, or else waive the signing of it and have the court reporter, Helen Laidrich, send it directly to us in Washington?

Mr. WALKER. I will go ahead and sign it.

Mr. BELIN. All right, Miss Laidrich will get in touch with you at the Dallas Police Department, I assume.

Mr. WALKER. Yes. Do you want me to sign it now?

Mr. BELIN. I am talking about when she gets it typed up. Do you want to read it or have her send it to us directly?

Mr. WALKER. Do I have to come down here to read it here?

Mr. BELIN. Yes, you have to come down and read it here.

Mr. WALKER. I will come down and read it and sign it.

Mr. BELIN. All right, fine. Thank you, sir.

TESTIMONY OF GERALD LYNN HILL

The testimony of Gerald Lynn Hill was taken at 4:15 p.m., on April 8, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. David W. Belin, assistant counsel of the President's Commission.

Mr. BELIN. Sergeant, would you stand and raise your right hand, please.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HILL. I do.

Mr. BELIN. All right. Sergeant, could you please state your name.

Mr. HILL. Gerald Lynn Hill.

Mr. BELIN. What is your occupation?

Mr. HILL. Sergeant in the Dallas Police Department.

Mr. BELIN. How long have you been with the Dallas Police Department?

Mr. HILL. Since March 7, 1955.

Mr. BELIN. How old are you, Sergeant Hill?

Mr. HILL. Thirty-four.

Mr. BELIN. Where were you born?

Mr. HILL. Ferris, Tex.

Mr. BELIN. Did you go to school there?

Mr. HILL. No, sir; I went to school in Dallas.

Mr. BELIN. How far did you get through school?

Mr. HILL. Went through high school.

Mr. BELIN. Then what did you do when you got out of high school?

Mr. HILL. Went to work for the Dallas Times Herald. Worked there from January of 1948 until April of 1954.

At the time I resigned there, I was radio-television editor for the paper.

Went from there to the Dallas Bureau of WBAP-TV in Fort Worth, and worked for them until March the 21st, 1958.

The last 2 weeks I was working for them, I was attending the police academy for the police department.

Mr. BELIN. Then you went in the police department?

Mr. HILL. I went with the police prior to quitting. I turned in my notice with WBAP and they let me work it out while I attended the police school, because I was actually hired on a Saturday, and the police school started on Monday, and I wanted to leave on good terms with one place and start to school on time with the other, so they worked out an agreement with me.

Mr. BELIN. Were you on duty on November 22, 1963?

Mr. HILL. Yes, sir; I was.

Mr. BELIN. Where were you on duty?

Mr. HILL. I was on special assignment, detached from the police patrol division, and assigned to the police personnel office investigating applicants for the police department.

Mr. BELIN. Where was this?

Mr. HILL. On that particular day, I was at the city hall in the personnel office, and did not have an assignment of any kind pertaining to the President's trip or any other function other than the investigation of police applicants.

Mr. BELIN. When did you leave the city hall?

Mr. HILL. The President had passed the corner of Commerce or—excuse me, Main and Harwood, turned off Harwood onto Main, and proceeded west on Main.

I had watched it from the personnel office window, which is on the third floor of the police and courts building, and Capt. W. R. Westbrook, who was my commander, had apparently been on the streets watching the parade, and he came back in and we were discussing some facts about how fast it passed and the police unit in it, and we had seen the chief's car in it, and how Mrs. Kennedy was dressed, and we were sitting in the office when a lady by the name of Kemmey, I believe is the way she spelled it, came in and said that the President had been shot at Main and Lamar.

Our first reaction was one of disbelief, but a minute later—she just made the statement and walked out—and a minute later Captain Westbrook said, "She wasn't kidding."

And I said, "What do you mean?"

And he said, "When she is kidding, she can't keep a straight face."

And figuring it was true, the dispatcher's office would be packed to the gills, so I walked down to the far end of the hall on the third floor where there is an intercom box connected to the radio from the dispatcher's office, and also you can hear the field side of the intercom of anything that is said to the police radio, and this is down in the press room.

I stood there for a minute and I heard a voice which I am almost sure was

Inspector Sawyer—but being I didn't see a broadcast, I couldn't say for sure—saying we think we have located the building where the shots were fired from at Elm and Houston Streets, and send us some help.

At this time I went back to the personnel office and told the captain that Inspector Sawyer requested assistance at Elm and Houston Streets. The captain said, "Go ahead and go."

And he turned to another man in the office named Joe Fields and told him to get on down there.

I got on the elevator on the third floor and went to the basement and saw a uniformed officer named Jim M. Valentine, and I asked Jim what he was doing, and he said, "Nothing in particular."

And I said, "I need you to take me down to Elm Street."

"The President has been shot."

We started out of the basement to get in his car, and a boy named Jim E. Well, with the Dallas Morning News, had parked his car in the basement and was walking up and asked what was going on, and we told him the President was shot.

And he said, "Where are you going?"

And we said, "Down to Elm and Houston where they think the shots came from."

And he said, "Could I go with you?"

So we took him in the back seat of the car. And I don't remember what the number was.

We came out of the basement on Commerce, went to Central, turned left, went over on Elm, ran into a traffic jam on Elm, went down as far as Pearl Street and turned back to the left on Pearl and went to Jackson Street, went west on Jackson to Houston Street, and turned back to the right and pulled up in front of the Book Depository at Elm and Houston, jumped out of the car and Inspector Sawyer was there.

I asked him did he have enough men outside to cover the building properly, and he said, "Yes; I believe so."

And I said, "Are you ready for us to go in and shake it down?"

And he said, "Yes, let's go in and check it out."

About this time Captain Fritz and two or three more detectives from homicide, a boy named Roy Westphal, who works for the special service bureau, and a couple of uniformed officers, and a couple of deputy sheriffs came up.

Now you identified them to me the other day, the two boys that were on the sixth floor from the sheriff's office.

Mr. BELIN. I think when we chatted briefly the other day, I believe I said Boone and Mooney. Does that sound familiar?

Mr. HILL. I wouldn't know, but I know they identified themselves to us as deputy sheriffs, and some more people knew them.

So we went into the building, and Captain Fritz and his men said they would start at the first floor and work up, and they asked several of us to go to the top floor and work down.

We went up to the seventh floor on the elevator and I believe the elevator ran to the sixth, and we cut around the stairway and got to seven and shook it down.

At this time there were the two deputy sheriffs and I and one uniformed officer up there.

Mr. BELIN. You went to the top floor of the building?

Mr. HILL. Right.

Mr. BELIN. Do you know whether or not the elevator went all the way up, or did you climb?

Mr. HILL. I think we climbed a flight of stairs. In fact, I am almost sure.

Mr. BELIN. Do you think you climbed a flight of stairs because the elevator went no further?

Mr. HILL. I think it either went to fifth or sixth, but I am almost positive it didn't go to seventh. I may be wrong, but I didn't particularly take notice.

But I think they told us we were going to have to walk up a couple of flights because the elevator didn't go all the way.

Mr. BELIN. Where did you take this elevator?

Mr. HILL. Walked in the front door of the Book Depository and turned to the right. Took the passenger elevator. We did not take the freight elevator. The freight elevator goes all the way, I believe.

Mr. BELIN. You took a passenger elevator?

Mr. HILL. Yes.

Mr. BELIN. When you got off the passenger elevator, what did you do?

Mr. HILL. We asked them where the stairway was to the top floor, and if this was on the fifth, we walked through—there is a little office section near the elevator. We walked over past it and through a large room to the stairway, and then went all the way as high as the stairway would take us, which would have been on seven.

In the middle of the floor on the seventh floor there was a ladder leading up into an area they called the penthouse, which was used mainly for storage.

Westphal went up this ladder, I know, and the uniformed officer went up it.

The rest of us were checking around the boxes and books.

So on file we verified that there was not anyone on the seventh floor, and we didn't find any indication that the shots had been fired from there.

Mr. BELIN. Then what did you do?

Mr. HILL. Left the uniformed officer there, and these two deputies and I went down to sixth.

I started to the right side of the building.

Mr. BELIN. When you say the right side, you mean——

Mr. HILL. Well, it would have been the west side.

Mr. BELIN. All right, they moved over to the east side?

Mr. HILL. We hadn't been there but a minute until someone yelled, "Here it is," or words to that effect.

I moved over and found they had found an area where the boxes had been stacked in sort of a triangle shape with three sides over near the window.

Two small boxes with Roller books on the side of the carton were stacked near the east side of the window.

Mr. BELIN. Let's talk about which window now, sir. First of all, what side of the building? Was it on the north, east, south, or west?

Mr. HILL. It would have been on the south side near the east wall. It would have been the window on the southeast corner of the building facing south.

Mr. BELIN. Would it have been the first window next to the east wall or the second window, or what, if you remember?

Mr. HILL. As near as I can remember, it was the first window next to the east wall, but here again it is—I stayed up there such a short time that—yes, that is the one I am going to have to say it was, because as near as I can remember, that is the one it was.

Mr. BELIN. What did you see over there?

Mr. HILL. There was the boxes. The boxes were stacked in sort of a three-sided shield.

That would have concealed from general view, unless somebody specifically walked up and looked over them, anyone who was in a sitting or crouched position between them and the window. In front of this window and to the left or east corner of the window, there were two boxes, cardboard boxes that had the words "Roller books," on them.

On top of the larger stack of boxes that would have been used for concealment. there was a chicken leg bone and a paper sack which appeared to have been about the size normally used for a lunch sack. I wouldn't know what the sizes were. It was a sack, I would say extended, it would probably be 12 inches high, 10 inches long, and about 4 inches thick.

Then, on the floor near the baseboard or against the baseboard of the south wall of the building, in front of the second window, in front of the, well, we would have to say second window from the east corner, were three spent shells.

This is actually the jacket that holds the powder and not the slug. At this point, I asked the deputy sheriff to guard the scene, not to let anybody touch anything, and I went over still further west to another window about the middle of the building on the south side and yelled down to the street for them to send us the crime lab. Not knowing or not getting any indication from the street

that they heard me, I asked the deputies again to guard the scene and I would go down and make sure that the crime lab was en route.

When I got toward the back, at this time I heard the freight elevator moving, and I went back to the back of the building to either catch the freight elevator or the stairs, and Captain Fritz and his men were coming up on the elevator.

I told him what we found and pointed out the general area, pointed out the deputies to them, and told him also that I was going to make sure the crime lab was en route.

About the time I got to the street, Lieutenant Day from the crime lab was arriving and walking up toward the front door. I told him that the area we had found where the shots were fired from was on the sixth floor on the southeast corner, and that they were guarding the scene so nobody would touch anything until he got there. And he said, "All right."

And he went on into the building, and I went over to tell Inspector Sawyer, who was standing almost directly in front of the building across the little service drive there at what would actually be Elm and Houston. About this time I saw a firetruck come up, but I didn't pay any attention.

I was talking to Inspector Sawyer, telling him what we found, when Sgt. C. B. Owens of Oak Cliff—he was the senior sergeant out there that day, and actually acting lieutenant—came up and wanted to know what we wanted him to do, being that he had been dispatched to the scene.

Mr. BELIN. Let me stop you right there. Who dispatched him to the scene?

Mr. HILL. Apparently the dispatcher. Now his call number that day could have been 19.

Mr. BELIN. Okay, go ahead, Sergeant Hill.

Mr. HILL. We were standing there with Inspector Sawyer and Assistant District Attorney Bill Alexander came up to us, and we had been standing there for a minute when we heard the strange voice on the police radio that said something to the effect that, if I remember right, either the first call that came out said that they were in the 400 block of East Jefferson, and that an officer had been shot, and the voice on the radio, whoever it was, said he thought he was dead.

At this point Sergeant Owens said something to the effect that this would have been one of his men. And prior, on our way to the location from the city hall, a description had been broadcast of a possible suspect in the assassination.

With the description, as I remember, it was a white male, 5'8", 160 pounds, wearing a jacket, a light shirt, dark trousers, and sort of bushy brown hair. Captain Sawyer said, "Well, as much help as we have here, why don't you go with Sergeant Owens to Oak Cliff on that detail." And Bill Alexander said, "Well, if it is all right, I will go with you." And the reporter, Jim Ewell, came up, and I said an officer had been shot in Oak Cliff, and he wanted to go with us also.

In the process of getting the location straight, and I think it was at this point I was probably using 19 call number, because I was riding with him, we got the information correctly that the shooting had actually been on East 10th, and we were en route there.

We crossed the Commerce Street viaduct and turned, made a right turn to go under the viaduct on North Beckley to go up to 10th Street. As we passed, just before we got to Colorado on Beckley, an ambulance with a police car behind it passed us en route to Methodist Hospital.

We went on to the scene of the shooting where we found a squad car parked against the right or the south curb on 10th Street, with a pool of blood on the left-hand side of it near the side of the car.

Tippit had already been removed. The first man that came up to me, he said, "The man that shot him was a white male about 5'10", weighing 160 to 170 pounds, had on a jacket and a pair of dark trousers, and brown bushy hair."

At this point the first squad rolled up, and that would have been squad 105, which had been dispatched from downtown. An officer named Joe Poe, and I believe his partner was a boy named Jez.

I told him to stay at the scene and guard the car and talk to as many witnesses as they could find to the incident, and that we were going to start checking the area.

Mr. BELIN. Now, let me interrupt you here, sergeant. Do you remember the name of the person that gave you the description?

Mr. HILL. No. I turned him over to Poe, and I didn't even get his name.

Mr. BELIN. Had anyone at anytime given you any cartridge cases of any kind?

Mr. HILL. No; they had not. This came much later.

Mr. BELIN. Go ahead if you would, please.

Mr. HILL. All right, I took the key to Poe's car. Another person came up, and we also referred him to Poe, that told us the man had run over into the funeral home parking lot. That would be Dudley Hughes' parking lot in the 400 block of East Jefferson—and taken off his jacket.

Mr. BELIN. You turned this man over to Poe, too?

Mr. HILL. Yes, sir.

Mr. BELIN. I notice in the radio log transcript, which is marked Sawyer Deposition Exhibit A, that at 1:26 p.m., between 1:26 p.m., and 1:32 p.m., there was a call from No. 19 to 531. 531 is your home number, I believe? Your radio home station?

Mr. HILL. Yes.

Mr. BELIN. That says, "One of the men here at the service station that saw him seems to think he is in this block, 400 block East Jefferson, behind his service station. Give me some more squads over here." "Several squads check out." Was that you?

Mr. HILL. That was Owens.

Mr. BELIN. Were you calling in at all?

Mr. HILL. No. That is Bud Owens.

Mr. BELIN. You had left Owens' car at this time?

Mr. HILL. I left Owens' car and had 105 car at this time.

Mr. BELIN. Where did you go?

Mr. HILL. At this time, about the time this broadcast came out, I went around and met Owens. I whipped around the block. I went down to the first intersection east of the block where all this incident occurred, and made a right turn, and traveled one block, and came back up on Jefferson.

Mr. BELIN. All right.

Mr. HILL. And met Owens in front of two large vacant houses on the north side of Jefferson that are used for the storage of secondhand furniture.

By then Owens had information also that some citizen had seen the man running towards these houses.

At this time Sergeant Owens was there; I was there; Bill Alexander was there; it was probably about this time that C. T. Walker, an accident investigator got there; and with Sergeant Owens and Walker and a couple more officers standing outside, Bill Alexander and I entered the front door of the house that would have been to the west—it was the farthest to the west of the two—shook out the lower floor, made sure nobody was there, and made sure that all the entrances from either inside or outside of the building to the second floor were securely locked.

Then we went back over to the house next door, which would have been the first one east of this one, and made sure it was securely locked, both upstairs and downstairs. There was no particular sign of entry on this building at all. At this point we came back out to the street, and I asked had Owens received any information from the hospital on Tippit.

And he said they had just told him on channel 2 that he was dead. I got back in 105's car, went back around to the original scene, gave him his car keys back, and left his car there, and at this point he came up to me with a Winston cigarette package.

Mr. BELIN. Who was this?

Mr. HILL. This was Poe.

Mr. BELIN. You went back to the Tippit scene?

Mr. HILL. Right.

Mr. BELIN. You went back to 400 East 10th Street?

Mr. HILL. Right. And Poe showed me a Winston cigarette package that contained three spent jackets from shells that he said a citizen had pointed out to him where the suspect had reloaded his gun and dropped these in the

grass, and that the citizen had picked them up and put them in the Winston package.

I told Poe to maintain the chain of evidence as small as possible, for him to retain these at that time, and to be sure and mark them for evidence, and then turn them over to the crime lab when he got there, or to homicide.

The next place I went was, I walked up the street about half a block to a church. That would have been on the northeast corner of 10th Street in the 400 block, further west of the shooting, and was preparing to go in when there were two women who came out and said they were employees inside and had been there all the time. I asked them had they seen anybody enter the church, because we were still looking for possible places for the suspect to hide. And they said nobody passed them, nobody entered the church, but they invited us to check the rest of the doors and windows and go inside if we wanted to.

An accident investigator named Bob Apple was at the location at that time, and we were standing there together near his car when the call came out that the suspect had been seen entering the Texas Theatre.

Mr. BELIN. What did you do then?

Mr. HILL. We both got in Apple's car and went to Jefferson, made a right on Jefferson, headed west from our location, and pulled up as close to the front of the theatre as we could. There were already two or three officers at the location. I asked if it was covered off at the back.

They said, "We got the building completely covered off."

I entered the right or the east most door to the south side of the theatre, and in the process or in the meantime, from the time we heard the first call to the time we got to the theatre, the call came on over the radio that the suspect was believed to be in the balcony.

We went up to the balcony, ran up the stairs, which would have been also on the east side. And the picture was still on. I remember yelling to either the manager or the assistant manager or an employee, maybe just an usher, to turn on as many lights as they could. Went up to the balcony, and Detective Bentley was up there, and a uniform officer, and here again their was another deputy sheriff. He was a uniform man.

There were some six people in the balcony, and we checked them out and none of them appeared to fit the physical description that we had of the man that shot Tippit.

I went over and opened the fire escape door or fire exit door and stepped out on the fire escape, and Capt. C. E. Talbert was down on the ground. He said, "Did you find anything?"

And I said, "Not up here."

He said, "Have you checked the roof?"

There was a ladder leading from the fire escape that goes on up to the top of the roof, and the deputy sheriff said, "I will get that for you." And he started up it.

The captain said words to the effect that, "Make sure you don't overlook him in there." So we went back inside and we didn't find him in the balcony. We started downstairs and these would have been the west stairs on the west side of the balcony. About the time I got to the lower floor, I heard a shout similar to a "I've got him," which came from the lower floor. And I ran through the west door from the lobby into the downstairs part of the theatre proper.

Mr. BELIN. Let me stop you right there. When you say it is the west door, as I remember this theatre, the entrance faces to the south, is that correct?

Mr. HILL. Right.

Mr. BELIN. But then when you walked in, you walked in straight headed north, and then you had to turn to the right?

Mr. HILL. So once you turned, I went up. That would have made me come down the north, go up the south stairway to the balcony, and come down the north stairway.

Mr. BELIN. All right. Now, you got down to the first floor. As you go in to face the screen, the right side of the theatre when you are facing the screen, you are facing roughly east?

Mr. HILL. Right side of the theatre would have been south.

Mr. BELIN. South as you face the screen. All right, now.

Mr. HILL. So I went through the north lower door.

Mr. BELIN. All right.

Mr. HILL. Came down the north stairway, and the commotion would have been to my right or just south of the center of the theatre near the back. Went over, and as I ran to them I saw some officers struggling with a white male.

I reached out and grabbed the left arm of the suspect, and just before I got to him I heard somebody yell, "Look out, he's got a gun."

I was on the same row with the suspect. The man on the row immediately behind him was an officer named Hutson. McDonald was on the other side of the suspect from me in the same aisle.

Two officers, C. T. Walker and Ray Hawkins, were in the row in front of us holding the suspect from the front and forcing him backwards and down into the seat. And to McDonald's right reaching over, and I don't recall which row he was on, was an officer named Bob Carroll. And then Paul Bentley and K. E. Lyons, who was Carroll's partner, they were both in the special service bureau, also was there. They came up at various intervals while all this was going on.

We finally got the man subdued to the point where we had control of him and his legs pinned and his arms pinned. I said, "Let's handcuff him." And being that I was working in plainclothes and working in personnel, didn't have a pair of handcuffs, and I asked Hawkins if he had. And he said, "Yes."

And I said, "Let's get them."

And Hawkins and I handcuffed him while the others held him.

Mr. BELIN. You said you were working in plainclothes?

Mr. HILL. Yes.

Mr. BELIN. Did you have any hat on?

Mr. HILL. Yes; I did have a hat.

Mr. BELIN. I want to hand you what I will mark as G. L. Hill Deposition Exhibit A, and ask you to state if you know what this is.

Mr. HILL. Yes, sir; this is a picture that was made about the time when we were actually putting the handcuffs on the suspect in the theatre. That may have been a split second before or a split second after, or right as we completed the putting on of the handcuffs.

Mr. BELIN. Do you recognize any people in there?

Mr. HILL. This would have been the suspect [pointing].

Mr. BELIN. Now, the suspect is a man who you can see parts of the profile from the left side of his face. He appears to be seated or lower than the others?

Mr. HILL. Lower than the other people in the picture.

Mr. BELIN. Then there is a person with a hat on to the right.

Mr. HILL. To the immediate right of the suspect, and that is me.

Mr. BELIN. Then there is a man with a cigar who is looking over the suspect?

Mr. HILL. That is Detective Paul Bentley.

Mr. BELIN. Now there is a person with light-colored hair that appears to have his hands—

Mr. HILL. That would be C. T. Walker.

Mr. BELIN. Then there is another person that is in the extreme left-foreground part of the picture. Do you know who that is?

Mr. HILL. Capt. W. R. Westbrook.

Mr. BELIN. Then a party with a hat on. Do you know who that is?

Mr. HILL. I have no idea.

Mr. BELIN. That is to the left?

Mr. HILL. No, sir.

Mr. BELIN. Then there is, you can barely see maybe a police hat. Is that anything you can recognize?

Mr. HILL. Not from that; no, sir.

Mr. BELIN. All right, go ahead, sir.

You say that you and Ray Hawkins handcuffed the suspect?

Mr. HILL. At about this time Captain Westbrook and a man who was later in the day identified to me as, I believe his name was Barnett, an FBI agent—

Mr. BELIN. Would it be Barrett?

Mr. HILL. Yes.

Mr. BELIN. Do you remember his first name?

Mr. HILL. Bob was identified to me later in the day by Captain Westbrook. Came in from, I presume they came in from the north fire exit, which would have actually been coming in from outside, and came over to us, and Captain Westbrook instructed us to get the man out of there as soon as possible.

And at the same time instructed some of the other uniform officers to stay there and protect the scene, and call the crime lab. This was the actual scene where the arrest was made.

Mr. BELIN. Let me stop you right there. Do you know how this FBI agent happened to be there at the time?

Mr. HILL. I heard later, and—but not actually to my own knowledge, that he was riding with Captain Westbrook.

To my knowledge, I don't know this, but I understand he had ridden out from town with Captain Westbrook, that he was gravitating toward the incident in Oak Cliff, and had arrived at the theatre just possibly before we came in, or right after we went in, and was still outside.

Mr. BELIN. All right.

Mr. HILL. We started moving the suspect down the aisle, which would have been walking him north to the exit on that side until we got to the aisle that would have been dividing the center section and the north section of the theatre.

And there we formed a more or less wedge formation with C. T. Walker in front, Bob Carroll, I believe was on the suspect's left, K. E. Lyons was on his right, and Paul Bentley and I were to the rear.

I was on the left. I would have been to the suspect's left-rear side.

Paul Bentley would have been to the right-rear side.

At this point this is the first time I remember encountering any newspapermen or cameras, but as we walked into the lobby there was a man shooting movies.

Mr. BELIN. Movies?

Mr. HILL. He was from channel 8, but who he was, I don't know. He was a short, rather heavy-set fellow with kinky hair. This I remember about him.

We walked the suspect out the right front or the north door. No, wait a minute, we have lost our directions again. We walked him out the west door of the theatre into a squad car, which was out front. Some of the officers that were still outside had the crowd parted back to where nobody got to us or to the suspect.

But there were shouts at this time from the crowd of, "That is him. We ought to kill him. String him up. Hang him.", et cetera and so on.

Mr. BELIN. Any other calls from the crowd?

Mr. HILL. Not that I can recall. There was quite a bit of confusion, but we kept moving.

Mr. BELIN. Let me stop you right there. You mentioned that when you were coming down from the balcony to the first floor, or in the process of going into the first floor, you heard an officer or someone yell something along the effect, "I've got him."

Mr. HILL. Right.

Mr. BELIN. Did you hear anyone else yell or make any other statements?

First, I will ask you this. Did you hear the suspect make any statement of any kind?

Mr. HILL. Not any distinguishable statement that I can specifically recall. Later in the course of trying to piece this thing together for a report, I believe it was McDonald and Hutson that stated, and we put it in the report that way, that the suspect yelled, "This is it."

Mr. BELIN. Did you hear that with your own ears? That you can remember?

Mr. HILL. No, sir; not as a distinguishable specific "This is it," no.

As much confusion and all going on, I didn't distinguish that. Now if we can back up a little bit to where we made the, got him handcuffed in the theatre, before we started moving out with him, he started, Oswald or the suspect at this point, we didn't know who he was, so we will keep on calling him the suspect,

started making statements about "I want a lawyer. I know my rights. Typical police brutality. Why are you doing this to me."

As we continued to move him down the aisle out to the aisle dividing the two sections, out into the lobby of the theatre, he began yelling words similar to, "Typical police brutality."

And once we got actually outside the door of the theatre, from there to the period of time that we got to the car, with all the crowd and commotion and all, I don't recall any further statements of his until we got in the car.

Mr. BELIN. All right, let me stop there before you testify about getting into the car. Do you have anything else to add to the statement prior to getting into the car?

Mr. HILL. Not that I can recall.

Mr. BELIN. Did you hear the suspect say anything while you were trying to subdue him, or, "I am not resisting arrest?"

Mr. HILL. No; I don't recall a statement to that effect.

Mr. BELIN. Did you hear any officer say anything to the suspect?

Mr. HILL. About the time we got him subdued and handcuffed, I know that Hutson asked me about did I hear the gun click.

Hutson was the one that was behind him and was pulling him backward, off balance. He was probably, as near as I could determine from the position, was probably the second officer to him.

In other words, McDonald made the initial contact, and then Hutson and then probably Walker and Hawkins with Walker, and then Hawkins, in that order, getting into the scuffle attempting to subdue him and keep him from using the gun.

Mr. BELIN. What did you reply to this question?

Mr. HILL. I told him no. Because apparently this had happened in the interim from the time of the first yell until I got there, and with the scuffling of feet, unless you would be right at it, I don't know that you would hear it.

Mr. BELIN. Did you hit the suspect at all?

Mr. HILL. No; I did not.

Mr. BELIN. Did anyone else hit the suspect?

Mr. HILL. No one that I know of. When we got him subdued, he had a small laceration on the left eyebrow, and what appeared to be a bruise on the upper-left eyebrow and down along his cheek, but an actual lick, to see this done, I did not see.

Mr. BELIN. Did you hear any police officer make any remark such as "Kill a policeman, will you," or something along that line?

Mr. HILL. No, sir; not at this point I didn't. There was a—you want—

Mr. BELIN. Let's stop there before we get in the car.

Mr. HILL. There were some statements made in the car similar to this, in talking about killing a policeman, but I didn't hear any at the time in the theatre or from the theatre to the car.

Mr. BELIN. I want to try to cut off this thing in segments. Did you hear any policeman make any other statements to him during this scuffle?

Mr. HILL. No; everybody was saying, "Look out," and "Get this arm," or "Watch that leg," or "Make sure you've got a good hold on him."

But as far as any direct quotes to the suspect, or him being called anything such as a cop killer or statements that you have killed a police officer, you have killed a cop, or anything of that type, I did not hear any.

Mr. BELIN. Did you see the suspect hitting any police officer?

Mr. HILL. Did I see the suspect hitting a police officer?

Mr. BELIN. Yes.

Mr. HILL. No, sir; I did not. I saw his left arm flying about wildly about the time when I got there. That is what I latched on to, but I didn't actually identify any direct blows.

Mr. BELIN. Did you see any movements of the suspect other than the left arm flailing?

Mr. HILL. He was fighting and turning and making an attempt to free himself of the hold that the officers had on him. As to actually hitting anybody or to actually seeing the suspect with a gun in his hand, I did not.

Mr. BELIN. I hand you what has been marked as "G. L. Hill Deposition Exhibit B." State if you know what this is.

Mr. HILL. This is known to be a picture that was made still inside the theatre as we were moving down the aisle, I believe, to get him to the aisle that divided the two sections.

Now specifically, the exact point in the theatre where this was made, I don't know.

Mr. BELIN. Do you recognize anything?

Mr. HILL. There are three people in this picture that I recognize. The officer with the white uniform hat on that is in the foreground looking at the picture, would be to the left side, is C. T. Walker. The suspect, and what is an open collar, and what appears to be a T-shirt from here, looking almost directly at the camera with his face practically covered by the officer's cap, is a man later identified to us as Lee Harvey Oswald.

And the man in the suit looking at the camera with a cigar in his mouth is Detective Paul Bentley.

There is, to Mr. Bentley's left, part of another officer that is apparently wearing a suit with only part of his suit and his shirt and his left hand showing. That cannot be recognized, but I will have to admit I think it is me.

And there is a faint image there, if you get the light—that is what I am trying to see—very faintly—if we had a—yes, that is going to be me. What we need is to get the light in at an angle.

Mr. BELIN. If you hold it a little bit to your right?

Mr. HILL. Yes; that is going to be me.

Mr. BELIN. Do you know who this person is with the helmet at the extreme left of the person with the helmet?

Mr. HILL. I do not recognize him specifically, but just trying to identify that much of him, I would say it could be an officer named L. E. Gray, but I can't make positive identification.

Mr. BELIN. Okay, sergeant.

By the way, what is the suspect wearing? You mentioned a T-shirt in the picture.

Do you remember what else he had on?

Mr. HILL. He had on a dark—I don't recall it being a solid brown—shirt, but it was a dark-brownish-looking sports shirt, and dark trousers. This I specifically remember.

Mr. BELIN. Any jacket?

Mr. HILL. No, sir; he didn't have a jacket on at this time.

Mr. BELIN. All right, go ahead.

Mr. HILL. I understand a light-colored jacket was found in the parking lot of the funeral home, as a man had previously stated, but I don't recall actually seeing this jacket.

Mr. BELIN. All right, anything else that anyone else said prior to the time you got to the car?

Mr. HILL. Not that I can recall, sir; other than, as I was saying, as we went out, the crowd was jeering, making some threats and calling out things.

If at this time the suspect said anything, I didn't hear him.

And we were moving quite rapidly to get him into the car.

Mr. BELIN. Handing you what has been marked "G. L. Hill Exhibit C," I will ask you to state if you know what this is?

Mr. HILL. This is a picture of the Texas Theatre on West Jefferson, and it is a picture that I believe was made after we left the location with the suspect.

Mr. BELIN. Why do you say that?

Mr. HILL. Because the car that we left with the suspect in was parked right here.

Mr. BELIN. You are pointing to a position ahead of the Dallas Police Car No. 151, which appears in the picture?

Mr. HILL. That's right.

Mr. BELIN. Would that be about the size of the crowd that was there, as you remember it?

Mr. HILL. The crowd was split up into two groups at that time, on each side of the theatre entrance.

Mr. BELIN. You mean by the time you brought the suspect out?

Mr. HILL. Yes; the area immediately in front of the theatre looking to the car was open at the time.

Mr. BELIN. Who opened it?

Mr. HILL. The crowd had been kept back by some officers who had been left outside to cover off the front of the theatre when the rest of us entered.

Mr. BELIN. Apart from the fact that the crowd was split when you led the suspect out, does this appear to be about the number of people there?

Mr. HILL. No, sir. I would say probably this picture appears to me to contain 75 to 100 people, and I would say probably at the time that we came out of the theatre, by just glancing on both sides as we moved between the two groups to the car, I would estimate the crowd was probably about 200.

Mr. BELIN. All right; anything else up to the time you got to the car that anyone said or did that you haven't related, that you can remember now?

Mr. HILL. Not that I can recall, sir.

Mr. BELIN. All right; now, let's pick up what happened from the time you started, with the time you opened the doors of the car to put the suspect in the car.

Mr. HILL. Officer Bentley—the suspect was put in the right rear door of the squad car and was instructed to move over to the middle. C. T. Walker got into the rear seat and would have been sitting on the right rear.

Paul Bentley went around the car and got in the left rear door and sat on that side.

Mr. BELIN. That would have been from the left to the right, Bentley, Oswald, and Walker? Or Bentley, the suspect, and Walker?

Mr. HILL. K. E. Lyons got in the right front. I entered the door from the driver's side and got in the middle of the front seat.

Mr. BELIN. And being that he had the keys to the car, Bob Carroll drove the vehicle.

Mr. HILL. As he started to get in the car, he handed me a pistol, which he identified as the one that had been taken from the suspect in the theatre.

Mr. BELIN. When did he identify this to you?

Mr. HILL. I asked him was this his. He said, "No, it is the suspect's."

Mr. BELIN. When did he do that?

Mr. HILL. As soon as he handed it to me.

Mr. BELIN. When was that?

Mr. HILL. Right as I sat down in the car, he apparently had it in his belt, and as he started to sit down, he handed it to me. I was already in the car and seated.

Mr. BELIN. Now I am going to hand you what has been marked Commission Exhibit 143. Would you state if you know what this is?

Mr. HILL. This is a .38 caliber revolver. Smith & Wesson, with a 2' barrel that would contain six shells. It is an older gun that has been blue steeled, and has a worn wooden handle.

Mr. BELIN. Have you ever seen this gun before?

Mr. HILL. I am trying to see my mark on it to make sure, sir. I don't recall specifically where I marked it, but I did mark it, if this is the one. I don't remember where I did mark it, now.

Here it is, Hill right here, right in this crack.

Mr. BELIN. Officer, you have just pointed out a place which I will identify as a metal portion running along the butt of the gun. Can you describe it any more fully?

Mr. HILL. It would be to the inside of the pistol grip holding the gun in the air. It would begin under the trigger guard to where the last name H-i-l-l is scratched in the metal.

Mr. BELIN. Who put that name in there?

Mr. HILL. I did.

Mr. BELIN. When did you do that?

Mr. HILL. This was done at approximately 4 p.m., the afternoon of Friday, November 22, 1963, in the personnel office of the police department.

Mr. BELIN. Did you keep that gun in your possession until you scratched your name on it?

Mr. HILL. Yes, sir; I did.

Mr. BELIN. Was this gun the gun that Officer Carroll handed to you?

Mr. HILL. And identified to me as the suspect's weapon.

Mr. BELIN. This is what has now been marked as Commission Exhibit 143, is that correct?

Mr. HILL. Yes, sir; that is what it says.

Mr. BELIN. It also says the number on this sack in kind of a red ink or something "C15" on it, too, is that right?

Mr. HILL. It has C15, and on the other side it has 176-G, whatever that is.

Mr. BELIN. And then we have marked Commission Exhibit 143?

Mr. HILL. Right.

Mr. BELIN. Now, you said as the driver of the car, Bob Carroll, got in the car, he handed this gun to you?

Mr. HILL. Right, sir.

Mr. BELIN. All right, then, would you tell us what happened? What was said and what was done?

Mr. HILL. Then I broke the gun open to see how many shells it contained and how many live rounds it had in it.

Mr. BELIN. How many did you find?

Mr. HILL. There were six in the chambers of the gun. One of them had an indentation in the primer that appeared to be caused by the hammer. There were five others. All of the shells at this time had indentions.

All of the shells appeared to have at one time or another scotch tape on them because in an area that would have been the width of a half inch strip of scotch tape, there was kind of a bit of lint and residue on the jacket of the shell.

Mr. BELIN. Did you ever mark those?

Mr. HILL. I can say that I marked all six of them.

Mr. BELIN. I am first going to hand you what has been marked as Q-178 on the lead portion. It is 178 or 170. It appears to be Q-178, with the initials JH running together and CK, and then another initial R, with a dash behind it.

Do you see any identification mark of yours on there at all?

Mr. HILL. Yes, sir; on the side of the jacket of the bullet there is the name scratched H-i-l-l, and also the initials BC. I scratched the H-i-l-l on this shell, and Bob Carroll scratched the BC on it in my presence in the personnel office of the police department on the third floor.

Mr. BELIN. What is that?

Mr. HILL. This is one of the shells which is a .38 special shell that was removed from the suspect's weapon, removed from the weapon that was taken from the suspect at the time of his arrest.

Mr. BELIN. When was it removed?

Mr. HILL. They were not taken out of the gun, as I recall, sir, until we arrived at the station.

Mr. BELIN. Who took it out of the gun?

Mr. HILL. I took it out of the gun.

Mr. BELIN. Did you keep it in your possession until you put on your initials?

Mr. HILL. All six shells remained in my possession until I initialed them.

Mr. BELIN. Was this an empty shell or live bullet?

Mr. HILL. That is a live round.

Mr. BELIN. For what caliber?

Mr. HILL. A .38 caliber.

Mr. BELIN. I am going to hand you another bullet which has been marked Q-177.

Mr. HILL. That appears to be Q-177.

It's also on the what appears to be the copper tip has the initial JH running together, the initials CK on it also.

It is a Western .38 special bullet. It has not been fired. It is a copper-colored slug. On the case of this shell is also the name H-i-l-l, which was placed there on November 22.

Mr. BELIN. Let the record show that I believe that these are Exhibit 145, but I am not sure. I mean Commission Exhibit 145, and therefore, I identified them by the "Q" number which is on the bullet itself.

Was this also something that you took out?

Mr. HILL. This would have been another of the shells, and the gun.

Mr. BELIN. I hand you four more bullets which have been marked as, I believe they are Commission Exhibit 518, but again I will withhold that identification.

I see the markings on this—let me see if I can see some “Q” numbers.

I see one Q-79. Do you see that, sergeant?

Mr. HILL. Now that I know where to look, I can find it. It is going to be Q-79.

It has the initials CK. That is distinguishable on it. It has two X's near the identification number that are legible.

And it has other markings that is R something or “R-” that is apparently on some of the others.

Mr. BELIN. Do you see your name on that?

Mr. HILL. My name is also on this, on the metal jacket portion of the shell.

Mr. BELIN. What kind of bullet is that?

Mr. HILL. This is another Western .38 special with a copper-colored coating on the lead inside the bullet.

Mr. BELIN. Handing you Q-78.

Mr. HILL. This is a .38 caliber Western shell with the identification mark Q-78, with the other markings of JH and CK on it, and also on the shell casing near the rear of the bullet is the name H-i-l-l, with which I marked it.

Mr. BELIN. Handing you Q-80.

Mr. HILL. Okay. This is an R.-P. .38 shell with the identification number Q-80.

The initials CK and JH near the “Q” number on the jacket of this one. Also is the name H-i-l-l scratched into the metal, which I placed on it. And this one also is a plain lead shell.

Mr. BELIN. Handing you Q-81, do you see Q-81, on there?

Mr. HILL. This is an R and P shell with the identification number Q-81, with the initials CK and JH scratched near the “Q” number.

On the side of this shell also is the word H-i-l-l, which was placed on this shell by me.

This is a .38 lead slug.

Mr. BELIN. What is the fact as to whether or not all of these slugs were removed from this gun which has been marked as Exhibit 143?

What is the fact as to whether or not all of those six were removed?

Mr. HILL. All six of the slugs that were identified immediately previous to this point were removed from the gun, identified as Commission Exhibit 143, by me.

Mr. BELIN. What is the fact as to whether or not from the time this gun was handed to you until the time you removed these six bullets, this gun was in your possession?

Mr. HILL. The gun remained in my possession until it, from the time it was given to me until the gun was marked and all the shells were marked. They remained in my personal possession. After they were marked, they were released by me to Detective T. L. Baker of the homicide bureau. He came to the personnel office and requested that they be given to him, and I marked them and turned them over to him at this point.

Mr. BELIN. All right, now, I want to return to the car, Sergeant Hill.

You stated that this gun was handed to you by—

Mr. HILL. Detective Bob Carroll.

Mr. BELIN. Detective Bob Carroll when he got in?

Mr. HILL. Yes.

Mr. BELIN. All right.

After he handed you—handed the gun to you, will you tell us what happened inside the car, or whether anyone made any remarks? And if you can, what happened in the car?

Mr. HILL. We mostly got the car in motion, traveled to the first corner where we could make a right turn, made a right turn, traveled one block, made another right turn, continued down this street, and at this point we would have been going east until we reached Zangs Boulevard, and turned left onto Zangs.

Within, I would say seconds—this is just a guess—after we got in the car, I picked up the radio and used the call number 550, car 2, which No. 550 is the number assigned to the personnel office, and because I knew the captain was out in the field and he would be using 550, if he got on the radio.

I used call 550, car 2, and made the statement, "We have suspect and weapon and are en route to the station."

Mr. BELIN. Now I want to hand you what has been marked Sawyer Deposition Exhibit A, which is the transcript of the police log, and I notice that at 1:52 p.m., there was a 550-2-531, with the notation, "Suspect on shooting of police officer is apprehended en route to the station." Was that—

Mr. HILL. Well, that would have generally been—that would have been—

Mr. BELIN. Would have been you?

Mr. HILL. That would have been me.

Mr. BELIN. It is marked "Westbrook-Batchelor." Is that because of the No. 2 on it?

Mr. HILL. Yes.

Possibly Batchelor's call is 2, and Westbrook's is 550, so apparently they showed Westbrook was talking to Chief Batchelor, which at this point—

Mr. BELIN. Someone else put this handwriting in. That is, "Westbrook-Batchelor," but is that the time that you called in?

Mr. HILL. Yes, sir; I don't remember the exact words, but I did get on the radio as soon as we got to the car and it got moving, notifying that we were en route to the station with the suspect. That would have been possibly right.

Mr. BELIN. It goes on to say, "From the Texas Theatre."

And, "caught him on the lower floor of the Texas Theatre after a fight."

Did you say that?

Mr. HILL. This would have been the dispatcher to me asking the question did we have him in the Texas Theatre. Was that where we arrested him?

Mr. BELIN. That is 531-550-2?

Mr. HILL. In other words, it is dispatcher to 550 car 2.

Mr. BELIN. All right.

Mr. HILL. And he was finding out for sure if we had arrested him at the theatre.

Mr. BELIN. Then it goes to 550.

Mr. HILL. Car 2 would have been my answer to the dispatcher.

Mr. BELIN. It says, "Caught him on the lower floor of the Texas Theatre after a fight." And then 531-2-3.

Mr. HILL. That would have been the dispatcher talking to—

Mr. BELIN. Someone?

Mr. HILL. Chief Batchelor and Chief Stevenson.

Mr. BELIN. Two and three?

Mr. HILL. Then 531 again would have been the dispatcher advising 305, which is a homicide unit that the apprehension had been made.

And then the 550 car 2, to 531 would have been me telling him that we had 223, who was Walker—that is Walker's call number, and 492, which was Carroll, and Lyons' call number in the car with me.

And we later had to make arrangements for somebody to go back and pick up 223 car and take it back.

Mr. BELIN. That last call then was made at 1:53 p.m., in which you advised who was in the car?

Mr. HILL. With us en route to the station.

Mr. BELIN. And the first one that you made after you got to the car was at 1:52 p.m.?

Mr. HILL. Yes, sir.

Mr. BELIN. Now, also turning to Sawyer Deposition Exhibit A, I notice that there is another call on car No. 550-2. Was that you at that time, or not, at 1:40 p.m.?

Would that have been someone else?

Mr. HILL. That probably is R. D. Stringer.

Mr. BELIN. That is not you, then, even though it has a number 550-2?

Mr. HILL. Yes; because Stringer quite probably would have been using the same call number, because it is more his than it was mine, really, but I didn't

have an assigned call number, so I was using a number I didn't think anybody would be using, which is call 550-2, instead of the Westbrook to Batchelor as it indicates here.

Mr. BELIN. Now after, from the time you started in motion until the time you called in, do you remember anyone saying anything at all in the car?

Mr. HILL. The suspect was asked what his name was.

Mr. BELIN. What did he say?

Mr. HILL. He never did answer. He just sat there.

Mr. BELIN. Was he asked where he lived?

Mr. HILL. That was the second question that was asked the suspect, and he didn't answer it, either.

About the time I got through with the radio transmission, I asked Paul Bentley, "Why don't you see if he has any identification."

Paul was sitting sort of sideways in the seat, and with his right hand he reached down and felt of the suspect's left hip pocket and said, "Yes, he has a billfold," and took it out.

I never did have the billfold in my possession, but the name Lee Oswald was called out by Bentley from the back seat, and said this identification, I believe, was on the library card.

And he also made the statement that there was some more identification in this other name which I don't remember, but it was the same name that later came in the paper that he bought the gun under.

Mr. BELIN. Would the name Hidell mean anything? Alek Hidell?

Mr. HILL. That would be similar. I couldn't say specifically that is what it was, because this was a conversation and I never did see it written down, but that sounds like the name that I heard.

Mr. BELIN. Was this the first time you learned of the name?

Mr. HILL. Yes; it was.

Mr. BELIN. All right; when did you learn of his address?

Mr. HILL. There were two different addresses on the identification.

One of them was in Oak Cliff. The other one was in Irving. But as near as I can recall of the conversation in the car, this was strictly conversation, because I didn't read any of the stuff. It didn't have an address on Beckley, that I recall hearing.

Mr. BELIN. Let me ask you this. Now from the time you got in the car to the time you got to the station, I believe you said that at least the second question asked was where do you live, and the man didn't answer?

Mr. HILL. The man didn't answer.

Mr. BELIN. Was he ever asked again where he lived, up to the time you got to the station?

Mr. HILL. No; I don't believe so, because when Bentley got the identification out, we had two different addresses. We had two different names, and the comment was made, "I guess we are going to have to wait until we get to the station to find out who he actually is."

After about the time Bentley reached in his pocket and got his billfold, the suspect made the statement, "I don't know why you are treating me like this. The only thing I have done is carry a pistol in a movie."

Then there was a remark made something to the effect, "Yes, sir; you have done a lot more. You have killed a policeman."

And then the suspect made a remark similar to "Well, you fry for that," or something to that effect.

Mr. BELIN. Something to what effect?

Mr. HILL. Well, now, he either made the statement, "You only fry for that," or "You can fry for that," or a similar statement. Now the exact words of it, I don't recall.

Mr. BELIN. All right; then what was said?

Mr. HILL. Some more questions were asked as to where he had been prior to going to the movie, which he did not answer. Some more questions were asked as to what was his true name, and in neither case did he ever answer them. He did make a comment, if I recall, about the handcuffs, about, "I don't see why you handcuffed me." And here again he repeated the statement, "The only crime I have committed was carrying a pistol in a movie."

We got the suspect to the city hall as rapidly as possible without using the siren and red light, but we took advantage of every open spot we had to make a little speed, and we explained to him this—I did, before we got into the basement, that there would probably be some reporters and photographers and cameramen waiting in the basement when we got to the station, and that if he so desired, we would hold him in a way that he could hide his face if he wanted to, and also told him he did not have to speak to the press if he didn't want to.

He didn't comment on this at this point, but as we pulled into the basement from the Main Street side, we were wanting to get out and get organized enough that we would set up our wedge again to get him in the station through the basement, and so we pulled over to what would have been the southeast side of the basement, got out of the car, and formed a wedge in the same position that we left the theatre, and told the suspect again he could hide his face if he wanted to.

And he said, "Why should I hide my face. I haven't done anything to be ashamed of."

And with that we started walking him up the aisle of the basement and walked him through the door into the basement of the city hall proper, put him on the elevator, stayed on the elevator with him, put him back behind the wall, and sort of formed a wall around him.

Some of the press pushed into the elevator with us.

Got him out on the third floor, walked him into the homicide and robbery office, placed him in the first interrogation room inside the homicide and robbery office, and left Officer Walker there with him.

At this point I stood in the door of the, or at the door of the room he was in.

Reporters wanted to see the pistol. I held it up to them but never relinquished control of it. I asked Baker at this time, who was Detective T. L. Baker, if he wanted the pistol, and he said, "No; hold on to it until later."

I explained to him that this was the suspect on Tippit and did he want us to make up the arrest sheet, or would they make them up.

We were trying to get together to decide who was going to make the offense report and get all the little technicalities out of the way when a detective named Richard Stovall and another one, G. F. Rose, came up, and the four of us were standing when Captain Fritz walked in.

He walked up to Rose and Stovall and made the statement to them, "Go get a search warrant and go out to some address on Fifth Street," and I don't recall the actual street number, in Irving, and "pick up a man named Lee Oswald."

And I asked the captain why he wanted him, and he said, "Well, he was employed down at the Book Depository and he had not been present for a roll call of the employees."

And we said, "Captain, we will save you a trip," or words to that effect, "Because there he sits."

And with that, we relinquished our prisoner to the homicide and robbery bureau, to Captain Fritz.

Walker, Bentley, Lyons, Carroll, and I knew that the prisoner had received a laceration and bruises while effecting his arrest, and that an officer had been scratched while effecting the arrest, and that Bentley had sprained an ankle, and Lyons had sprained an ankle while effecting the arrest—they were fixing to have to make a whole bushel basket of reports—we adjourned to the personnel office, which was further down the hall from homicide and I sat down and started to try to organize the first report on the arrest.

I originally had the heading on it, "Injuries sustained by suspect while effecting his arrest in connection with the murder of Officer J. D. Tippit," and a few minutes later Captain Westbrook came in the office and said that our suspect had admitted being a Communist. This is strictly hearsay. I did not hear it myself.

He himself also said a few minutes later he had previously been in the Marine Corps, had a dishonorable discharge, had been to Russia, and had had some trouble with the police in New Orleans for passing out pro-Castro literature.

This still is all hearsay because I didn't actually hear it firsthand myself.

And at about this point Captain Westbrook suggested that I change the heading of my report to include arrest of the suspect in the assassination of the President and in the murder of Officer J. D. Tippit, which I did.

I originally wrote the report for Bob Carroll's signature and for my signature, and left it with the captain to be typed while we moved over in another office to get a cup of coffee and sort of calm down and recap the events.

By then McDonald was there, and we had added some information that he could give us such as the information about "This is it." Which the suspect allegedly said as he came into contact with him.

The exact location of the officers and who was there on the original arrest and everything, and we were waiting around for the secretary to finish the report.

When we got it back ready to sign, Carroll and I were sitting there, and it had Captain Westbrook's name for signature, and added a paragraph about he and the FBI agent being there, and not seeing that it made any difference, I went ahead and signed the report.

Actually, they were there, but I didn't make any corrections.

And as far as the report, didn't allege what they did, but had added a paragraph to our report to include the fact that he was there, and also that the FBI agent was there.

Now as to why this was done, your guess is as good as mine.

Mr. BELIN. Were they there at the time?

Mr. HILL. They were there. They got there inside where we were about the time he was being handcuffed.

Mr. BELIN. All right, let me go back a minute now.

You left the suspect in the custody of homicide?

Mr. HILL. Right.

Mr. BELIN. In what office was he left?

Mr. HILL. He was still in the interrogation room and still in the homicide and robbery bureau office.

Mr. BELIN. Who was in there with him when you left?

Mr. HILL. When I left the office, Captain Fritz, who was the commander of the bureau was there, and I had assumed, being that he was the officer in charge, the highest ranking man there, and it was his bureau and his office, theoretically he was in possession of the prisoner.

However, now as to specifically who went in and took him out of the interrogation room and took him to the captain's office, I don't know.

Mr. BELIN. Was Captain Fritz in the interrogation office?

Mr. HILL. Captain Fritz was in the hall. There was a little small hallway to the door here, and there is a hallway just big enough to pass through. The suspect was in the interrogation room and Captain Fritz immediately in front of him.

Mr. BELIN. Was anyone else in the interrogation room when you left?

Mr. HILL. No; Walker was, and when we turned him over to homicide, Walker came out and Fritz and his people had control of the prisoner.

Mr. BELIN. So when you and Walker left, the nearest office to him was Fritz'?

Mr. HILL. As far as I know; yes, sir.

Mr. BELIN. At any time up to the time you left, did you ever get any address on the suspect as to where he lived other than the statement of Capain Fritz that he had this address on Fifth Street somewhere in Irving?

Mr. HILL. Paul Bentley called off two addresses. One, as I recall, in Irving, and another one in Oak Cliff, when he was reading from information inside the suspect's billfold. But neither of these addresses was an address on 10th or on Beckley.

As to exactly what they were, I don't recall, as I didn't see the identification.

Mr. BELIN. Would one of them have been an address on Neely Street?

Mr. HILL. It very possibly could be. In fact I believe it was.

Mr. BELIN. To the best of your knowledge, did anyone in the car in which you were riding down to the police station ever mention any Beckley Street address for the suspect?

Mr. HILL. No.

Mr. BELIN. To the best of your knowledge, when the suspect was brought into the police station, up to the time you left him with Captain Fritz there, had anyone mentioned a Beckley Street address?

Mr. HILL. No.

Mr. BELIN. What else did the suspect say, if anything?

Mr. HILL. Other than the statement he made about brutality in the theatre, and other than the statements he made in the car about "Why are you treating me this way? The only thing I have done is carry a gun," and "Why are you handcuffing me, the only thing I have done is carry a gun," and when the comment was made about something of killing an officer, and he said something to the extent that you can only fry for that, and the man showed absolutely no emotion.

He gave the appearance of being arrogant, and yet he didn't make boastful statements. He was silent almost the entire time he was in the car except for the flareup of the brutality in the theatre, and the two statements or the three statements that he made in the car. He was silent almost the entire time until we got to the basement when he made the statement that he didn't know why he should hide his face, he didn't have anything to be ashamed of.

Mr. BELIN. When the comment was made about frying, did any police officer in the car say in substance, "Maybe you will find out," or something like that? Do you remember anything like that being said?

Mr. HILL. There was probably a sarcastic remark to that made, but as to the exact words of it, "You will find out," or "You will get a chance to find out," but I am sure there was an answer to his question, and I don't recall who said it.

But as near as I can remember, it came from the back seat.

Mr. BELIN. Was there any reply by the suspect along the lines of "Well, I understand it only takes a minute," or something like that?

Did you hear him say anything like that?

Mr. HILL. I don't recall that statement. It could have been made, because there were about half a dozen conversations actually going on in the car.

At one point after I opened the pistol, and I did open it in the car, and found that one of the slugs or one of the shells did have an indentation to the primer that could have been caused by the hammer, we made a comment that he tried or he did pull the trigger, and this was in line with what Hutson had asked me, in the theatre, had I heard the gun click.

Mr. BELIN. Anything else that happened in the car?

Mr. HILL. Not that I can recall of specific detail.

There was quite a bit of excitement.

Everybody had been in the little scuffle and were huffing and puffing, and especially me, as fat as I am, but there weren't any, I don't recall any more direct statements. There was nothing ever said in the car that I can recall that would have put it at this time. We didn't have enough to be sure that maybe the two were tied together.

Mr. BELIN. Anything else about the demeanor of the witness at all?

Mr. HILL. Other than as I said, he gave the appearance of arrogance, but yet he did not talk boastfully. In fact, he talked very little. This was one of the things that stuck out most about him in my mind, was how quiet he did keep.

His commenting or relating the statement that the only crime he had committed was carrying a gun in the theatre, and the refusal to answer questions as to what his name was and where he lived, this is not unusual immediately after an arrest, because when a man is arrested, he is keyed up too, and probably thinks that the best thing that they can do is keep their mouth shut, and he had previously in the theatre said he wanted his attorney.

Mr. BELIN. He had said this in the theatre?

Mr. HILL. Yes; when we arrested him, he wanted his lawyer. He knew his rights.

Mr. BELIN. Did he ever say he requested an attorney on the way down to the police station?

Mr. HILL. I do not recall.

I was going to say that by making the statement earlier, it is possible, it is a

possibility that he decided the best thing to do was keep his mouth shut; that is a supposition on my part, and I couldn't prove it as to the reason he didn't say any more on the way to the police station.

Mr. BELIN. Where did the police get ahold of his address on Beckley?

Mr. HILL. I don't know. This apparently came from homicide later, and once we turned him over to homicide, with the exception of seeing him walking down the hall again in front of several TV people later in the day, I had nothing else to do with the man. I never saw him again.

Mr. BELIN. Sergeant Hill, from the time he was handcuffed until the time you turned him over to Captain Fritz, except for the moments that he was in the room with Officer Walker in the interrogation room, were you with the suspect at all times?

Mr. HILL. Yes; and I was also with him when I was standing in the doorway of the room when he was there, with Walker. The door was never closed.

Mr. BELIN. The door was never closed?

Mr. HILL. No.

Mr. BELIN. While you were standing in the doorway with Walker, did the man, suspect, say anything at all, or not?

Mr. HILL. Not that I recall, sir. At this time when I was in the doorway, I was talking to Baker and had my attention more on him and what he was saying, because at that point we were trying to decide if he wanted the gun, if we were going to make the offense, or homicide, or the officers that stayed out at the scene to wait for the crime lab. We were talking trying to get the paperwork straight.

Mr. BELIN. How far was the suspect from you at this time?

Mr. HILL. Sitting across the table, about as wide as this, and maybe 2 more feet to the door.

Mr. BELIN. About how far would that be?

Mr. HILL. About 6 feet.

Mr. BELIN. How close was the other officer to you?

Mr. HILL. The other officer was at the end of the table here. He was probably 4 feet from me and 4 feet from the suspect.

Mr. BELIN. Did you hear the other officer say anything to the suspect?

Mr. HILL. No, sir; I didn't.

Mr. BELIN. Did you hear the suspect say anything at all?

Mr. HILL. I didn't hear the suspect say anything at all. Other than the statement he made in the basement, I didn't hear him utter another word.

Mr. BELIN. If the suspect had told anyone his address from the time he was apprehended until the time he was turned over to Captain Fritz, would you have been in a position to hear that statement made?

Mr. HILL. With my attention diverted talking to Baker, it is possible that he could have given his address to Walker without me hearing it, but I can't say for sure.

Mr. BELIN. Apart from what he may have said to Walker, if there was anything else that he could have said except for during that period, would you have heard it if he said anything about living on North Beckley?

Mr. HILL. I am sure until the time that the suspect was turned over to Fritz, other than maybe a couple of words exchanged between Walker and the suspect while I was standing in the door talking to Baker, I am sure I would have heard it, and I never did hear the address North Beckley mentioned until much later in the day, and this was strictly hearsay, sir.

Mr. BELIN. Well, did you hear any Beckley Street address mentioned?

Mr. HILL. I didn't hear anything on Beckley mentioned until probably 7 or 8 o'clock that night.

Mr. BELIN. Did you talk to Walker after he left the interrogation room?

Mr. HILL. Talked to Walker after he left the interrogation room. He came into the personnel office with us, and we sat down and made sure that—we just talked over our story and made sure that we had all the details as to who was where in the arrest, what door the man came in into the theatre, where they were when the original contact was made, how Bentley hurt his foot, how Lyons hurt his foot, and all this, and decided, well, rather than have to get everybody back together and round them up and all six or seven people sign the one

report, it was decided that Carroll and I would be the only two that signed it, and that Bentley would go on to the hospital and get his foot fixed, and Lyons would go to the hospital and get his foot fixed, and after McDonald finally got down there to the station and we sent him over to the city hall to get the scratch on his face treated, and then the rest of the time, with the exception of going across the hall for a cup of coffee, probably I didn't get out of the office to almost 5 o'clock.

Mr. BELIN. Did Walker ever mention to you any conversation he had with Oswald in the interrogation room?

Mr. HILL. No, sir.

Mr. BELIN. Did you and he discuss all the conversations that were had with the prisoner?

Mr. HILL. With the exception of getting some information from McDonald as to what Oswald actually said at the time of his contact with him in the theatre, the statement to the effect, "This is it," I figured that I had been in on the conversation when he was discussing the brutality and the statements he made in the car, and the statement he made in the basement when we were telling him he could duck his head if he wanted to, enough that I had all the information that I needed for the report, so I never did discuss any of the conversation that could possibly have taken place between Walker and the suspect in the interrogation room.

Mr. BELIN. Over what period of time span would that have been that he was in the interrogation room and you were standing in the doorway there?

Mr. HILL. Probably 3 or 4 minutes.

Mr. BELIN. Now, when you were going down to the station in the car, I believe the question was asked of the suspect to give his name and his address and he refused, is that correct?

Mr. HILL. He didn't answer either question. He didn't say, "I am not going to tell you anything." He just didn't answer, that is all.

Mr. BELIN. But at least Officer Walker never told you that he finally answered that question, did he?

Mr. HILL. No.

Mr. BELIN. Well, you had one report that you entitled "The arrest of Lee Harvey Oswald," which pertained to the Texas Theatre. Did you have any other report that you made at all, or not?

Mr. HILL. I had to make one later about a telephone call that I made from San Antonio to Dallas when we got the flash down there on Sunday morning that Oswald had been shot. I was attending a meeting down there.

Mr. BELIN. Well, apart from that, anything?

Mr. HILL. Also, I made a statement to the FBI concerning the fact that I had known Jack Ruby prior to this thing. But as far as another report, other than the original report that afternoon on the arrest of the suspect, I don't recall writing any other report after that one report that was signed by Carroll and I and Captain Westbrook is the only one I wrote on the actual arrest.

Mr. BELIN. I see one 2-page report that is signed by you.

Mr. HILL. Can I look at it?

Mr. BELIN. You bet you can.

[Handing to witness.]

Mr. HILL. This was later when they wanted a report from each individual officer. Yes, sir; I did write this.

Mr. BELIN. You are referring to a report dated what?

Mr. HILL. This would have been dated November 22, sir, and it is signed by Captain Westbrook and Bob Carroll and myself. I do not have it with me, but in case it is not in there, I have a carbon copy of it with all three signatures on it.

Mr. BELIN. Did you have anything to do with either the assassination investigation or the Tippit investigation on Saturday, November 23?

Mr. HILL. No, sir; I was off that day.

And then on Sunday the 24th, I had flown out of Dallas that morning on a Braniff flight to San Antonio with a sergeant from Dallas and captain from Garland and captain from Denison to attend a state board meeting of the Texas Municipal Police Association in San Antonio at the International Building, and

we took a coffee break somewhere around 11:30 or 12, I don't know the exact time.

Mr. BELIN. When was the last time you saw Jack Ruby prior to the shooting of Oswald?

Mr. HILL. It was probably 6 to 8 weeks, and that was a contact that I was walking by a garage one night about the time he came down to get his car, and we talked for a minute and that is all.

Mr. BELIN. Do you remember what you said or what he said at all, or not?

Mr. HILL. It just was a greeting. We hadn't seen each other in quite a while. In the interim, I had been on—normally when I was on a rotating schedule of working evenings and deep nights, the Carousel Club was located in the district that I worked quite often, and I would stop in there once in a while, and I had been on a special assignment for about 2 months working straight days, in town and out of town, and I hadn't been by or hadn't seen him, and this particular night we ran into each other, and he wanted to know what I was doing, and I told him I was working in personnel.

And he said, I haven't been much around much lately, and I said, "I am staying home."

Mr. BELIN. When was the last time you saw him prior to that meeting?

Mr. HILL. Probably the last time, I was in his place on duty, maybe 3 or 4 weeks before this.

Mr. BELIN. I wonder if you would describe the situation in the police department on the third floor with regard to reporters or what have you during the period of time that you brought Oswald in and during the rest of the time you might have been there on the afternoon of November 22?

What did you find when you got there?

Mr. HILL. There wasn't anybody except the ones that were down in the basement waiting for us to bring him in, and they were standing in the doorway, that if you turned to the right, you go in the jail office.

If you go straight, you go into the basement of the building.

Some of them rode up on the elevator with us. When we started off the elevator, they got ahead of us and shot us walking down the hall and took pictures of us going to homicide.

We carried him into the interrogation room and they followed us into the homicide office.

At this time probably there were six or seven people, Jim Underwood from KRLD was one of them, and I don't recall any more specifically by name.

But as time went by in the afternoon, more and more people came in until I would say about 6:45 or 7 o'clock that night, the night of the 22d, when I left, there were some 70- or 80-odd reporters and floodlights and two or three live cameras and several more cameras on tripods, and out-of-town reporters, and local reporters, and everything else, that officers were on duty and in uniform to keep the halls open as much as possible.

And if you wanted to go from the elevator entrance on back toward homicide or to any of the other detective offices, you had to drag your way through TV cables and bodies of people, seesawing your course to get through there.

Mr. BELIN. Now you have stated when we first started this deposition that you had some background in either newspaper or radio or television?

Mr. HILL. Yes, sir.

I worked at the Herald both as a police reporter, as a newswriter, and a radio-TV editor, and left there and went with WBAP as a member of their Dallas Bureau, covering the, working out of an office in the police station here in Dallas, and covering police news and all other types of news also.

Mr. BELIN. Was there any request ever made to the press people to clear the hall or clear the floor at all?

Mr. HILL. Not to my personal knowledge; no, sir. It could have been made when I wasn't there, or it could have been made before I got there, or after I left or while I was in an office or something, but I don't know that a direct order was ever given to get everybody out.

Mr. BELIN. Could you tell us what general discussion there was among the officers, the line officers, without quoting any names that might embarrass anyone, about all of these people and paraphernalia there?

Mr. HILL. As to the situation, we commented that it was a bad thing that we didn't have a space big enough to put everybody and make press releases to them like they did in some of the eastern cities.

I think somebody brought up the fact that in New York you wouldn't do what was done here because everybody had to go to one place and when they got ready to tell you something, they would come in and make a formal announcement, and if they wanted to throw it open for questions they did, and if they didn't they would walk out.

There was commenting on the smallness of the space that we had to work in and the inconvenience there, and the building, had it been Brooklyn, it wouldn't have created as much congestion and all.

But there was a feeling of congeniality between the police and the press, and I observed some of the officers that did have to go ask somebody to move or get out of the way, or not block a door, or so, or not block this, and the press was very nice about cooperating and doing at that time what they were asked to do.

What happened Saturday and Sunday, I don't know. But it was rather crowded, I will make that statement.

Mr. BELIN. Sergeant Hill, I have handed you these six bullets that you previously identified with your signature on it here, and asked you to examine and try to find which one, if any, had a scratch that you talked about, and you picked out what might properly be the one.

What is the fact as to whether or not this depression was a deep one or was one that you found difficult to see?

Mr. HILL. It was one that I found difficult to see at the time.

However, the bullets had not been handled as much at that time, and they were less shiny, and evidence would have been a little better on a dull shell where a new marking had been made on it rather than one that had been handled a few times.

Mr. BELIN. The two that you picked out are marked, I believe, "Q-80" and the other one is "Q-177," is that it?

Mr. HILL. That's right.

Mr. BELIN. I think you said as between the two of them, you saw—

Mr. HILL. Q-80 would be the one.

Mr. BELIN. Now, Sergeant Hill, we met one time earlier here, I think, a couple of days ago, is that correct?

Mr. HILL. I believe it was Friday afternoon, sir.

Mr. BELIN. Friday afternoon?

Mr. HILL. Yes.

Mr. BELIN. Originally we had your deposition set for Friday afternoon, is that correct?

Mr. HILL. That's right.

Mr. BELIN. You came and I had an airplane flight, an 8 o'clock flight, that was canceled?

Mr. HILL. That left.

Mr. BELIN. I left at 5:30—and now it is past 7 o'clock—and I told you I didn't think we had a chance to get your deposition.

At that time I believe I asked you just to state what general areas of work you had worked in so we could try and see whether or not we had time to take your deposition in half an hour, and I believe you described your work at the Texas School Book Depository in general terms, and in general terms your being at the Texas Theatre, but did we go into any details at that time?

Mr. HILL. The only specifics we discussed were this.

You were asking Officer Hicks if either one recalled seeing a sack, supposedly one that had been made by the suspect, in which he could have possibly carried the weapon into the Depository, and I at that time told you about the small sack that appeared to be a lunchsack, and that that was the only sack that I saw, and that I left the Book Depository prior to the finding of the gun.

Or the section, if it was found up there on the sixth floor, if it was there, I didn't see it.

Then you asked me some statement, if I had heard it in the car, but I don't recall what statement it was.

But I told you at that time there was remarks made, but I didn't recall hearing that. I don't remember what it was.

Perhaps your memory on that is better than mine.

Mr. BELIN. Was there anything else in specific that we discussed at that time?

Mr. HILL. Not that I recall.

Mr. BELIN. Otherwise, that is our only conversation that we had?

Mr. HILL. Yes, sir; it was just very general and very limited due to the stress of time.

Mr. BELIN. By the way, did you search the suspect that you brought in from the Texas Theatre?

Mr. HILL. As to any other possible weapon?

Mr. BELIN. Yes; or ammunition?

Mr. HILL. I did not search him, and being that he was handcuffed, and being that they were moving him out hurriedly, I don't recall anyone else searching him after he was placed under arrest.

Mr. BELIN. Is there anything else you can think of, whether I have asked it or not, that is in any way relevant to this area of inquiry pertaining to the investigation of the assassination, or the investigation of the Tippit murder?

Anything else you can think of that you would like to comment on at this time?

Mr. HILL. Not that I can recall, sir.

Mr. BELIN. Sergeant Hill, we want to thank you very much for your splendid cooperation, and for the cooperation of the entire police department here, and you particularly.

You had to make two trips, because of the fact that the one airplane of mine was canceled.

Mr. HILL. They were both on duty, so I don't mind.

Mr. BELIN. You have an opportunity, if you like, to read the typewritten transcript of this deposition and sign it, or else you can waive the signing and have it go directly to Washington without your reading.

Do you have any preference?

Mr. HILL. Sir, if it would be all right, I would like to run by and sign it? If you will just let me know when, I will be here.

Mr. BELIN. They will contact you and again we want to thank you very much.

Mr. HILL. It is my pleasure. Anytime I can help, let me know.

TESTIMONY OF J. M. POE

The testimony of J. M. Poe was taken at 10:30 a.m., on April 9, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Would you stand 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. POE. Yes.

Mr. BALL. State your name.

Mr. POE. J. M. Poe [spelling]. P-o-e.

Mr. BALL. And your address?

Mr. POE. 1716 Cascade Street.

Mr. BALL. And your occupation?

Mr. POE. Police officer, city of Dallas.

Mr. BALL. All right, what is your rank in the department?

Mr. POE. Patrolman.

Mr. BALL. How long have you been in the department?

Mr. POE. Nine years and one month.
Mr. BALL. And where were you born?
Mr. POE. Winnsboro, Tex.
Mr. BALL. Where did you go to school?
Mr. POE. Winnsboro, Stephenville, and Edgewood.
Mr. BALL. How far through school did you go?
Mr. POE. Graduated from high school.
Mr. BALL. Then what did you do?
Mr. POE. Then went into the Navy.
Mr. BALL. How long did you stay there?
Mr. POE. Three years.
Mr. BALL. Then what did you do?
Mr. POE. I was what we called a "snipe," diesel mechanic.
Mr. BALL. How long did you do that work?
Mr. POE. About 2 years.
Mr. BALL. Then what did you do?
Mr. POE. I was in construction work. I was the carpenter when I got out of the Service.

Mr. BALL. You worked as a "snipe," in the Service, is that right?
Mr. POE. Yes, sir.
Mr. BALL. Then you got out of the Service and worked as a construction worker?

Mr. POE. Yes.
Mr. BALL. And then what did you do?
Mr. POE. I joined the police force.
Mr. BALL. What kind of work do you do on the police force?
Mr. POE. Patrol work.
Mr. BALL. Patrolman?
Mr. POE. Yes, sir.
Mr. BALL. In a car?
Mr. POE. Yes, sir.
Mr. BALL. In a radio car?
Mr. POE. Yes, sir.
Mr. BALL. Were you on duty on the 22d of November 1963?
Mr. POE. Yes, sir; I was.
Mr. BALL. What time of day?
Mr. POE. From 7 in the morning until 3 in the afternoon.
Mr. BALL. Were you alone?
Mr. POE. No, sir.
Mr. BALL. Who was with you?
Mr. POE. L. E. Jez.
Mr. BALL. [Spelling.] J-a-s-s.
Mr. POE. No; it is J-e-z.
Mr. BALL. What district do you patrol?
Mr. POE. I had two districts to patrol. District 105 and district 106.
Mr. BALL. Where are they located?
Mr. POE. In the western end of the downtown section.
Mr. BALL. You were a downtown patrolman?
Mr. POE. Yes, sir.

Mr. BALL. Did you hear of the assassination of the President over the radio? The fact that the President had been shot?

Mr. POE. We heard the call come out on the radio. There was a signal 19, which would be a shooting of the President, at Elm and Houston Streets.

Mr. BALL. What did you do?
Were you told to go some place?
Mr. POE. We reported the scene; yes, sir.

Mr. BALL. To where?
Mr. POE. To Elm and Houston.
Mr. BALL. When—what did you do there?
Mr. POE. We helped cover off the building and control the crowd.
Mr. BALL. Then you went where?
Mr. POE. From there to Oak Cliff, to the scene of the Tippit shooting.

Mr. BALL. How did you happen to go out there?

Mr. POE. I was standing close to the squad car using the squad car as part of the block to keep the crowd back and had run out of rope, and heard a citizen, I presume, get on the radio, and—because he didn't know radio procedure, called and said a police officer was shot out there. At first give the wrong address, and come back and changed it to another address, and I believe he left us in the 400 block of East Ninth, the last time, and we went out there.

Mr. BALL. You went there?

Mr. POE. Yes.

Mr. BALL. And what did you find when you got there?

Mr. POE. We found—

Mr. BALL. What did you see?

Mr. POE. Found the squad car parked toward the curb, and a pool of blood at the left-front wheel of the car. The ambulance had already picked him up and the officer had left the scene when we arrived. We had—I don't know how many people there were. Looked like 150 to 200 people around there, and Mrs. Markham, I talked to her first and we got a description of the man that shot Tippit.

Mr. BALL. Do you know what the description was?

Mr. POE. Sir?

Mr. BALL. Do you know what the description was?

Mr. POE. White male, about 25, about 5 feet 8, brown hair, medium, and I believe she said had on a white jacket at the time.

Mr. BALL. What did you do then?

Mr. POE. We gave the description to several of the officers at the scene. You couldn't get on the radio at the time, there was so much traffic on the radio, and the last—the direction he was seen leaving, and then I talked to several more witnesses around there.

Mr. BALL. Did you ever put that description on the radio?

Mr. POE. I believe we did. But I couldn't swear to it.

Mr. BALL. And what happened after that?

Mr. POE. I talked to a Spanish man, but I don't remember his name. Dominique, I believe.

Mr. BALL. Domingo Benavides?

Mr. POE. I believe that is correct; yes, sir.

Mr. BALL. What did he tell you?

Mr. POE. He told me, give me the same, or similar description of the man, and told me he was running out across this lawn. He was unloading his pistol as he ran, and he picked the shells up.

Mr. BALL. Domingo told you who was running across the lawn?

Mr. POE. A man, white man.

Mr. BALL. What was he doing?

Mr. POE. He was unloading his pistol as he ran.

Mr. BALL. And what did he say?

Mr. POE. He said he picked the two hulls up.

Mr. BALL. Did he hand you the hulls?

Mr. POE. Yes, sir.

Mr. BALL. Did you put any markings on the hulls?

Mr. POE. I couldn't swear to it; no, sir.

Mr. BALL. What did you do with the hulls?

Mr. POE. I turned the hulls into the crime lab, which was at the scene.

Mr. BALL. Do you know the name of the man with the crime lab or from the crime lab?

Mr. POE. I couldn't swear to it. I believe Pete Barnes, but I wouldn't swear to it.

Mr. BALL. Did you talk to any people there?

Mr. POE. Yes, sir.

Mr. BALL. Who?

Mr. POE. Talked to Mrs. Markham.

Mr. BALL. Did you talk to the two Davis girls?

Mr. POE. I talked to one of them, but I can't recall talking to two Davis girls.

Mr. BALL. Do you remember what a Detective Dhority there at the scene did?

Mr. POE. I remember Detective Leavelle at the scene.

Mr. BALL. Leavelle?

Mr. POE. Yes, sir.

Mr. BALL. Did the Davis girls give you anything? Either one of the Davis girls hand you anything?

Mr. POE. She give me the same general description of the suspect as Mrs. Markham.

Mr. BALL. What was that?

Mr. POE. White male, and in his early 20's, around 5'7" or 8", about 145 pounds, and I believe she said had on a white jacket.

Mr. BALL. There is a—off the record.

(Discussion off the record.)

Mr. BALL. We have here a broadcast by Walker. Do you know Walker?

Mr. POE. Yes, sir.

Mr. BALL. Was Walker there at the scene?

Mr. POE. Yes, sir; he came by the scene after I got there.

Mr. BALL. What is his full name?

Mr. POE. I don't know. I want to say C. T., but I am not positive on that.

Mr. BALL. At 1:22 p.m., on the transcript of the radio log, I note it says, "Have a description of suspect on Jefferson. Last seen about the 300 block of East Jefferson. White male, 30's; 5'8", black hair, slender built, wearing white shirt, black slacks."

Do you know whether you gave Walker that description?

Mr. POE. I remember giving Walker a description. My partner got in the car with Walker.

Mr. BALL. Did you give Walker a description similar to that?

Mr. POE. Yes, sir.

Mr. BALL. Well, the only difference I see between the description you said you gave the other officer and this was that you said he was in his 20's or 25, and this says about 30. Otherwise it is about the same.

Mr. POE. Yes, sir.

Mr. BALL. Who told you he had on a white jacket?

Mr. POE. Mrs. Markham told me first.

Mr. BALL. She did?

Mr. POE. Yes, sir; Mrs. Markham was awfully excited, and she was—looked like about to faint, and I tried to calm her down as much as I could at first and get as much as I could out of her.

Mr. BALL. How many cartridges, or empty cartridges or shells were given to you?

Mr. POE. There were two in an empty Winston cigarette package.

Mr. BALL. Did you save the Winston cigarette package?

Mr. POE. I turned it in with the two cartridges.

Mr. BALL. To the crime lab?

Mr. POE. Yes, sir.

Mr. BALL. Now, I have here a package which has been marked "Q"—FBI lab. Q-74 to Q-77. Would you look those over and see if there is any identification on there by you to indicate that those were the hulls given to you by Benavides?

Mr. POE. I want to say these two are mine, but I couldn't swear to it.

Mr. BALL. Did you make a mark?

Mr. POE. I can't swear to it; no, sir.

Mr. BALL. But there is a mark on two of these?

Mr. POE. There is a mark. I believe I put on them, but I couldn't swear to it. I couldn't make them out any more.

Mr. BALL. Now, the ones you said you made a mark on are—you think it is these two? Q-77 and Q-75?

Mr. POE. Yes, sir; those two there.

Mr. BALL. Both marked Western Special? They both are marked Western Special. How long did you stay there?

Mr. POE. At the scene?

Mr. BALL. Uh-huh.

Mr. POE. I stayed there until Leavelle and his partner from the crime lab got there.

Mr. BALL. Then you left?

Mr. POE. Yes, sir; I got out and helped try to find the suspect.

Mr. BALL. Were you at the Texas Theatre?

Mr. POE. Yes, sir.

Mr. BALL. Did you see him apprehended?

Mr. POE. No, sir; I didn't.

Mr. BALL. You were out?

Mr. POE. At the back.

Mr. BALL. At the back?

Mr. POE. Yes, sir.

Mr. BALL. I think that is all, Mr. Poe.

This will be written up and submitted to you for your signature, and you can sign it if you wish, or waive your signature.

Which do you prefer?

Mr. POE. Well, sir; I don't have anything to hide. I will tell the truth.

Mr. BALL. Do you want to give your signature?

Mr. POE. I will sign it.

Mr. BALL. Okay. We'll do that. We can notify you and you can come up here and sign it.

Mr. POE. All right.

TESTIMONY OF JOHN GIBSON

The testimony of John Gibson was taken at 3:45 p.m., on April 8, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A Ball, assistant counsel of the President's Commission.

Mr. BALL. Will you please rise and hold up your hand and be sworn?

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

Mr. GIBSON. I do.

Mr. BALL. Will you state your name, please?

Mr. GIBSON. John Gibson.

Mr. BALL. What is your occupation?

Mr. GIBSON. I am manager of a retail store.

Mr. BALL. What kind of retail store is that?

Mr. GIBSON. It's Elko Camera store.

Mr. BALL. What is the address of the Elko Camera Store?

Mr. GIBSON. 239 West Jefferson.

Mr. BALL. Near the Texas Theatre?

Mr. GIBSON. I'm four doors from the Texas Theatre.

Mr. BALL. Where were you born, Mr. Gibson?

Mr. GIBSON. I was born in Brashear, Tex.

Mr. BALL. Where did you go to school?

Mr. GIBSON. Woodrow Wilson High School.

Mr. BALL. Here in Dallas?

Mr. GIBSON. In Dallas.

Mr. BALL. Well, what have you done since you got out of school?

Mr. GIBSON. Well, after I got out of school I went in service in the Navy and stayed in there 2 years and came back and went to work for Snap-Shots, Inc., and then went to work for Hermetic Seal in Garland, and then went to work for Elko.

Mr. BALL. On November 22, 1963, did you go to a picture show that day?

Mr. GIBSON. Yes, sir.

Mr. BALL. About what time of day?

Mr. GIBSON. It was at 1 o'clock.

Mr. BALL. Do you go to the picture show very often—that particular theatre—the Texas Theatre?

Mr. GIBSON. Like I said—that's on Friday and that is depending on business.

Mr. BALL. About what time of day do you usually go on Friday?

Mr. GIBSON. About 1 o'clock—the same time I always go to lunch.

Mr. BALL. Where did you sit on this Friday, November 22, 1963?

Mr. GIBSON. I sat in the first chair from the rear on the far right-hand side.

Mr. BALL. Is that where you always sit?

Mr. GIBSON. That's where I always sit—that's my chair.

Mr. BALL. I have a picture here of the theatre, which I will have marked as Exhibit A, and will you look at that picture? Does that look like the interior of the Texas Theatre to you?

Mr. GIBSON. Yes, sir; it's got more light on it than I've seen most of the time—that looks like it.

(Instrument marked by the reporter as Gibson Exhibit No. A, for identification.)

Mr. BALL. Is the seat in which you usually sit shown in that picture?

Mr. GIBSON. No, sir.

Mr. BALL. Where is that seat with reference to the picture?

Mr. GIBSON. Further to the left—from the main seating in the very back—it would be just past him.

Mr. BALL. There's a man sitting in the back in the first seat in the center aisle?

Mr. GIBSON. Right, and I would be—to his right.

Mr. BALL. In the same row?

Mr. GIBSON. In the same row.

Mr. BALL. To his right facing the screen?

Mr. GIBSON. Yes.

Mr. BALL. And on the other aisle, is that correct?

Mr. GIBSON. Right.

Mr. BALL. Did you see the lights come on in that theatre?

Mr. GIBSON. Yes.

Mr. BALL. Had you paid any attention to other people who had come in the theatre before the lights came on?

Mr. GIBSON. No.

Mr. BALL. Tell me what happened after the lights came on?

Mr. GIBSON. Well, when the lights came on, of course, as I said before, I know most of the people that work there in the show and I got up and started to the front to ask where the head usher or the girl was that works these lights—if something was wrong—I thought maybe they had a fire.

Mr. BALL. You say you started to the front, you mean you started into the lobby?

Mr. GIBSON. I started to the lobby, and just before I got to the door there were two or three—anyway the first police officer that got to me was carrying a shotgun, I remember that, and he says, "Is there anybody in the balcony?"

I said, "I don't know." He went on up into the balcony and I stood around out in the lobby for—I don't know—a minute or something, I guess, and they kept coming in and I stepped back inside the theatre just standing just behind where I had been sitting and I would say there were at least six or possibly more policemen downstairs. The rest of them were going upstairs.

Mr. BALL. What did you see happen?

Mr. GIBSON. Well, I was standing there watching all this going on and then the policeman started down the aisle—I would say there was another—I don't know, maybe six or eight—started down the aisles.

Mr. BALL. When you say "down the aisles," you mean all of the aisles?

Mr. GIBSON. Toward the screen—I don't know if they were going down all of them or not. I don't believe there was any—there was one policeman standing, it seems to me like, right on the other side of me, in the far aisle—just behind me—I don't think there was anybody going down the far aisle next to the wall on my side.

Mr. BALL. What aisles did you see policemen going down?

Mr. GIBSON. I saw them going down what I would call the two big center

aisles, and then the next thing was—Oswald was standing in the aisle with a gun in his hand.

Mr. BALL. That's the next thing you saw?

Mr. GIBSON. Yes, sir.

Mr. BALL. Was there anybody with him—near him?

Mr. GIBSON. I couldn't swear to that—I don't know—you mean other policemen?

Mr. BALL. That's what I mean—was he in the aisles?

Mr. GIBSON. Well, he was in the aisle when I saw him.

Mr. BALL. What was he doing?

Mr. GIBSON. Well, he had this pistol in his hand.

Mr. BALL. Was anybody near him?

Mr. GIBSON. Just the officers.

Mr. BALL. What was the officer doing—did you say officers or police officer?

Mr. GIBSON. Officers.

Mr. BALL. Plural, officers?

Mr. GIBSON. Yes; there were more than one.

Mr. BALL. What were they doing?

Mr. GIBSON. Well, they were going toward him.

Mr. BALL. Did they have ahold of him at the time?

Mr. GIBSON. No; I don't believe so.

Mr. BALL. Did anyone have ahold of him at that time?

Mr. GIBSON. I don't think so.

Mr. BALL. Did you see any officer grab hold of Oswald?

Mr. GIBSON. Yes, sir.

Mr. BALL. Which one—can you describe where he was and what he did—just tell us in your own words what you saw him do?

Mr. GIBSON. Well, just like—I guess you have heard this a lot of times—the gun misfired—it clicked and about the same time there was one police officer that positively had him.

Mr. BALL. What do you mean—"had him"?

Mr. GIBSON. Well, I mean he grabbed ahold of him.

Mr. BALL. Did he grab ahold of him before you heard the click or afterwards?

Mr. GIBSON. Gee, that's a question that's kind of hard to answer because I would say possibly seconds before or a second—maybe at the precise time the gun clicked. It happened pretty fast and like I say, I just went in to eat a hot-dog for lunch and I wasn't expecting any of this.

Mr. BALL. Did you see any officer strike Oswald?

Mr. GIBSON. No, sir; not directly; I saw them take him to the floor.

Mr. BALL. Did you see Oswald strike any officer?

Mr. GIBSON. [Shaking head for negative answer.]

Mr. BALL. You did not?

Mr. GIBSON. Not that I saw.

Mr. BALL. Did you hear anybody say anything?

Mr. GIBSON. Well, I heard the officers, but I don't remember what they said—I couldn't tell you if my life depended on it.

Mr. BALL. Did you hear Oswald say anything?

Mr. GIBSON. No.

Mr. BALL. You mentioned the fact that they took him to the floor, you mean they actually went down in the floor of the theatre or close to it?

Mr. GIBSON. Well, from where I was standing and looking across—they took him to the floor.

Mr. BALL. Were there any seats in the way when they fell?

Mr. GIBSON. No; I was standing up—yes; there was seats in the way, but I was looking at an angle.

Mr. BALL. Did Oswald fall on the seats or on the floor?

Mr. GIBSON. They fell on the floor as best I could tell.

Mr. BALL. Then what did you see happen?

Mr. GIBSON. I didn't see anything happen—I walked back to the front.

Mr. BALL. Did you see Oswald leave the theatre?

Mr. GIBSON. Yes; I saw the officers bring him out.

Mr. BALL. Describe what you saw at that time—I want to know how they had ahold of him?

Mr. GIBSON. Well, right after they took him to the floor, as I said, he had a gun in his hand and I turned around and walked back into the lobby, the front part of the theatre, and just right after I walked out into the lobby, one of the policemen yelled, "Lock the doors," and so I walked up and started locking the doors and the head usher, Butch, came running out and he started at one end and I started at the other end. There was six or eight doors in the front, and we locked them up and then they brought Oswald through the door—there was two police officers that had ahold of him, and his arms were bent around behind him—like so [indicating].

Mr. BALL. And did the officer have his arm around his neck?

Mr. GIBSON. I don't know—I don't think so—he did have a black eye and his shirt was about halfway torn off of him.

Mr. BALL. Did you hear Oswald say anything?

Mr. GIBSON. Yes.

Mr. BALL. What did he say?

Mr. GIBSON. He said, "I protest police brutality."

Mr. BALL. At any time did you see an officer, while the officers were struggling with Oswald, did you see an officer strike Oswald with the butt of a shotgun?

Mr. GIBSON. No, sir; I didn't.

Mr. BALL. Did you see a shotgun in the hands of any of the officers who were struggling with Oswald?

Mr. GIBSON. No, sir; I didn't.

Mr. BALL. Did you see any officer in possession of a shotgun in the theatre?

Mr. GIBSON. Oh—yes, yes; I saw quite a few in possession of a shotgun

Mr. BALL. Were there any officers with shotguns near Oswald when he was struggling with these other officers?

Mr. GIBSON. Gee, I don't know—that I couldn't say—because like I say, when they took him down to the floor, all I could—or I should say down—I turned around and went back to the front.

Mr. BALL. Did you see the police talk to the other patrons of the theatre?

Mr. GIBSON. Well, as I said, the only thing that they said to me—the first policeman that I saw in the theatre was right after the lights came on and he asked me if there was anyone upstairs, but I can't definitely say I saw them talking to anybody.

Mr. BALL. Well, did any officers talk to you afterwards and get your name and address?

Mr. GIBSON. No.

Mr. BALL. Did you see them take the name and address of anybody else?

Mr. GIBSON. No, sir; right after they put Lee Oswald in the police car and drove off, I walked outside and went back over to the store.

Mr. BALL. I understood that one group of the police headed for Oswald?

Mr. GIBSON. Well, I don't believe they really headed for him—I believe they just started down through the theatre. From what the boy told me—Johnny Pardis told me, he followed him into the theatre and he went upstairs, and I believe this is why all the policemen went upstairs. I don't think they really headed for him. I mean, they just evidently, as I said, all of them went upstairs, with the exception of a small majority, say 6 or 8, maybe 12 downstairs and inside the theatre there.

Mr. BALL. Did they pass you on their way?

Mr. GIBSON. You mean up the stairs?

Mr. BALL. No; the smaller party that was downstairs.

Mr. GIBSON. No; I was standing on this far side right next to the wall.

Mr. BALL. And they were in an aisle over there?

Mr. GIBSON. Well, actually, they were two or three aisles over—there's two big main aisles, and then there's another small aisle that runs down the wall.

Mr. BALL. Was there any other patron of the theatre along the way that they went?

Mr. GIBSON. I don't know this, as I said, for a fact—this is what a lady at the show told me. She sent Butch, the head usher up on the stage to guard the exit back there and where he come from I don't know, because as I said,

when they took him to the floor, then I turned around and walked out into the lobby and one officer hollered, "Lock the doors," and Butch came through there to the doors.

Mr. BALL. But you didn't see other officers go up to any other patrons of the theatre over there on their way to Oswald?

Mr. GIBSON. No.

Mr. BALL. As they went along—they finally walked up and outside?

Mr. GIBSON. No; they were just looking in general it appeared to me.

Mr. BALL. Was there anyone who was sitting closer to them than Oswald was?

Mr. GIBSON. Gosh—I don't know—it's hard to remember, when you try.

Mr. BALL. You don't know why they went up to him and not someone else?

Mr. GIBSON. Well, as I said—I don't think they went up to him. As I said, the first time I saw him in the theatre definitely was when he was standing in the aisle with a gun in his hand. Now, somebody told me that Oswald jumped up and whirled around and said, "This is it," but this is something I don't know, so this is hearsay.

Mr. BALL. But would you think he stood up first before any police officer got to him? Or that near him?

Mr. GIBSON. He had to, because they took him from a standing position to the floor and he was standing up.

Mr. BALL. Did you see them before they came up to him?

Mr. GIBSON. Yes; I was watching them there, I was just standing in the corner—as I said, just looking around the corner—there is a chance you can see in the corner and I was looking around it and as I said, I don't know whether he got up and whirled around or what he did, but when I saw him he was facing the police with a gun in his hand.

Mr. BALL. The first you saw him he was standing?

Mr. GIBSON. He was standing.

Mr. BALL. And you didn't hear him say anything except on his way out?

Mr. GIBSON. Except on his way out—is the only thing I heard him say.

Mr. BALL. This will be written up and you can come down and sign it if you want to, or you can waive your signature. What would you like to do?

Mr. GIBSON. Well, I said it, I might as well sign it.

Mr. BALL. Okay. You will be called in to come down and sign it.

Mr. GIBSON. Thanks very much.

Mr. BALL. Thank you.

TESTIMONY OF JAMES PUTNAM

The testimony of James Putnam was taken at 11 a.m., on April 9, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. John Hart Ely, member of the staff of the President's Commission.

Mr. ELY. Would you stand up and be sworn, please?

Mr. PUTNAM. All right.

Mr. ELY. 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. PUTNAM. I do.

Mr. ELY. Would you state your name, please?

Mr. PUTNAM. James Putnam.

Mr. ELY. And where do you live?

Mr. PUTNAM. 2015 Joan Drive.

Mr. ELY. What is your occupation?

Mr. PUTNAM. Police officer—sergeant of police.

Mr. ELY. How long have you been with the Dallas Police Department?

Mr. PUTNAM. Ten years and four months.

Mr. ELY. Could you give us something of your background before you started

to work for the police department—where you went to school and what you did before you became a policeman?

Mr. PUTNAM. Is this pertinent?

Mr. ELY. Where did you go to school?

Mr. PUTNAM. Is this pertinent to the deposition? Well, if you want it, I will give it to you. I went to school at Charleston, S.C. and I was in the Navy for about 7 years.

Mr. ELY. And did you go directly from the Navy to the police department?

Mr. PUTNAM. No; from the Navy I went to work for Lone Star Gas Co. here in Dallas. From there I went to work for Prudential Insurance Co. from which I was recalled into the Navy again, and when I was released, I went back to the insurance company, and from there I applied for employment with the Dallas Police Department.

Mr. ELY. Thank you, sergeant. Now, on November 22, 1963, were you on duty with the police department?

Mr. PUTNAM. Yes, sir.

Mr. ELY. Did your duties on that day involve you in any way in the investigation of the assassination of President Kennedy?

Mr. PUTNAM. Yes.

Mr. ELY. What was the nature of your involvement with that investigation?

Mr. PUTNAM. Just to assist in covering of the Book Depository Building and aiding in searching the building.

Mr. ELY. Did your duties involve you in any way in the investigation of the shooting of Officer Tippit?

Mr. PUTNAM. No.

Mr. ELY. Could you state the nature of your specialty with the police department? What sort of work do you specialize in?

Mr. PUTNAM. My assignment then and now is sergeant of police, supervising patrolmen in the radio patrol division.

(Instrument marked by the reporter as "Putnam Exhibit No. 1," for identification.)

Mr. ELY. Sergeant, I will show you first a map which is designated Putnam Deposition Exhibit No. 1, and I will also show you two documents designated Sawyer Exhibits A and B, which purport to be transcripts of radio logs from the 22d of November. Now, although you would have no personal knowledge of where Officer Tippit was assigned that day, assume for purposes of my questioning that his original assignment on the 22d of November was within the area marked 78 on Putnam Exhibit 1. Can you tell me within which district the corner of Lancaster and Eighth Street is?

Mr. PUTNAM. District 109.

Mr. ELY. And is it correct that here on the exhibit marked Sawyer Deposition Exhibit A there is a call recorded at 12:54 p.m., from 78 to 531 reporting he was at Lancaster and 8th?

Mr. PUTNAM. Yes; there is.

Mr. ELY. Now, assuming that Officer Tippit was originally assigned to the district numbered 78, taking into account the report that at 12:54 he was within the district marked 109, and also assuming that he later was shot within the district marked 91, would you look at these radio logs and tell us if you find on either one of them any calls which would account for the fact that he had thus come in toward the center of town from the district he was originally assigned to? Feel free to draw upon your general knowledge of the custom in the Dallas Police Department for leaving, or remaining in, one's assigned district.

Mr. PUTNAM. One transmission here on channel 1, that would be the normal channel that Tippit would be listening to, at 12:43 p.m. on Sawyer's Deposition Exhibit B, is to the attention of all squads in the downtown area, code 3 to Elm and Houston, and with Officer Tippit being assigned to district 78 and allowed the discretion that is allowed in the Dallas Police Department—he would start in the direction of the downtown area. A feasible route would bring him to district 109 and that vicinity.

Mr. ELY. Is there any special reason why that would be a feasible route?

Mr. PUTNAM. This Houston Street, if you will notice right in this corner—

Houston Street adjoins district 109. It is one of the routes you can use to cross the river into the downtown area. This would be the normal procedure as far as Officer Tippit was concerned, to come in toward the downtown area, unless disregarded and a later transmission on channel 2, after getting his location, advised him to remain at large in the Oak Cliff area. "At large," would indicate that he would feel free to go nearer in the Oak Cliff area, with the idea in mind that he would be looking for any suspect or any suspicious circumstance that might be related to the shooting.

Mr. ELY. Are districts 78, 109, and 91 all located within the Oak Cliff area?

Mr. PUTNAM. They are located in the Oak Cliff area.

Mr. ELY. All right, thank you, Sergeant Putnam, I believe that's all.

TESTIMONY OF LT. RIO S. PIERCE

The testimony of Lt. Rio S. Pierce was taken at 11:25 a.m., on April 9, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. John Hart Ely, member of the staff of the President's Commission.

Mr. ELY. Would you stand 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. PIERCE. I do.

Mr. ELY. Lieutenant, I am here as a representative of the President's Commission which is looking into all the facts surrounding the assassination of President Kennedy, and we have been informed that you might have information which would help us in this inquiry.

Mr. ELY. Would you state your full name, please?

Mr. PIERCE. Rio Sam Pierce.

Mr. ELY. And where do you live?

Mr. PIERCE. 3227 South Edgefield.

Mr. ELY. Could you tell us what your occupation is?

Mr. PIERCE. Officer—police officer.

Mr. ELY. And what rank do you hold?

Mr. PIERCE. Lieutenant.

Mr. ELY. You are a lieutenant with the Dallas Police Department?

Mr. PIERCE. That's right.

Mr. ELY. Could you tell us something about what you did before you started to work for the police department?

Mr. PIERCE. Well, I was raised on a farm out in West Texas and engaged in farming practically all of my life up until I went in the Marine Corps. After I got out of the Marine Corps in 1946, in April I believe it was, I came to the Dallas Police Department in August 1946.

Mr. ELY. Could you tell us, please, what your job is? What do you specialize in with the police department?

Mr. PIERCE. I am assigned as a lieutenant in the patrol division out of the central station.

Mr. ELY. Now, were you on duty on November 22, 1963?

Mr. PIERCE. I was not.

Mr. ELY. Were you in Dallas on that date?

Mr. PIERCE. Part of the day. I went to Ennis, Tex., early that morning and returned to Dallas about—oh, it was approximately 1 or 1:30 p.m.

Mr. ELY. Did you have anything to do with the investigation of the killing of either President Kennedy or Officer Tippit?

Mr. PIERCE. No, sir.

Mr. ELY. I will show you three exhibits, one is a map designated Putnam Exhibit No. 1. The other two are designated Sawyer Deposition Exhibits A and B, and are copies of the Dallas Police Department's radio logs for November 22, 1963.

If you will for the moment assume that Officer Tippit was assigned to patrol the district marked No. 78 on Putnam Exhibit No. 1. Can you explain why, subsequent to the shooting of the President, Officer Tippit would be in the district marked 109—specifically at the corner of Lancaster and Eighth—at 12:54 p.m., and then would later have proceeded into district 91, which is the area in which he was shot and killed?

Will you look at these radio logs to see if you can find any calls which would lead him to take this route? Use any other information at your disposal to explain to us why he would have gone out of district 78 and over into Nos. 109 and 91?

Mr. PIERCE. Well, I see one transmission here that I think would have alerted any officer knowing the fact that the President was in town, at 12:43—I believe this occurred on channel 1—this was taken from channel 1 recordings at 12:43. It says, "Attention all squads of downtown area, code 3 to Elm and Houston with caution."

Mr. ELY. Explain what code 3 means.

Mr. PIERCE. That's an emergency. In other words, that is, we have code 1, which is normal driving; we have code 2, and a code 3. In other words, code 3 is your top—proceed with haste and caution. The transmission followed that at 12:44, "Attention all squads, the suspect in the shooting at Elm and Houston is reported to be an unknown white male," and gives the description here—would also be an indication to the squads, and reading this—and I assume that this is the way it came out—a man would have to draw his own judgment, because it hasn't told you yet that the President has been shot, but I would think that any normal police officer would assume that there had been something pertaining to that, probably, and it would be normal procedure for him working in the district he is working in to pull into a closer area to the downtown area, and this district 109, which is, I believe you stated, that as being at Eighth and Lancaster—it doesn't show here on your map, but you have no viaduct—that's about the only place you can cross that river, unless you want to wade.

Mr. ELY. Could you mark on the exhibit with your red pencil where that viaduct would be?

Mr. PIERCE. Well, you see, Cadiz Street over here in the downtown area—it also crosses this river and comes on out—may or may not be nearly correct—it isn't too far from wrong—I don't think so—there is two viaducts.

Mr. ELY. The red mark you have just drawn is what?

Mr. PIERCE. The red mark is one viaduct that crosses that river and the area where he was at that time, I will just have to use this—Lancaster Street comes in something like that—it isn't marked on here.

Mr. ELY. All right.

Mr. PIERCE. But, he wouldn't be too far from that Cadiz Street viaduct. Anyway, they come over that Cadiz Street viaduct, and also you have quite a few apartment houses along there on Lancaster and Marsalis. In other words, there is a large number of people that live over in there. That seemed to me like he was probably using pretty good judgment in getting in that particular area because he would have a chance there to assist from the downtown area there.

Mr. ELY. This transmission to which you referred, the one appearing at 12:43 p.m. on Sawyer Deposition Exhibit B, purports to be directed only to all squads in the downtown area?

Mr. PIERCE. That's right.

Mr. ELY. But you think it would be normal even for those squads not located in the downtown area to react?

Mr. PIERCE. I would have to call on my experience in the Dallas Police Department. Under normal police procedure we request that the squads stay in their district, but under any emergency situation we do not require that they stay in their district.

Mr. ELY. So, you would characterize this as a normal course of behavior?

Mr. PIERCE. It looks like a normal procedure to me.

Mr. ELY. All right. Do you think of anything else that you would want to mention in connection with this, or do you think that just about covers it?

Mr. PIERCE. Well, like I say, I was on my day off and I would just have to assume what was happening, but I don't know anything in connection with Tippit, but in this location, if that is what you are interested in, that would not be unusual.

Mr. ELY. Well, that's what we are interested in. Thank you very much.

Mr. PIERCE. All right, thank you.

TESTIMONY OF CALVIN BUD OWENS

The testimony of Calvin Bud Owens was taken at 11 :50 a.m., on April 9, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. John Hart Ely, member of the staff of the President's Commission.

Mr. ELY. 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. OWENS. I do.

Mr. ELY. Sergeant, I am here as a representative of the President's Commission, which is investigating all of the circumstances surrounding the assassination of President Kennedy, and we have reason to believe that you might be able to give us some information which would help us.

Mr. OWENS. All right.

Mr. ELY. Could you state your full name, please?

Mr. OWENS. Calvin Bud Owens.

Mr. ELY. And where do you live, sir?

Mr. OWENS. 1830 Melbourne [spelling] M-e-l-b-o-u-r-n-e.

Mr. ELY. In Dallas?

Mr. OWENS. That's right.

Mr. ELY. What is your occupation?

Mr. OWENS. I am a police officer.

Mr. ELY. And what rank do you hold in the police department?

Mr. OWENS. Sergeant.

Mr. ELY. How long have you been with the police department?

Mr. OWENS. Twenty-three and a half years.

Mr. ELY. Could you give us a general idea of what you did before you went with the department?

Mr. OWENS. How far back?

Mr. ELY. Starting with your schooling, let's say.

Mr. OWENS. Most of my schooling was in Dallas. I was born in Madill [spelling] M-a-d-i-l-l, Okla. I started school in Wilburton, Okla., and from there to Shawnee, Okla., and from there to Ennis, Tex., and then to Dallas, and then I went through Winnetka. I'll say I graduated from City Park Grammar School and Forest Avenue High School. After I got out of school in the depression, I went to work at the Baker Hotel as a bellhop. I left there and went up to Oklahoma for approximately a year, came back and went to work at Sears, Roebuck and worked there 2½ years, and then went to work for the public works department in construction, as a chairman in a survey crew until, let's see, that was in 1938. I worked there until the spring of 1940. I worked 2 months in the fire department, left, and went back to engineers. In October 1940, I went to work in the police department. December 1, 1942, I went in the Navy and got out January 6, 1946, and I returned to the police department.

Mr. ELY. And you have been there ever since?

Mr. OWENS. Yes.

Mr. ELY. Were you on duty on November 22, 1963?

Mr. OWENS. I was.

Mr. ELY. And what was the nature of your assignment on that date?

Mr. OWENS. Acting lieutenant, Oak Cliff substation.

Mr. ELY. Because you were acting lieutenant in the Oak Cliff substation, would that mean that Officer Tippit would be under your supervision?

Mr. OWENS. That's true.

Mr. ELY. When and how did you first hear that there had been an incident involving the President of the United States?

Mr. OWENS. I had eaten lunch and I was on the way back to the substation—channel 1 was not working properly—some mike—or some radio transmitter had left the mike open and I couldn't hear, and I switched over to channel 2 and heard what sounded like Chief Curry say, "It looks like the President has been hit," so, not knowing what he had been hit with, I go in the substation and hear on the radio where they are sending squads downtown to Elm and Houston, and I called the dispatcher's office and wanted to know if they wanted me downtown. They were very busy and never did answer me, so from that, I assumed that there was a big incident involved and maybe the President had been shot, so I leave 4020 West Illinois where the substation is located and proceed to Elm and Houston, code 3.

Mr. ELY. And what does code 3 mean?

Mr. OWENS. It means emergency with red lights and siren on.

Mr. ELY. Thank you.

Mr. OWENS. I arrived at Elm and Houston, which is the location of the Texas School Book Depository. Before I arrived, the squad was dispatched to pick up a man—an officer on Stemmons, who had a colored man, who had information regarding the shooting. Since I was close, I stopped and picked up a colored man, a lady and two children, and take them to Elm and Houston, and notified Inspector Sawyer of what I had. He informed me to send them to the sheriff's office where they had set up this interrogation room. I turned them over to a patrolman there with the instructions to take them over to the sheriff's office. I stayed with Inspector Sawyer until I was informed that there was a shooting in Oak Cliff involving a police officer.

Mr. ELY. Do you recall the name of this colored man?

Mr. OWENS. No. I told Inspector Sawyer that I was assigned to Oak Cliff and an officer was involved in the shooting, and I was taking off, so I proceeded—I got in my car, and Captain Westbrook and Bill Alexander, an assistant district attorney, also was in the car with me and we started out to—I think the call came out at 400 East 10th or 400 East Jefferson. There was confusion there where the situation was. It was corrected and we went to the scene of the shooting.

Now, right there—here's where I'm not quite sure—I don't know whether I was given the gun and all—but I believe I was given the gun and this was Tippitt's gun and shells.

Mr. ELY. Do you recall who gave them to you?

Mr. OWENS. No; some officer, but I don't know who it was.

Mr. ELY. And how long did you have the gun and shells in your custody?

Mr. OWENS. Well, I had them at the hospital and we put them in a paper envelope, a large paper envelope with some more of his possessions.

Mr. ELY. Did you make any identifying marks on them?

Mr. OWENS. No; they were his city issued—his own gun.

Mr. ELY. And do you recall whom you gave them to eventually?

Mr. OWENS. No; I believe it was Barton—I'm not sure. I couldn't say positively who I gave them to, to go put them in the property room. In fact, I don't even know whether I gave them to anybody. I might have taken them out to the Oak Cliff substation and put them in our property room—I don't know.

Mr. ELY. Now, you were back at the stage where somebody had given you the gun, and let's go on from there.

Mr. OWENS. Yes—we were informed by a man whom I do not know, that the suspect that shot Officer Tippitt had run across a vacant lot toward Jefferson, and thrown down his jacket, I think he said, white, I'm not sure. Not finding anybody that had seen him come out of that area, we blocked off that square block.

Mr. ELY. Can you tell us specifically what block you blocked off?

Mr. OWENS. I believe it was the 400 block of East Jefferson—the 400 or 500 block. It was this block bound by Jefferson, 10th, Patton, and Denver—I believe that was the area. Then we started searching the buildings and houses—there are some old two-story houses there used as businesses.

Mr. ELY. What was the nature of your search of these buildings? Did you just look through the halls?

Mr. OWENS. Well, I didn't go in. I was standing on the outside and the other officers were going in. I was covering off. Then, we heard over the radio that some officer, who by the number, I took to be a three-wheeler motorcycle officer had seen someone answering the description, go into the basement of the library, which is on the corner of Marsalis and Jefferson, which was about two blocks away. Quite a few of us left that area we were at and proceeded to the library, covered it off, and they brought out the one that they thought was the suspect, but he fit the general description, but he was not the one we were looking for. He was an employee of the library that heard the President had gotten shot and he had been to lunch and he was running over there to tell them that the President got shot.

Mr. ELY. In other words, someone saw this employee run into the library, and that's the reason you came in. He had just run into the library?

Mr. OWENS. That's the man that had run across Jefferson and run into the basement of the library, so I went back to the scene of the shooting of Officer Tippit and another call had come and some of my men yelled to me that they had a suspect in the Texas Theatre, and everyone left there, but nobody was left to help guard the scene except the crime lab man, so I remained at the scene, and everybody else went to the Texas Theatre.

Mr. ELY. Do you remember who the crime lab man was who was there?

Mr. OWENS. At the time I thought it was Captain Doughty [spelling] D-o-u-g-h-t-y. They finished up taking the pictures and I left the scene and went to Methodist Hospital where Officer Tippit had been taken, and I was taken back to the room where he was taken, and in just a brief examination of the body I saw where one bullet had entered his right chest about the pocket and went through a package of cigarettes. Another one hit him about the center of the chest and hit a button, and another one, I believe, was in his right temple, I'm not sure which temple it was, but those three wounds, I did see. I don't know whether he was shot any more or not. I remained at the hospital for quite a time, and then I went back to the Oak Cliff substation where I was assigned.

Mr. ELY. And because you were assigned to the Oak Cliff substation, you at no time during these 2 days or so went into the main police headquarters; is that correct?

Mr. OWENS. What, now?

Mr. ELY. You didn't go to the main police headquarters because you were assigned to the Oak Cliff substation?

Mr. OWENS. No; that's right.

Mr. ELY. Now, I show you a map which is labeled Putnam Deposition Exhibit No. 1. Could you tell us what sort of a map this is?

Mr. OWENS. It is what we call a district map of the various districts of the city of Dallas.

Mr. ELY. The various districts to which patrolmen are assigned, is that correct?

Mr. OWENS. It is what it was set up for. Now, there isn't a squad for each numbered district. Some squads have two or more numbers. I mean, the districts cover that.

Mr. ELY. And could you tell us to which district or districts on that map Officer Tippit was assigned on November 22, 1963?

Mr. OWENS. He was assigned to district 78. Now, I don't know whether we were short any squads that day or not, and if we were, he would be assigned to cover another district also. His call number would still be 78.

Mr. ELY. Would his call number be 78 even if he were outside the district?

Mr. OWENS. Oh, yes.

Mr. ELY. I show you now one of the radio logs which is designated "Sawyer Deposition Exhibit A." Am I correct in saying that at 12:54 p.m., according to this log, Officer Tippit reported by radio that he was then at the corner of Lancaster and Eighth?

Mr. OWENS. That's right.

Mr. ELY. Now, in which district on this map would the corner of Lancaster and Eighth fall?

Mr. OWENS. In district 109.

Mr. ELY. That would be district 109. In which district on the map was Officer Tippit shot?

Mr. OWENS. In district 91.

Mr. ELY. Now, we would like to have your opinion as to why Officer Tippit, who was assigned to district 78, would have been in district 109 at 12:54 p.m. and then later in district 91? In giving us your answer, please feel free to refer to both of these radio logs, which are Sawyer Deposition Exhibits A and B, and also draw upon your experience with the Dallas Police Department and the common procedure for reacting to an emergency.

Mr. OWENS. It says here on channel 1, this is Sawyer Deposition Exhibit B, "Attention all squads in the downtown area, code 3, to Elm and Houston with caution," and knowing that the President's parade was going to be down in that area and also at 12:44 this: "attention all squads, the suspect in the shooting, Elm and Houston, is reported to be an unknown white male, approximately 30, slender build, height, 5 feet 6 inches, weight, 165 pounds, reported to be armed with what is thought to be a .30 caliber rifle, no further description or information at this time;" and then it recites at 12:45 signal 19 involving the President—that was at 12:45—

Mr. ELY. And signal 19 means what?

Mr. OWENS. A shooting—anything of that magnitude in the shooting of the President is one of the greatest magnitudes, and any officer would proceed as near that location as possible to try to apprehend whoever had done it.

Mr. ELY. Well, would somebody in an outlying district head for Elm and Houston itself, or would he just come in closer?

Mr. OWENS. He would move in that direction, and when they had ordered all downtown squads to proceed to Elm and Houston, knowing that he was going to have to answer calls in the downtown area while they are there, and if you know that in all probability you may get called in, and—instead of the district you are in, you are going to head down there so it won't take you near as long, and also you can still be in the area if the suspect comes your way, you will have a better chance of apprehending him.

Mr. ELY. So, you think Tippit might have been filling in for the people whom he knew had been pulled in to Elm and Houston?

Mr. OWENS. That's what I think—not only filling in, but also looking for the suspect, because he heard about the shooting and the general description of the suspect, and not knowing which way he went, but he could have gone any way, then he is going to head downtown as soon as possible so if he sees someone answering that description, he can apprehend him.

Mr. ELY. You would say it would be normal procedure for an officer in district 78, which is located out in the outlying districts, to head downtown in any emergency?

Mr. OWENS. That's true.

Mr. ELY. Could you perhaps give us an explanation of why he headed over toward 109 and 91? That doesn't seem to be the most direct route.

Mr. OWENS. According to this map—it doesn't show all the things on there—it looks like you would have to zigzag quite a bit, but you wouldn't. You could go down Corinth Street and go across the viaduct, but that would get him down on Industrial, which would still be a lot of traffic to go through. He could go down Clarendon to Marsalis and go North Ewing and then get over to Lancaster, and that would give him a straight shoot to the Houston Street viaduct, which would take him right to Elm and Houston.

Mr. ELY. So that you think a path of going from 78 to 109 to 91 would be a more or less logical route for getting into the center of town?

Mr. OWENS. Yes; I do.

Mr. ELY. On the 22d of November, did you, yourself, have an area which you were patrolling?

Mr. OWENS. I was supervising all of the Oak Cliff area, and since I was acting lieutenant, and I made the assignments for that day, I was at the station at 4020 West Illinois at the time.

Mr. ELY. In which numbered area is that located?

Mr. OWENS. That would be on district 97, and no one sent me, but when I heard all of this—so many squads getting called to report there, then I went.

Mr. ELY. You headed toward the downtown area yourself?

Mr. OWENS. Yes; I went to Elm and Houston myself.

Mr. ELY. Even though you didn't have a specific order to go in there either?

Mr. OWENS. That's right—that's true.

Mr. ELY. Officer McDonald, who testified before the Commission, told us that he went to the corner of Elm and Houston, do you know which numbered area on this map he was assigned to?

Mr. OWENS. He was working district 95, which covers district 95 and 96.

Mr. ELY. Off the record.

(Discussion off the record between Counsel Ely and the witness Owens.)

Mr. OWENS. I don't know what district Officer J. L. Angel was working, but it was my understanding that he also went to Elm and Houston.

Mr. ELY. Well, he was working somewhere in the Oak Cliff area, was he?

Mr. OWENS. Yes; he was working in the Oak Cliff area under the same sergeant that Officer Tippit was working under, so he would be in the same general area which covers these districts in here.

Mr. ELY. That would be districts 82 and 85?

Mr. OWENS. No—81, 82, 85, 86, 87, or 76, 77, 78, or 79—that's that sergeant's district.

Mr. ELY. All right, thank you very much, sergeant.

Mr. OWENS. I don't know of anything else—as I say, I couldn't remember where they handed me the gun. I knew it was at the scene because my wife said she saw it on television and I had his gun, and when I asked her about it she said it wasn't the suspect's gun she knew because she has been a policeman's wife long enough to know I wouldn't be handling a gun like that if it was the suspect's.

Mr. ELY. All right, Sergeant, thank you very much.

Mr. OWENS. All right, thank you.

TESTIMONY OF WILLIAM ARTHUR SMITH

The testimony of William Arthur Smith was taken at 4:25 p.m., on April 2, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Mr. Smith, stand up and raise your right hand. Do you solemnly swear that the evidence you are about to give before the Commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SMITH. Yes, sir.

Mr. BALL. Sit down.

Mr. BALL. State your name, please.

Mr. SMITH. William Arthur Smith.

Mr. BALL. And where do you live?

Mr. SMITH. 328½ East Davis.

Mr. BALL. What is your age?

Mr. SMITH. Twenty.

Mr. BALL. You live with whom? Whom do you live with?

Mr. SMITH. My mother.

Mr. BALL. At this address?

Mr. SMITH. Yes, sir.

Mr. BALL. Tell me something about yourself, where you were born and where you went to school.

Mr. SMITH. I was born in Pine Bluff, Ark., and went to school Wason Chapel.

Mr. BALL. How far through school did you go?

Mr. SMITH. Three months into the 12th grade.

Mr. BALL. Three months into the 12th grade?
Mr. SMITH. Yes, sir.
Mr. BALL. What did you do after that?
Mr. SMITH. Been working ever since, most of the time.
Mr. BALL. What kind of work do you do? Have you done?
Mr. SMITH. Corrugated box.
Mr. BALL. Beg your pardon?
Mr. SMITH. Corrugated box.
Mr. BALL. That is where you are working now?
Mr. SMITH. No, sir; working at a metal shop.
Mr. BALL. Any metal shop?
Mr. SMITH. Yes.
Mr. BALL. Have you ever been in trouble with the police?
Mr. SMITH. Yes, sir.
Mr. BALL. What kind of trouble did you get in?
Mr. SMITH. Auto theft.
Mr. BALL. You're on probation now, aren't you?
Mr. SMITH. Two years.
Mr. BALL. Two years? Ever have any other trouble?
Mr. SMITH. Tickets.
Mr. BALL. Just tickets? Traffic tickets?
Mr. SMITH. Two right now.
Mr. BALL. You ever have any trouble as a juvenile?
Mr. SMITH. No, sir.
Mr. BALL. Now, on November 22, 1963, were you working any place?
Mr. SMITH. No, sir.
Mr. BALL. Didn't have a job?
Mr. SMITH. No, sir.
Mr. BALL. Where did you spend the day that day?
Mr. SMITH. 505 East 10th.
Mr. BALL. Why were you there?
Mr. SMITH. Visiting a friend.
Mr. BALL. What is his name?
Mr. SMITH. Jimmy Burt.
Mr. BALL. When did you go over there that day?
Mr. SMITH. In the morning. In the morning.
Mr. BALL. In the morning?
Mr. SMITH. Yes, sir.
Mr. BALL. What time did you leave there that day?
Mr. SMITH. In the evening.
Mr. BALL. So, you spent the whole day there?
Mr. SMITH. Yes.
Mr. BALL. Did something happen a little after 1 o'clock there that day that you noticed?
Mr. SMITH. Yes, sir; policeman got shot.
Mr. BALL. Now, at the time the policeman was shot, where were you?
Mr. SMITH. In the front yard, at 505 East 10th.
Mr. BALL. Who was with you?
Mr. SMITH. Jimmy Burt.
Mr. BALL. That was about how far from where the policeman got shot?
Mr. SMITH. One block.
Mr. BALL. That would be about a block east, wouldn't it?
Mr. SMITH. Yes, sir.
Mr. BALL. Policeman was shot in the 400 block?
Mr. SMITH. Yes, sir.
Mr. BALL. And you were in the 500 block?
Mr. SMITH. Yes, sir.
Mr. BALL. What called your attention to this incident?
Mr. SMITH. I heard some shots.
Mr. BALL. And what? You looked down that way?
Mr. SMITH. Yes, sir.
Mr. BALL. What did you see?

Mr. SMITH. Saw Oswald running and policeman falling.

Mr. BALL. Did you see his face, or just his back?

Mr. SMITH. Saw the side of him, the side and back of him when he was running.

Mr. BALL. Did you see him before he ran?

Mr. SMITH. Yes.

Mr. BALL. Saw the side of his face?

Mr. SMITH. Yes.

Mr. BALL. And he ran in what direction?

Mr. SMITH. West.

Mr. BALL. Did you follow him?

Mr. SMITH. No, sir.

Mr. BALL. Did you go down to where the policeman was shot?

Mr. SMITH. Yes.

Mr. BALL. What did you see?

Mr. SMITH. Saw the policeman lying on the ground. I mean on the street.

Mr. BALL. And did a crowd gather around there?

Mr. SMITH. Yes, sir.

Mr. BALL. How long did you stay there?

Mr. SMITH. About 45 minutes.

Mr. BALL. Did you give your name to the police?

Mr. SMITH. No, sir.

Mr. BALL. Why?

Mr. SMITH. Because I was on probation. I thought it might hurt my probation record.

Mr. BALL. All right; you did tell someone you had seen it, didn't you?

Mr. SMITH. Yes.

Mr. BALL. Who?

Mr. SMITH. This boy I ran around with.

Mr. BALL. What's his name?

Mr. SMITH. James Markham.

Mr. BALL. Is he the son of Helen Markham?

Mr. SMITH. Yes, sir.

Mr. BALL. Did you talk to her?

Mr. SMITH. No, sir; she talks to me.

Mr. BALL. Mrs. Markham talked to you?

Mr. SMITH. Yes.

Mr. BALL. And did you tell Mrs. Markham?

Mr. SMITH. I told her what I saw and that is the reason I am here, I a—

Mr. BALL. Did the police come out and see you?

Mr. SMITH. The FBI.

Mr. BALL. The FBI did? Did you tell them the same story you told me?

Mr. SMITH. Yes, sir.

Mr. BALL. Now, did you see Oswald on television?

Mr. SMITH. Yes, sir.

Mr. BALL. On the night of the shooting?

Mr. SMITH. Yes, sir.

Mr. BALL. Did it appear to you to be the same man you had seen?

Mr. SMITH. He had lighter hair than he did when I saw him.

Mr. BALL. Well, now, wait a minute. You mean the man you saw on television—

Mr. SMITH. Had lighter hair.

Mr. BALL. Mr. Smith—than the man you saw running away?

Mr. SMITH. Yes.

Mr. BALL. Is that right?

Mr. SMITH. Yes, sir.

Mr. BALL. What color hair did the man have that you saw running away?

Mr. SMITH. Brown, brownish-black. It was dark.

Mr. BALL. How did the hair appear on television?

Mr. SMITH. Looked blond.

Mr. BALL. Were you later shown a picture of Oswald?

Mr. SMITH. Yes, sir.

Mr. BALL. By whom?

Mr. SMITH. FBI agent.

Mr. BALL. What was the color of the hair in the picture?

Mr. SMITH. Brown.

Mr. BALL. What did you see? What did you tell the FBI agent about the appearance of the man in the picture?

Mr. SMITH. I said it looked more like him than it did on television.

Mr. BALL. And did you think when he showed you the picture that it looked anything like the man you had seen running away?

Mr. SMITH. What I saw of him; yes.

Mr. BALL. First time you ever saw this man was after you heard these shots?

Mr. SMITH. Yes, sir.

Mr. BALL. Is that right? You had never seen him walking?

Mr. SMITH. No.

Mr. BALL. You hadn't seen him walking in front of the house——

Mr. SMITH. No, sir.

Mr. BALL. Where you were standing?

Mr. SMITH. No, sir.

Mr. BALL. What kind of clothes did he have on when he shot the officer?

Mr. SMITH. He had on dark pants—just a minute. He had on dark pants and a sport coat of some kind. I can't really remember very well.

Mr. BALL. I will show you a coat——

Mr. SMITH. This looks like it.

Mr. BALL. This is Commission's Exhibit 162, a grey, zippered jacket. Have you ever seen this before?

Mr. SMITH. Yes, sir; that looks like what he had on. A jacket.

Mr. BALL. That is the jacket he had on?

Mr. SMITH. Yes.

Mr. BALL. Now, when the deposition is completed it will be written up and you will have a right to look it over and sign it, or if you want to you can waive your signature. They will accept your waiver and send it on to the Commission without it. Do you have any choice on that?

Mr. SMITH. I will sign it. It don't make any difference to me.

Mr. BALL. Would you just as leave waive your signature?

Mr. SMITH. Ever what that means.

Mr. BALL. That means you don't have to sign it.

Mr. SMITH. I will sign it.

Mr. BALL. Do you want to sign it?

Mr. SMITH. Yes; I will sign it.

Mr. BALL. Okay. Do you have a telephone number?

Mr. SMITH. No, sir.

Mr. BALL. Well, the young lady will notify you when you can come in and sign it.

I thank you very much.

TESTIMONY OF GEORGE JEFFERSON APPLIN, JR.

The testimony of George Jefferson Applin, Jr. was taken at 4:05 p.m., on April 2, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Will you stand up, Mr. Applin, and we—raise your right hand to be sworn, please.

Mr. APPLIN. Yes.

Mr. BALL. Do you solemnly swear that the testimony you are about to give for this Commission will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. APPLIN. I do.

Mr. BALL. Will you be seated, please, and state your name for the record.

Mr. APPLIN. George Jefferson Applin, Jr.
Mr. BALL. Where do you live?
Mr. APPLIN. 714 East Hull, Denison, Tex.
Mr. BALL. What is your occupation?
Mr. APPLIN. Well, my occupation, common laborer, but I am working for Phillips 66 there in Denison, service station.
Mr. BALL. You have come into Dallas from Denison, haven't you?
Mr. APPLIN. Yes, sir.
Mr. BALL. Well, that is about 68 miles?
Mr. APPLIN. Yes, sir.
Mr. BALL. And you are entitled to get compensation for your transportation?
Mr. APPLIN. Yes.
Mr. BALL. And we'll have your name and address in the record, and I will try to make arrangements for that information to take care of your expenses. You came in when? This morning?
Mr. APPLIN. No; it was about 15 minutes after 2 o'clock, when I came in here.
Mr. BALL. Came into Dallas?
Mr. APPLIN. Yes.
Mr. BALL. And——
Mr. APPLIN. No; I was here at 2 o'clock, but I had a flat and my car stalled on me about three or four blocks over.
Mr. BALL. And you intend to return home tonight, do you?
Mr. APPLIN. Yes, sir.
Mr. BALL. So, you won't have any hotel expense, will you?
Mr. APPLIN. No, sir.
Mr. BALL. Now, tell me something about yourself, where you were born and where you went to school, and how far in school, what you have done since then?
Mr. APPLIN. Well, I was born in Madona Hospital in Denison, and lived there pretty near all my life.
Mr. BALL. How old are you?
Mr. APPLIN. Twenty-two.
Mr. BALL. Did you go to school?
Mr. APPLIN. Yes, sir; I went to LaMar School and junior high.
Mr. BALL. And how far did you go? Finished junior high?
Mr. APPLIN. No, sir; I went to the eighth grade.
Mr. BALL. Have you been beyond the eighth grade?
Mr. APPLIN. No, sir.
Mr. BALL. What did you do after that?
Mr. APPLIN. Well, I helped my daddy some, and got odd jobs and stuff.
Mr. BALL. Live with your mother now?
Mr. APPLIN. Yes, sir; I do. I live with my parents.
Mr. BALL. Your mother and father?
Mr. APPLIN. Yes, sir.
Mr. BALL. You have been doing mostly common labor, have you?
Mr. APPLIN. Yes, sir; mostly common labor.
Mr. BALL. Ever been in trouble with the law of any sort?
Mr. APPLIN. Yes, sir; I have.
Mr. BALL. What kind of trouble?
Mr. APPLIN. Burglary.
Mr. BALL. When was that?
Mr. APPLIN. In 1963.
Mr. BALL. Did you do any time?
Mr. APPLIN. No, sir; I got a probated sentence for it.
Mr. BALL. That is the only trouble you have ever had?
Mr. APPLIN. Well, for—except for minor traffic violations.
Mr. BALL. Outside of that you haven't had any trouble?
Mr. APPLIN. No, sir.
Mr. BALL. Now, November 22, 1963, were you in Dallas?
Mr. APPLIN. Yes; I believe I was.
Mr. BALL. What were you doing here?
Mr. APPLIN. Well, I was working for the Rollform Corp.
Mr. BALL. How do you spell it?

Mr. APPLIN. Well, I have got one of their checks—check stubs here in my pocket, I believe. At least I think I have. Here it is [indicating].

Mr. BALL. What were you doing in Dallas?

Mr. APPLIN. Working.

Mr. BALL. Working here in Dallas?

Mr. APPLIN. Yes, sir.

Mr. BALL. What kind of work?

Mr. APPLIN. Well, I was working as, open-head crane operator, and painter and front-end loader.

Mr. BALL. Did you go to the picture show that afternoon?

Mr. APPLIN. Yes, sir; I did.

Mr. BALL. How did you happen to be off duty that day?

Mr. APPLIN. They was installing a new cutting press for the rollers, and they did not need me, so, they let me off for 2 days.

Mr. BALL. For 2 days?

Mr. APPLIN. For 2 days.

Mr. BALL. What did you do? Go to the picture show?

Mr. APPLIN. Yes, sir; I did.

Mr. BALL. What time of day did you go there?

Mr. APPLIN. Well, actually, I went to—I was over in Oak Cliff, around about, I guess, about 12 o'clock, I imagine is what time it was. I was there and the show hadn't opened up, so, I was sitting in my car listening to the radio up until the time that the show opened.

Mr. BALL. You went in the show when it opened?

Mr. APPLIN. Yes, sir.

Mr. BALL. Paid your way?

Mr. APPLIN. Yes, sir.

Mr. BALL. And where did you take your seat? What part of the theatre?

Mr. APPLIN. About six rows down, I got in the middle aisle, about the middle of the chairs.

Mr. BALL. Middle aisle, six rows from the rear?

Mr. APPLIN. Yes, sir.

Mr. BALL. And you were how far from the middle aisle into the row of seats?

Mr. APPLIN. Well, about—seemed quite a little while since I thought about this. I guess I was about four or five seats over from the aisle.

Mr. BALL. From the aisle. Now, did something happen there during that showing of that picture that you remember?

Mr. APPLIN. Well, I know this much, Audie Murphy introduced the picture.

Mr. BALL. Then some police officers came in there?

Mr. APPLIN. No, sir; the lights came on.

Mr. BALL. Then what do you remember happening?

Mr. APPLIN. I seen the officers come down the right-hand aisle.

Mr. BALL. From the rear, or from the front?

Mr. APPLIN. From the rear.

Mr. BALL. Come in from the screen side, or the place you enter?

Mr. APPLIN. Where you enter it.

Mr. BALL. From your rear?

Mr. APPLIN. Yes, sir; came in on the right-hand aisle over against the wall.

Mr. BALL. Did he have anything in his hands?

Mr. APPLIN. Yes; I believe he had a shotgun. Might have been a rifle.

Mr. BALL. What else did you see?

Mr. APPLIN. Well, when I seen him, I was wondering what was the matter and what about the lights.

Mr. BALL. You got up and ran up to the front?

Mr. APPLIN. Went to the front to find out what was happened—was happened—happening. As I was going up an officer passed me going down and I stopped to find out.

Mr. BALL. Did you ask him?

Mr. APPLIN. No, sir; he passed me before I got a chance to ask him.

Mr. BALL. What did he do?

Mr. APPLIN. Went to the front and turned around and started back up.

Mr. BALL. Started back up the aisle?
Mr. APPLIN. Yes, sir.
Mr. BALL. Towards you?
Mr. APPLIN. Yes, sir.
Mr. BALL. And what did you see him do?
Mr. APPLIN. Well, he stopped and asked two boys sitting down in the front, asked them to stand up and——
Mr. BALL. Did he search them?
Mr. APPLIN. Yes, sir; they shuffled them down.
Mr. BALL. Did he search you?
Mr. APPLIN. No, sir; they came on up to Oswald, where he was sitting.
Mr. BALL. Where was he sitting?
Mr. APPLIN. I—he was sitting, I guess, about 3 or 4 rows down.
Mr. BALL. You mean from the rear of the theatre?
Mr. APPLIN. From the rear.
Mr. BALL. And how far over from the aisle?
Mr. APPLIN. I guess that would be about three seats. They was sitting about two or three seats.
Mr. BALL. What did you see him do?
Mr. APPLIN. He—started off, the officer said, “Will you stand up, please?” And he stood up.
Mr. BALL. How close were you to the officer and this man when you heard the officer say, “Stand up”?
Mr. APPLIN. I guess it was about—it was not over four seats down from the back, rear.
Mr. BALL. Were you at the rear?
Mr. APPLIN. Yes, sir; I was at the rear of the show.
Mr. BALL. You were at the rear of the show?
Mr. APPLIN. Yes, sir; well, there was a partition here. A partition here [indicating], and there was about, oh, I guess about four rows down from me.
Mr. BALL. All right. In other words, the officer hadn't reached you yet, when he asked Oswald to stand up?
Mr. APPLIN. No, sir.
Mr. BALL. You stood up and went toward the rear of the theatre, did you?
Mr. APPLIN. Yes.
Mr. BALL. And going to ask the officer what was going on?
Mr. APPLIN. Yes, sir.
Mr. BALL. Then, you were about four rows away from where Oswald was——
Mr. APPLIN. Apprehended.
Mr. BALL. And did you hear the officer, what he said?
Mr. APPLIN. Yes, sir; heard mainly what both of them said.
Mr. BALL. What did the officer say?
Mr. APPLIN. The officer said, “Will you stand up, please.”
Mr. BALL. What did the man say?
Mr. APPLIN. Well, he just stood up.
Mr. BALL. Did he say anything?
Mr. APPLIN. No, sir; I didn't hear him say anything at that time.
Mr. BALL. And what happened then?
Mr. APPLIN. Well, when he stood up, the officer stepped over to search him down. The officer, Oswald, or the man, took a swing at him. When he did, the officer grabbed him.
Mr. BALL. Took a swing at him with his fist?
Mr. APPLIN. Yes, sir; he did.
Mr. BALL. With his left or right?
Mr. APPLIN. Right fist.
Mr. BALL. Took a swing at him and what happened then?
Mr. APPLIN. Well, the officer, I heard him say, “Here he is.” And during the proceeding of that, I guess about 5 or 10 seconds later, there was another—I think it was two officers, or one, passed me and ran down there to him.
Mr. BALL. Did you see a gun?
Mr. APPLIN. Well, the gun didn't come into view until after about four or five officers were there.

Mr. BALL. Then did you see a gun?

Mr. APPLIN. Yes, sir; but only—there was one gun. The pistol. It came into view before any of the other officers got there.

Mr. BALL. That is what I mean. What do you say happened about that? Who pulled a gun?

Mr. APPLIN. Well, anyhow, the officer was facing this way [indicating] and Oswald was facing this way [indicating]. And then the gun was pointed out that way [indicating].

Mr. BALL. Wait a minute. I can't follow you when you say it was "this way," and "this way," sir. You told me that this officer asked Oswald to stand up?

Mr. APPLIN. Yes, sir.

Mr. BALL. Did he stand up?

Mr. APPLIN. Yes, sir; he did.

Mr. BALL. Then did he put his hand some place on Oswald?

Mr. APPLIN. Yes, sir; along about—

Mr. BALL. Where?

Mr. APPLIN. I guess about his hips.

Mr. BALL. Then what did Oswald do?

Mr. APPLIN. He took a right-hand swing at him.

Mr. BALL. What did the officer do?

Mr. APPLIN. The officer grabbed him then.

Mr. BALL. Had you seen the pistol up to that time?

Mr. APPLIN. No, sir; there was not one in view then.

Mr. BALL. How soon after that did you see the pistol?

Mr. APPLIN. I guess it was about—I guess it was about 2 or 3 seconds.

Mr. BALL. Who pulled the pistol?

Mr. APPLIN. I guess it was Oswald, because—for one reason, that he had on a short sleeve shirt, and I seen a man's arm that was connected to the gun.

Mr. BALL. What did the officer do?

Mr. APPLIN. Well, the officer was scuffling with him there, and—

Mr. BALL. Did you hear anything?

Mr. APPLIN. Well, about the only thing I heard was the snap of the gun and the officer saying, "Here he is."

Mr. BALL. You heard the snap of a gun?

Mr. APPLIN. Yes, sir.

Mr. BALL. Are you familiar with guns?

Mr. APPLIN. Well, yes, sir; I am familiar with a few guns.

Mr. BALL. Pistols? Have you ever shot a pistol?

Mr. APPLIN. Yes, sir; I have shot my daddy's nine-shot .22 pistol.

Mr. BALL. Sounded like a hammer of a pistol falling?

Mr. APPLIN. Yes, sir.

Mr. BALL. Then what happened after that? You say several officers came down?

Mr. APPLIN. Yes, sir; they started wrestling and scuffling with him.

Mr. BALL. How many of them?

Mr. APPLIN. Well, there was about five officers, I believe.

Mr. BALL. Did you see any officers strike him?

Mr. APPLIN. I seen one strike him with a shotgun.

Mr. BALL. How did he do it?

Mr. APPLIN. He grabbed the muzzle of the gun and drewed it back and swung and hit him in the back.

Mr. BALL. With what?

Mr. APPLIN. With the butt end of the gun.

Mr. BALL. Looked like a hard blow?

Mr. APPLIN. Yes, sir; it—I guess it was. You could—yes, sir.

Mr. BALL. And he struck Oswald where?

Mr. APPLIN. In the back.

Mr. BALL. What part of the back?

Mr. APPLIN. Well, somewheres along in the middle of the back, somewheres.

Mr. BALL. With the butt end of a shotgun?

Mr. APPLIN. Yes, sir.

Mr. BALL. Did you see the officer strike Oswald with his fist?

Mr. APPLIN. No, sir; I do not believe so.

Mr. BALL. Now, how many officers were struggling with Oswald when you saw the officer strike him with the butt end of the shotgun?

Mr. APPLIN. I believe about four.

Mr. BALL. Did you ever see them handcuff Oswald?

Mr. APPLIN. Uhuh?

Mr. BALL. Did you see them handcuff the man?

Mr. APPLIN. No, sir; I didn't actually see the handcuffing.

Mr. BALL. What did you see them do after the struggle?

Mr. APPLIN. Well, they were scuffling, and they were over to the middle, about the far side of the aisle, and come up the other side of the aisle.

Mr. BALL. With the man?

Mr. APPLIN. Yes, sir.

Mr. BALL. And then when they went out, did they come out through the doors?

Mr. APPLIN. Yes, sir; they came up through and one of the officers hollered out, "Don't let nobody see him," and they came in right behind me.

Mr. BALL. In behind you?

Mr. APPLIN. Yes, sir.

Mr. BALL. And went on out?

Mr. APPLIN. Yes, sir.

Mr. BALL. And did you go out and follow them out?

Mr. APPLIN. No, sir; I went out to the candy counter out there and the officer said, if there's anybody in there that seen it—and asked—there was about two or three, the candyman himself, and said—that one boy said that he seen him, through the front—I mean out from behind the picture where it came out—supposed to come out behind the picture.

Mr. BALL. Did you give them your name there?

Mr. APPLIN. He asked my name and address and where I was staying at the time.

Mr. BALL. Later did you go down to the police station and make a statement?

Mr. APPLIN. Yes, sir; I did.

Mr. BALL. When?

Mr. APPLIN. Well, it was after—I guess after they got everybody's name. I rode down with three officers.

Mr. BALL. That same day, did you?

Mr. APPLIN. Yes, sir.

Mr. BALL. You didn't go back to the picture show?

Mr. APPLIN. Yes, sir; I did. There was a patrolman that carried me back out and I was going to see the rest of it, but I never did get back in time to.

Mr. BALL. You didn't get to see the show?

Mr. APPLIN. Well, I seen part of it, but I didn't get to see all of it.

Mr. BALL. Did you ever see the man they arrested at the theatre?

Mr. APPLIN. No, sir; I didn't see him after that.

Mr. BALL. Now, I have talked to you a little while before we took your deposition, didn't I?

Mr. APPLIN. I wasn't actually; no, sir.

Mr. BALL. Well, I mean, you and I came up—

Mr. APPLIN. Oh, yes, sir.

Mr. BALL. And we sat and talked a few minutes?

Mr. APPLIN. Yes, sir; we did.

Mr. BALL. And you have told us everything that you told me before—

Mr. APPLIN. This was taken here?

Mr. BALL. Before it was taken.

Mr. APPLIN. Yes; I believe I did.

Mr. BALL. This will be written up, and you will have a chance to read it and sign it. You can waive your signature and we'll forward it to the Commission just as you have said it here in the way this young lady has written it up. Does it make any difference to you now?

Mr. APPLIN. No, sir; it don't make any difference. Anyway you do it.

Mr. BALL. You are waiving your signature then, are you?

Mr. APPLIN. Well, I will sign it if you want me to.

Mr. BALL. You don't have to if you don't want to. In other words, but you may if you want to.

Mr. APPLIN. I can sign it. If I sign it then you won't have any trouble with it, will you?

Mr. BALL. Well, no.

Mr. APPLIN. Well, then, I will sign it for you then.

Mr. BALL. Okay, fine, that is all, Mr. Applin.

Mr. APPLIN. But, there is one thing puzzling me.

Mr. BALL. What is that?

Mr. APPLIN. And I don't even know if it has any bearing on the case, but there was one guy sitting in the back row right there where I was standing at, and I said to him, I said, "Buddy, you'd better move. There is a gun." And he says—just sat there. He was just back like this. Just like this. Just watching.

Mr. BALL. Just watching the show?

Mr. APPLIN. No; I don't think he could have seen the show. Just sitting just like this, just looking at me.

Mr. BALL. Did you know the man?

Mr. APPLIN. No; I didn't.

Mr. BALL. Ever seen him since?

Mr. APPLIN. No, sir; didn't. I tapped him on the shoulder and said, "Buddy, you'd better move," and—

Mr. BALL. Were you scared?

Mr. APPLIN. Well, when I seen the gun I was.

Mr. BALL. Did you tell the police officer about this man?

Mr. APPLIN. No, sir; at the time, I didn't think about it, but I did tell—I didn't even think about it when I went before the Secret Service man, but I did tell one of the FBI men about it.

Mr. BALL. Okay. I guess that is all, Mr. Applin. Thank you very much.

Mr. APPLIN. All right.

TESTIMONY OF RAY HAWKINS

The testimony of Ray Hawkins was taken at 9:50 a.m., on April 3, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Will you raise your hand and take the oath, please?

Do you solemnly swear that 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. HAWKINS. I do.

Mr. BALL. Will you state your name, please?

Mr. HAWKINS. Ray Hawkins.

Mr. BALL. And your address, where do you live now?

Mr. HAWKINS. 7319 Cortland as of today. I am moving today.

Mr. BALL. What is your business or occupation?

Mr. HAWKINS. I am with the Dallas Police Department. I am an accident investigator.

Mr. BALL. How long have you been with the Dallas Police Department?

Mr. HAWKINS. It will be 11 years in June.

Mr. BALL. Tell me something about yourself—where you were born and your education and what you have done?

Mr. HAWKINS. I was born in Dallas at Parkland Hospital. I attended the Dallas schools except for 2 years when I lived in Denison and I served 3 years and 4 months in the Coast Guard. I worked at the post office after getting out of the service and then I worked for Dallas Power & Light before coming to the police department some 11 years ago. I have been in the traffic division 8

years last month, which my primary duty is accident investigation. Before this time I served about 3 years in the radio patrol division.

Mr. BALL. On November 22, 1963, you were on duty, were you?

Mr. HAWKINS. Yes, sir; I was.

Mr. BALL. What were your hours of duty?

Mr. HAWKINS. I was working the 7 a.m. to 3 p.m. shift that day.

Mr. BALL. And were you assigned some special duty because of the presence of the President in the city?

Mr. HAWKINS. No, sir; on this day I was working accidents, which is my regular duty. I was working with an officer by the name of Elmer Baggett who had just transferred back into accident and I was giving him a refresher course in the regular duties of accident investigation.

Mr. BALL. Do you work in uniform?

Mr. HAWKINS. Yes, sir; I do.

Mr. BALL. In the regular patrolman's uniform?

Mr. HAWKINS. Yes.

Mr. BALL. Of the Dallas Police Department?

Mr. HAWKINS. Yes—the regular patrolman uniform.

Mr. BALL. You drive an automobile?

Mr. HAWKINS. Yes; I do.

Mr. BALL. Is it a marked police car?

Mr. HAWKINS. Yes—it is the blue and white marked police car.

Mr. BALL. And where were you around 1 o'clock?

Mr. HAWKINS. I'm not sure on the time—around it—if it was about the time of the assassination—I was—we were on an accident in the 2500 block of North Industrial, or in that vicinity, the first I had heard anything about this accident.

Mr. BALL. You and your partner?

Mr. HAWKINS. Yes.

Mr. BALL. And did you hear the President had been killed?

Mr. HAWKINS. Yes, I did.

Mr. BALL. Now, did you later hear that Officer Tippit had been killed?

Mr. HAWKINS. Yes, sir; I did.

Mr. BALL. Did you make a note of the time, or do you have any memory of the approximate time that you heard that report?

Mr. HAWKINS. I would say in the vicinity of around 1 p.m.—I'm not sure what time it was, because I didn't make any notes. As I said, we were on an accident at the time—I cleared from the call about the time we heard this information.

Mr. BALL. And you got that information over the police radio?

Mr. HAWKINS. Yes, sir; I did.

Mr. BALL. Tell me, did you receive any instructions as to what to do?

Mr. HAWKINS. No, sir; I did not. They called—I heard a citizen come in on the radio and state that an officer had been shot and it looked like he was dead. We had just finished the accident at this time and I was driving an officer, Baggett, and I proceeded to Oak Cliff to the general vicinity of the call after checking out with the dispatcher, stating that we were proceeding in that direction.

We arrived in Oak Cliff and there were several squads in the general vicinity of where the shooting had occurred—different stories had come out that the person was—the suspect had been seen in the immediate vicinity.

Mr. BALL. Did you go to 10th and Patton?

Mr. HAWKINS. We drove by 10th and Patton—we didn't stop at the location.

Mr. BALL. Where did you go then?

Mr. HAWKINS. We circled the vicinity around Jefferson and Marsalis and in that area, talking to several people on the street, asking if they had seen anyone running up the alley or running down the street, and then they received a call, or I believe Officer Walker put out a call that he had just seen a white man running to the Oak Cliff Library, at which time we proceeded to this location. Officer Hutson had gotten into the car with us when we arrived in Oak Cliff, and there were three of us in the squad car—Officer Baggett, Officer Hutson, and myself.

Mr. BALL. Hutson is also a patrolman?

Mr. HAWKINS. Yes, sir.

Mr. BALL. A uniformed patrolman?

Mr. HAWKINS. Yes, sir; he is a three-wheel officer. We went to the library and this turned out to be an employee of the library who had heard of the news and was apparently running in the library to tell the other employees there.

We then, after this checked out, we then continued circling in the area around 10th and Patton and Marsalis and Jefferson.

We then heard on the police radio that a suspicious person was at the Texas Theatre, and at this time we proceeded to the theatre.

Mr. BALL. Where did you park?

Mr. HAWKINS. I parked my squad car in the alley at the rear of the theatre.

Mr. BALL. Then, what did you do?

Mr. HAWKINS. Officer—I believe Officer McDonald was at the back door at the time and Officer Hutson and Captain Westbrook and Officer Walker and myself went in the rear door, all went to the rear door, and at this time we saw a white male there and began talking to him and he identified himself as being the manager of a shoe store next door and that he was the person who had noted the suspicious acting on the suspect, and he at that time was brought into the rear of the theatre and on the stage and he pointed the person out sitting about three or four rows from the back of the theatre on the right hand or the south side.

Mr. BALL. That would be near the right aisle as you face the screen?

Mr. HAWKINS. Yes, sir; near the right aisle as you face the screen about four rows from the rear of the theatre.

Mr. BALL. And how many seats over from the right aisle?

Mr. HAWKINS. I would say probably three or four—I don't remember exactly.

Mr. BALL. Now, at that time you were standing behind the screen, were you?

Mr. HAWKINS. No; we had walked out onto the stage itself and could see the people sitting in the show—the house lights had been turned on—the show was still going on, but we did walk out onto the stage.

Mr. BALL. And did you later learn that the man's name was Brewer?

Mr. HAWKINS. The man whom I had been talking to?

Mr. BALL. Yes; the shoe salesman.

Mr. HAWKINS. I don't remember what his name is, but I think he did identify himself and we did have his name.

Mr. BALL. Were you armed?

Mr. HAWKINS. Yes, sir; I was.

Mr. BALL. With what?

Mr. HAWKINS. I had my Service .38 revolver.

Mr. BALL. Did you have it out or was it in your holster?

Mr. HAWKINS. I believe I had it out.

Mr. BALL. What did you do with it?

Mr. HAWKINS. At that time, after he pointed out the person, Officer McDonald had started up the left aisle and he stopped and talked to two boys who were sitting about three rows in front of where Oswald was sitting. I continued up the north aisle or the left aisle as you would walk toward the screen, and then Officer McDonald had walked on back to this person who was seated back there.

Mr. BALL. He was—he walked over to the right aisle, did he?

Mr. HAWKINS. He walked from the right aisle and came in from the person's right. I was about three rows from—still in the same aisle, on the left aisle and about three rows from McDonald and Oswald when I heard him say, "I've got him," or "This is it," or some words to that effect.

Mr. BALL. Did you hear Oswald say anything?

Mr. HAWKINS. Not at that time; no, sir; I did not.

Mr. BALL. What happened then?

Mr. HAWKINS. They had a scuffle and I immediately ran to the location. Officer Hutson had come in the aisle behind Oswald and McDonald and Officer Walker had come in on the left-hand side and I came up in the front. I grabbed his left hand and then immediately took my handcuffs out and put them on his left hand and we brought his right arm around as soon as the gun had been removed and handcuffed his right arm with both hands behind his back.

Mr. BALL. Now, did you see Oswald strike Officer McDonald?

Mr. HAWKINS. Yes, sir; I did.

Mr. BALL. With what—with his fist?

Mr. HAWKINS. It appeared he struck him with his fist.

Mr. BALL. Which one?

Mr. HAWKINS. Right fist.

Mr. BALL. What was Officer McDonald doing at that time?

Mr. HAWKINS. I remember seeing him standing beside Oswald, and when I arrived where they were, both of them were down in the seat—Oswald and McDonald had both fallen down into the seat, and very shortly after I got there, a gun was pulled, came out of Oswald's belt and was pulled across to their right, or toward the south aisle of the theatre.

Officer McDonald grabbed the pistol, and the best I can remember, Sergeant Hill, who had gotten there, said, "I've got the gun," and he took the gun and we handcuffed Oswald.

Mr. BALL. Did you hear any snap of the hammer?

Mr. HAWKINS. I heard something that I thought was a snap. I didn't know whether it was a snap of a pistol—I later learned that they were sure it was. I didn't know whether it was a snap of the gun or whether it was in the seats someone making the noise.

Mr. BALL. There was some noise you heard?

Mr. HAWKINS. Yes, sir; there was.

Mr. BALL. You couldn't identify it?

Mr. HAWKINS. No, sir; I don't think so—I don't think I could say for sure.

Mr. BALL. Did you see anybody strike Oswald with his fist?

Mr. HAWKINS. No, sir; I didn't see anyone strike him. They had, as I said, they had gotten back into the seat and Officer Hutson had grabbed Oswald from behind and Officer Walker had him by the left arm and the gun went across and McDonald had grabbed him by the right hand and Sergeant Hill grabbed the gun and at this time I handcuffed his left hand. There were several officers shortly after that arrived at the scene.

Mr. BALL. Did you see any officer there with a shotgun?

Mr. HAWKINS. I don't recall any officers. I know I had seen some officers with a shotgun, but I don't recall whether any officer had one, but it is possible that they did have.

Mr. BALL. The men who were struggling with Oswald were first, McDonald, and you—

Mr. HAWKINS. Yes, sir.

Mr. BALL. And who was the other man?

Mr. HAWKINS. Now, Officer Hutson had gotten behind Oswald prior to the time I got there and then also Walker was on the left-hand side—on the left hand.

Mr. BALL. Oswald's left?

Mr. HAWKINS. Oswald's left.

Mr. BALL. And who was on the right?

Mr. HAWKINS. McDonald.

Mr. BALL. And what about Bob Carroll, did he come in there too?

Mr. HAWKINS. Well, I'm sure Bob was in there. I couldn't say where he was exactly or—I do remember Sergeant Hill being there, and I believe he said, "I've got the gun." I think I read an account of where Bob Carroll may have had the gun, but I was under the impression it was Sergeant Hill. I'm sure Bob was there, but I don't know exactly—it was all happening pretty fast.

Mr. BALL. Did any one of these men you have described around Oswald have a shotgun?

Mr. HAWKINS. I don't believe any of them—at the time that they were standing directly around Oswald, had a shotgun—I may be mistaken.

Mr. BALL. A witness testified yesterday that while they were struggling with Oswald, a police officer took a gun and took it by the muzzle and struck Oswald in the back with the rifle butt; did you see anything like that?

Mr. HAWKINS. No; I did not. I couldn't say that it did not happen. I didn't see from the back, but I do know that Officer Hutson was standing behind him and had grabbed him around the neck and I'm sure that he did not have a gun.

Mr. BALL. Hutson did not have a shotgun?

Mr. HAWKINS. No, sir; he did not.

Mr. BALL. Did Oswald say anything during this struggle?

Mr. HAWKINS. I don't recall anything he said during the struggle—I do recall some remarks that he made about—that he had certain rights and that he would see “about this police brutality” or some remark he made about—that he had rights and he wasn't being handled right or something of this nature.

Mr. BALL. Did you see anybody strike Oswald during the struggle except in the grabbing and holding of him—I know you grabbed him and held him, but did you see anybody strike him a blow?

Mr. HAWKINS. No, sir; I did not see anyone strike him a blow.

Mr. BALL. Afterwards, did you notice any marks on Oswald's face?

Mr. HAWKINS. I did notice, not at that time, but I did notice, however, after I saw him on television that he had a bruise on the right side of his face.

Mr. BALL. Did you see that bruise there at the theatre?

Mr. HAWKINS. Not at the theatre; no, sir.

Mr. BALL. Were you with the group of officers that took him from the theatre?

Mr. HAWKINS. I was walking with the group—I was not immediately beside Oswald. At this time, I believe, Officer Walker and possibly Officer Lyons and Paul Bentley and I don't remember, but I believe those three were one of the three and maybe Sergeant Hill. We handcuffed him and after we had handcuffed him we walked him out to the left and immediately to the car in front. They put him in the car—I was standing beside the car and then I worked traffic for them to get out.

Mr. BALL. As he was going out of the theatre, was he shouting or yelling?

Mr. HAWKINS. Was he?

Mr. BALL. Yes.

Mr. HAWKINS. I don't remember him saying anything except this about that he had certain rights and the police brutality.

Mr. BALL. Did he say that as he was leaving the theatre, or did he say that in the theatre?

Mr. HAWKINS. It seemed like we were still in the theatre. After we got outside, I couldn't hear him say anything. There was a large crowd out front and they all started yelling when we came out the front door.

Mr. BALL. A witness testified yesterday that as the police brought Oswald from the theatre to the car, that two men were standing beside him, were walking beside him, and that another officer had his arm around his neck and under his chin so as to close his mouth—did you see anything like that?

Mr. HAWKINS. I don't remember seeing this. I walked out—the best I can remember—I was behind the group and there were at least three officers, I am sure, directly around him and maybe more, but I was behind him and walked up behind him—I don't recall anyone having him around the neck at that time.

Mr. BALL. Did you do any more work on the investigation of the assassination of the President or the killing of Tippit?

Mr. HAWKINS. No, sir; the only thing I did following this—we went to the personnel bureau and made a statement, or wrote a report on the arrest, and that was the last thing I had done.

Mr. BALL. Did you see the pistol at the personnel bureau?

Mr. HAWKINS. Yes, sir; I did.

Mr. BALL. Did you see McDonald mark it?

Mr. HAWKINS. Did I see McDonald mark it?

Mr. BALL. Yes.

Mr. HAWKINS. Yes, sir; McDonald, and I believe Sergeant Hill marked it or possibly Bob Carroll. There were, I believe, two people who marked it.

Mr. BALL. Did you see anybody unload the gun?

Mr. HAWKINS. No, sir; not unload it. I believe the gun was unloaded whenever I got there, but they put Oswald in the car and three or four men rode with him and then Officer Baggett and I came back to the station and it was probably 30 to 45 minutes after they got there that we arrived at the station.

Mr. BALL. Did you see the bullets?

Mr. HAWKINS. I saw the bullets—yes, sir.

Mr. BALL. Did you ever examine them closely?
Mr. HAWKINS. I looked at them and one of them appeared to have a small indentation where it looked like it might have been struck and did not fire.
Mr. BALL. I think that's all, officer.
Now, this will be written up and you can read it and sign it, or you can waive signature—just as you wish—which do you prefer?
Mr. HAWKINS. I would just as soon sign it.
Mr. BALL. All right, we will have you sign it.
Mr. HAWKINS. All right.
Mr. BALL. Thank you very much.
Mr. HAWKINS. Will you notify me when you want me to sign it?
Mr. BALL. We will give you a telephone call.
Mr. HAWKINS. You will give me a telephone call?
Mr. BALL. Yes, sir.
Mr. HAWKINS. All right.
Mr. BALL. Thank you very much.

TESTIMONY OF L. D. MONTGOMERY

The testimony of L. D. Montgomery was taken at 4:50 p.m., on April 6, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Messrs. Joseph A. Ball, John Hart Ely, and Samuel A. Stern, assistant counsel of the President's Commission. Dr. Alfred Goldberg, historian, was present.

Mr. BALL. Will you stand up and be sworn?

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

Mr. MONTGOMERY. I do.

Mr. BALL. Be seated and state your name, please.

Mr. MONTGOMERY. L. D. Montgomery.

Mr. BALL. And what is your occupation?

Mr. MONTGOMERY. Police officer.

Mr. BALL. You are called before the Commission to give such information as you have as to the assassination of President Kennedy, and you have been advised by your superiors, have you, that we have requested your presence here?

Mr. MONTGOMERY. I have been over here twice now already.

Mr. BALL. You have been here before?

Mr. MONTGOMERY. Yes; I gave one deposition on this.

Mr. BALL. And that had to do with what subject?

Mr. MONTGOMERY. Well, they covered about all of it, really.

Mr. BALL. Have you already testified as to the search of this Texas State Book Depository?

Mr. MONTGOMERY. Well, sir; some of that was in there—yes, sir. Mr. Griffin took it.

Mr. BALL. Did he ask you about the time you went down to the sixth floor of the Texas State Book Depository?

Mr. MONTGOMERY. Yes; I discussed all that, but I don't believe it's in that deposition; now, I don't believe it was in the typed deposition.

Mr. BALL. I had better ask you the questions now.

How long have you been on the police force?

Mr. MONTGOMERY. I have been on down there 9 years.

Mr. BALL. What is your job?

Mr. MONTGOMERY. Detective in the homicide bureau.

Mr. BALL. On November 22, 1963, were you on duty?

Mr. MONTGOMERY. Yes, sir.

Mr. BALL. What time did you go to work that day?

Mr. MONTGOMERY. Let me see, that morning I was working 8 to 4.

Mr. BALL. And to what work were you assigned?

Mr. MONTGOMERY. Well, that particular morning at that time we was trying to round up some hijackers.

Mr. BALL. Were you sent down to the Texas State Book Depository?

Mr. MONTGOMERY. Yes, sir; I was.

Mr. BALL. What time did you get there?

Mr. MONTGOMERY. I got there, I guess—it was about 12:40 or 12:45.

Mr. BALL. And what did you do when you got there?

Mr. MONTGOMERY. I reported to the sixth floor there.

Mr. BALL. Did you take part in the search of the sixth floor?

Mr. MONTGOMERY. Well, first I reported to Captain Fritz, my partner and I, and he assigned us to this position over there where the boxes were.

Mr. BALL. Where was that?

Mr. MONTGOMERY. It would be what—the southeast corner of the building—over there from where the shooting took place.

Mr. BALL. Well, was that before the cartridges had been found or afterwards?

Mr. MONTGOMERY. No, sir; they had been found when we got there.

Mr. BALL. When you got there they had been found already?

Mr. MONTGOMERY. Yes, sir.

Mr. BALL. What about the rifle, had it been found?

Mr. MONTGOMERY. No, sir; it hadn't.

Mr. BALL. The rifle was found after you got there?

Mr. MONTGOMERY. Yes.

Mr. BALL. Did you see anything else over in the southeast corner of that sixth floor?

Mr. MONTGOMERY. Well, sir, as I say, there was a lot of boxes and there was a sack and there was this piece of chicken.

Mr. BALL. Was there a piece of chicken over there?

Mr. MONTGOMERY. Yes, sir—there was chicken bones and what not—it looked like somebody had been eating chicken there.

Mr. BALL. Where was that?

Mr. MONTGOMERY. It was right there with the boxes—right there on the floor.

Mr. BALL. On the floor?

Mr. MONTGOMERY. Yes, sir.

Mr. BALL. All right.

Mr. MONTGOMERY. Well, let me see, there was one piece of chicken on a box and there was a piece on the floor—just kind of scattered around right there.

Mr. BALL. Where was the paper sack?

Mr. MONTGOMERY. Let's see—the paper sack—I don't recall for sure if it was on the floor or on the box, but I know it was just there—one of those pictures might show exactly where it was.

Mr. BALL. I don't have a picture of the paper sack.

Mr. MONTGOMERY. You don't? Well, it was there—I can't recall for sure if it was on one of the boxes or on the floor there.

Mr. BALL. It was over in what corner?

Mr. MONTGOMERY. It would be the southeast corner of the building there where the shooting was.

Mr. BALL. Did you turn the sack over to anybody or did you pick it up?

Mr. MONTGOMERY. Yes—let's see—Lieutenant Day and Detective Studebaker came up and took pictures and everything, and then we took a Dr. Pepper bottle and that sack that we found that looked like the rifle was wrapped up in.

Mr. BALL. Now, where was the Dr. Pepper bottle?

Mr. MONTGOMERY. It was over a little more to the west of that window.

Mr. BALL. There was a sack of chicken bones with that—near that Dr. Pepper bottle?

Mr. MONTGOMERY. No; the Dr. Pepper bottle, the best I can recall, was sitting over there by itself.

Mr. BALL. Where was the sack with the chicken in it?

Mr. MONTGOMERY. It was right around where the boxes were—where the hulls there were.

Mr. BALL. The picture was taken of the sack by Mr. Studebaker, and he said it was the third set of windows near the little two-wheel truck?

Mr. MONTGOMERY. Over there by the Dr. Pepper bottle.

Mr. BALL. Correct.

Mr. MONTGOMERY. I was thinking it was right there—it was probably that other sack I'm thinking about—the one we found on the floor there that was used.

Mr. BALL. Here are two pictures, which are Exhibits H and I in the Studebaker depositions, which show the paper sack and the Dr. Pepper bottle and a two-wheel truck, and that is in Exhibit H, and Exhibit I shows the Dr. Pepper bottle and a two-wheel truck.

Mr. MONTGOMERY. Is this the sack right here, now?

Mr. BALL. That's right—do you remember that?

Mr. MONTGOMERY. I don't remember the sack being right there—I remember it was there somewhere, but exactly—I don't.

Mr. BALL. Evidently you don't know?

Mr. MONTGOMERY. No, sir.

Mr. BALL. Now, was there some more chicken some place there also?

Mr. MONTGOMERY. Yes—there would be some more chicken over here around where the hulls were found.

Mr. BALL. Now, I will show you a picture of—

Mr. MONTGOMERY. I know there was one piece laying up on top of the box there.

Mr. BALL. I show you a picture which is Exhibit J, which shows some boxes in the picture that's in the southeast corner there.

Mr. MONTGOMERY. Yes, sir.

Mr. BALL. Can you tell me where the chicken was?

Mr. MONTGOMERY. I believe it was right up on these boxes right along in there. There's some boxes coming along in there.

Mr. BALL. Coming along in there—you mean it's outside of the view of the pictures?

Mr. MONTGOMERY. Yes, sir; right along in here.

Mr. BALL. And that would be to the north, of that point?

Mr. MONTGOMERY. Yes, sir.

Mr. BALL. And what did you see on top of those boxes?

Mr. MONTGOMERY. There was one piece of chicken there.

Mr. BALL. Partially eaten?

Mr. MONTGOMERY. Yes; I believe it was partially eaten—on that picture right there—I was just looking at.

Mr. BALL. That's Exhibit J.

Mr. MONTGOMERY. Right over here is where we found that long piece of paper that looked like a sack, that the rifle had been in.

Mr. BALL. Does that have a number—that area—where you found that long piece of paper?

Mr. MONTGOMERY. It's No. 2 right here.

Mr. BALL. You found the sack in the area marked 2 on Exhibit J to the Studebaker deposition. Did you pick the sack up?

Mr. MONTGOMERY. Which sack are we talking about now?

Mr. BALL. The paper sack?

Mr. MONTGOMERY. The small one or the larger one?

Mr. BALL. The larger one you mentioned that was in position 2.

Mr. MONTGOMERY. Yes.

Mr. BALL. You picked it up?

Mr. MONTGOMERY. Wait just a minute—no; I didn't pick it up. I believe Mr. Studebaker did. We left it laying right there so they could check it for prints.

Mr. BALL. Did you question any witnesses that day?

Mr. MONTGOMERY. Let's see—that particular day—no, sir; I don't believe I talked to a witness that day.

Mr. BALL. Did you talk to any witnesses at any time?

Mr. MONTGOMERY. Not to the assassination—no, sir.

Mr. BALL. Did you talk to witnesses that had anything to do with the shooting of Tippit?

Mr. MONTGOMERY. Well, we went out and got two of them and brought them down.

Mr. BALL. Who were they?

Mr. MONTGOMERY. Let's see, there was a taxicab driver—Whaley—one of them was Mr. Whaley and there was another one.

Mr. BALL. Was there a Mr. Scoggins?

Mr. MONTGOMERY. That could be his name—I just don't recall.

Mr. BALL. Do you have a report that you made of what you did?

Mr. MONTGOMERY. I didn't take an affidavit from him—no, sir; I took one from Mr. Whaley.

Mr. BALL. Now, did you attend a showup?

Mr. MONTGOMERY. No, sir; I didn't attend any showups.

Mr. BALL. You didn't?

Mr. MONTGOMERY. No.

Mr. BALL. But you took an affidavit from Mr. Whaley?

Mr. MONTGOMERY. From Mr. Whaley—yes, sir.

Mr. BALL. Were you ever present at any time when Oswald was questioned?

Mr. MONTGOMERY. Yes, sir.

Mr. BALL. Where was that?

Mr. MONTGOMERY. That would be the Sunday morning of the 24th, just prior to transferring him.

Mr. BALL. Where was that?

Mr. MONTGOMERY. That would be in Captain Fritz' office in the city hall.

Mr. BALL. Who was present, if you remember?

Mr. MONTGOMERY. Well, there was Detective Leavelle, Detective Graves, Detective Dhority, Captain Fritz, and Mr. Sorrels, and Mr. Kelley.

Mr. BALL. Do you know what was said?

Mr. MONTGOMERY. Yes, sir; they just asked him several questions there as to why he shot the President and he said he didn't shoot the President, and Captain Fritz asked Mr. Sorrels if he would like to ask him a question and Mr. Sorrels would ask him one and then Mr. Kelley would ask him one—they would ask him about life in Russia.

Mr. BALL. Do you remember anything else?

Mr. MONTGOMERY. No, sir; that's about all the questions I recall.

Mr. BALL. Then, was Oswald handcuffed at that time, during the questioning?

Mr. MONTGOMERY. At that time, I don't believe he was—no, sir.

Mr. BALL. Did you leave with him?

Mr. MONTGOMERY. Did I leave with who—now?

Mr. BALL. Leave Fritz' office with him.

Mr. MONTGOMERY. When we started to transfer him, of course, we all went down on the elevator with him.

Mr. BALL. He was handcuffed to whom?

Mr. MONTGOMERY. Detective Leavelle.

Mr. BALL. And were you with the group that was taking him, transporting him?

Mr. MONTGOMERY. Yes.

Mr. BALL. And you have already testified, I guess, as to what happened there?

Mr. MONTGOMERY. Yes, sir.

Mr. BALL. I think that's all. This will be reduced to writing and it can be submitted to you for your signature, or you can waive signature, if you wish. Which do you prefer?

Mr. MONTGOMERY. It doesn't make any difference to me.

Mr. BALL. Do you want to waive your signature?

Mr. MONTGOMERY. I can waive it and save having to come back and sign it.

Mr. BALL. That will be all right with you?

Mr. MONTGOMERY. Yes, sir; that's fine.

Mr. BALL. Thank you very much for coming back.

Mr. MONTGOMERY. You bet.

TESTIMONY OF MARVIN JOHNSON

The testimony of Marvin Johnson was taken at 4 p.m., on April 6, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. David W. Belin, assistant counsel of the President's Commission.

Mr. BELIN. Would you want to stand and 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. JOHNSON. I do.

Mr. BELIN. Would you please state your name?

Mr. JOHNSON. Marvin Johnson.

Mr. BELIN. Where do you live, Mr. Johnson?

Mr. JOHNSON. Route 3, Box 279, Terrell, Tex.

Mr. BELIN. What is your occupation?

Mr. JOHNSON. Police officer.

Mr. BELIN. For whom?

Mr. JOHNSON. Employed by the city of Dallas.

Mr. BELIN. Were you born and raised in Texas?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. Go to school in Texas?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. How far did you go through high school?

Mr. JOHNSON. I finished the eighth grade.

Mr. BELIN. You finished the eighth grade?

Mr. JOHNSON. Yes.

Mr. BELIN. Then what did you do?

Mr. JOHNSON. Went to work.

Mr. BELIN. By way of general background, what kind of work did you do?

Mr. JOHNSON. I started out working with a dairy, and dairy farm. And went from that to ice route. From there I went to work at North American Aircraft, and then the Army.

Mr. BELIN. When did you go in the Army?

Mr. JOHNSON. Infantry.

Mr. BELIN. When was that?

Mr. JOHNSON. 1944. September 1944.

Mr. BELIN. Then you were discharged in 1946?

Mr. JOHNSON. February 1946; yes, sir.

Mr. BELIN. Honorably discharged?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. Then what did you do?

Mr. JOHNSON. Then I went back to Aircraft.

Mr. BELIN. How long did you work in Aircraft?

Mr. JOHNSON. I worked there 11 months that time, and they had a layoff. I got laid off, and I went back to peddling ice, and peddled ice for about 6 months. Well, one summer. Then that is when I went to Terrell and went in the dairy business for myself.

Mr. BELIN. You went what?

Mr. JOHNSON. I went to Terrell and went in the dairy business for myself.

Mr. BELIN. Yes.

Mr. JOHNSON. Then I had that 5 years, and then came here.

Mr. BELIN. So you have been with the Dallas Police Department since what year?

Mr. JOHNSON. 1953.

Mr. BELIN. How old are you?

Mr. JOHNSON. Forty-three.

Mr. BELIN. What was your position with the Dallas Police Department in November of 1963?

Mr. JOHNSON. Detective, assigned to the homicide and robbery bureau.

Mr. BELIN. Are you still assigned to that bureau today?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. As a detective?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. On November 22, 1963, were you on duty?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. Did you have anything to do with the Presidential motorcade?

Mr. JOHNSON. No, sir.

Mr. BELIN. At approximately what time did you find out about the shooting of the President, to the best of your recollection?

Mr. JOHNSON. Must have been about 12:40, I guess.

Mr. BELIN. What did you do after you found out about it?

Mr. JOHNSON. Returned to the office.

Mr. BELIN. Returned to your office?

Mr. JOHNSON. Yes.

Mr. BELIN. Had you been out on duty in a patrol car away from the office at the time?

Mr. JOHNSON. Yes, sir. We had just made an arrest prior to checking out on a hijacking.

Mr. BELIN. Did you have a chance to eat that day or not? I mean lunch.

Mr. JOHNSON. No, sir; didn't eat lunch.

Mr. BELIN. Well, you got back to the office. Then what did you do?

Mr. JOHNSON. I was instructed by Lieutenant Wells to go to the Texas Book Depository.

Mr. BELIN. To go to the Texas Book Depository?

Mr. JOHNSON. Yes.

Mr. BELIN. About what time did you get there?

Mr. JOHNSON. Around 1 o'clock.

Mr. BELIN. Where did you go when you got there?

Mr. JOHNSON. To the sixth floor.

Mr. BELIN. Any particular reason why you went to the sixth floor?

Mr. JOHNSON. When we first arrived, we asked—we walked into the building and there was a uniform officer on duty there at the door, and we asked him if Captain Fritz was there, and he said yes.

And we asked him where, and he said he went on up to the sixth floor.

So at that time we were interested really in contacting Captain Fritz for any particular assignment he might want to give us, so we went on up to the sixth floor, and he was there, and that is when he assigned L. D. Montgomery, my partner and myself to the scene where the shooting occurred.

Mr. BELIN. When he assigned it to you, did he say anything that this was the scene where the shooting occurred, or did he just assign an area at that time which you later found out to be the scene from which the shooting occurred?

Mr. JOHNSON. We had already been there a few minutes when he told us to stay there and preserve the scene. Actually at the time he told us that, we knew that that was where the shooting had occurred, because that is, the hulls were on the floor. We knew all that already.

Mr. BELIN. In other words, when you got there, or when you talked to Captain Fritz, the hulls, the three hulls had already been found in a particular portion of the sixth floor, is that correct?

Mr. JOHNSON. Yes, sir; I had heard somebody already say. I had already seen them.

Mr. BELIN. You mentioned the No. 3, is that how many there were?

Mr. JOHNSON. Yes.

Mr. BELIN. Do you know or remember what portion of the sixth floor this was?

Mr. JOHNSON. Well, yes; they were underneath a window right near a window.

Mr. BELIN. On what side of the building was the window on, north, east, south, or west?

Mr. JOHNSON. That is east. The window is actually on the south side of the building, and the window is the farthest east.

Mr. BELIN. The window would be the furthest east window on the south side of the building, is that correct?

Mr. JOHNSON. Yes.

Mr. BELIN. Would you call that the southeast corner of that floor?

Mr. JOHNSON. Yes.

Mr. BELIN. How soon after the hulls were found did you go over to see them?

Mr. JOHNSON. I couldn't say.

Mr. BELIN. Were you there when they actually found it?

Mr. JOHNSON. Well, Captain Fritz was already there. There is a possibility—I am pretty sure they already found that when we got up there.

Mr. BELIN. What did Captain Fritz instruct you to do?

Mr. JOHNSON. To remain there and protect the scene.

Mr. BELIN. All right. Handing you what has already been marked "RLS Deposition Exhibit G"—the RLS stands for R. L. Studebaker—I would ask you to state if you know, whether or not these shell cases appear to be in the same position as they were when you saw them there?

Mr. JOHNSON. There is only two that show in that photograph, that I see.

Mr. BELIN. Well, I see one, two right by the window. You see those two?

Mr. JOHNSON. Yes.

Mr. BELIN. Then there is one over here, which would be the west, by a box that is marked from "Scott Foresman & Company." See that there?

Mr. JOHNSON. Yes, I see it. All I can say, at the time these hulls were mentioned, I went over there and looked. I don't remember them being that far out.

Mr. BELIN. What I am asking is your best recollection. Let's take the hulls one by one. There are two hulls that appear to be right next to the bricks?

Mr. JOHNSON. Next to the wall; yes, sir.

Mr. BELIN. Do they appear to be in the approximate position when you first saw them?

Mr. JOHNSON. Yes.

Mr. BELIN. Does the one which is the farthest to the east appear to be as close to the next one lying at the brick wall as it was?

Mr. JOHNSON. Well, of course, I couldn't remember exactly how far. It was my impression that they were all three next to the wall. I could have been wrong.

Mr. BELIN. Your impression, at least the best of your recollection is that this third shell which is in the picture next to the book carton, was closer to the wall?

Mr. JOHNSON. I thought they were all three closer to the wall.

Mr. BELIN. When Captain Fritz told you to preserve the scene, what did you do?

Mr. JOHNSON. Now you got to remember he told L. D. Montgomery, my partner, and I to preserve the scene, and we remained there near that corner. Now over to the right, which would be back toward the west of the window, there was a lunch sack—a brown paper bag—and some remnants of fried chicken, and a pop bottle.

And I stayed closer to that pop bottle while we were waiting for the crime lab to finish their work.

Mr. BELIN. Now there was a sack and a pop bottle. Was there anything else other than the sack and the pop bottle?

Mr. JOHNSON. And the remnants of fried chicken.

Mr. BELIN. The remnants of fried chicken, was that right by that window, or was it by another set of windows?

Mr. JOHNSON. That was by some other window.

Mr. BELIN. Now there are, I believe, on the south side of the building, seven pairs of windows?

Mr. JOHNSON. I didn't count them. I couldn't say.

Mr. BELIN. Would you say it was toward the east, or the west, or the center?

Mr. JOHNSON. Where the sack was?

Mr. BELIN. Yes.

Mr. JOHNSON. It would be toward the west. I believe the next set of windows to my—I am pretty sure it was.

Mr. BELIN. You said it would be in the second pair of windows counting from the east wall?

Mr. JOHNSON. To the west.

Mr. BELIN. Is where you found it, was it between the second and the third set of windows or between the first and the second, or right by the second?

Mr. JOHNSON. Right by the second pair of windows.

Mr. BELIN. Now you stayed over there?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. And your partner, Detective Montgomery, stayed over by the first pair of windows?

Mr. JOHNSON. By the corner.

Mr. BELIN. By the corner window, southwest corner of the sixth floor?

Were you there when Lieutenant Day and Studebaker came in to take pictures?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. Do you know of your own personal knowledge whether anything had been moved prior to the time that they took the first set of pictures up there?

Mr. JOHNSON. No, sir; as far as I know, they hadn't been moved. They weren't supposed to have been, and that was our job to keep them out of there, and nobody came in there, I am pretty sure.

Mr. BELIN. All right. Now, a rifle was found on the sixth floor, was it not?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. When the rifle was found, did you leave your post?

Mr. JOHNSON. No, sir.

Mr. BELIN. What about Detective Montgomery?

Mr. JOHNSON. No, sir.

Mr. BELIN. Did you find anything else up in the southeast corner of the sixth floor? We have talked about the rifle, we have talked about the shells, we have talked about the chicken bones and the lunch sack and the pop bottle by that second pair of windows. Anything else?

Mr. JOHNSON. Yes, sir. We found this brown paper sack or case. It was made out of heavy wrapping paper. Actually, it looked similar to the paper that those books was wrapped in. It was just a long narrow paper bag.

Mr. BELIN. Where was this found?

Mr. JOHNSON. Right in the corner of the building.

Mr. BELIN. On what floor?

Mr. JOHNSON. Sixth floor.

Mr. BELIN. Which corner?

Mr. JOHNSON. Southeast corner.

Mr. BELIN. Do you know who found it?

Mr. JOHNSON. I know that the first I saw of it, L. D. Montgomery, my partner, picked it up off the floor, and it was folded up, and he unfolded it.

Mr. BELIN. When it was folded up, was it folded once or refolded?

Mr. JOHNSON. It was folded and then refolded. It was a fairly small package.

Mr. BELIN. Now do you know where this sack was with relation to the first window, counting from the east portion of the south side of the building?

Mr. JOHNSON. It still would be over toward the east from the windows.

Mr. BELIN. It would be east of the windows?

Mr. JOHNSON. Yes; right at the corner. Of course, those windows are not too far from the east wall, but that sack was right in the corner.

Mr. BELIN. Handing you what has been marked "RLS Deposition Exhibit"—that appears to be G—it is picture No. 26, there are some pipes that appear to be in that picture, is that correct? Some vertical pipes?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. Where would the sack have been found with reference to those vertical pipes? These vertical pipes, I believe, on the south side of the sixth floor near the east corner?

Mr. JOHNSON. That sack would be over near the corner of the building here [pointing].

Mr. BELIN. Would all the sack be east of the pipes, or would part of the sack be sticking out west of the pipes?

Mr. JOHNSON. The way it was folded, it would all have to be over here.

Mr. BELIN. Your testimony then is that all the sack would have been east of the pipes. Is that correct?

Mr. JOHNSON. I would say that the sack was folded up here and it was east of the pipes in the corner. To the best of my memory, that is where my partner picked it up. I was standing there when he picked it up.

Mr. BELIN. You were standing there when he picked it up?

Mr. JOHNSON. Yes, because the Crime Lab was already finished where I was, and I had already walked off to where he was.

Mr. BELIN. Now there was a book carton located, one standing by itself in that picture—it would be located northeast of the pipes. Is that correct?

Mr. JOHNSON. Yes.

Mr. BELIN. Did the sack appear to be as long as that book carton was?

Mr. JOHNSON. I didn't compare it to that book carton.

Mr. BELIN. Let me ask you this. Do you remember book cartons there to the north of where the sack was found?

Mr. JOHNSON. Yes, sir. Actually, these cartons were stacked all the way around this thing.

I don't know, this book carton right here, unless that is the one that is stacked there, if I had a picture showing this whole scene—you see, there was some other cartons stacked in front of this window. Now I don't know whether this is the one that was behind them or not. This might be just one sitting out over there out of the way.

Mr. BELIN. We don't have a picture here that shows all of the cartons, at least I don't have it right here at the time we are taking this deposition, that shows all of the cartons, but let me—

Mr. JOHNSON. Just from memory, I would say that that sack would be a little longer than those book cartons.

Mr. BELIN. All right, what is the fact as to whether or not the penned rectangle on RLS Deposition Exhibit G—does any portion of that rectangle represent the place where the paper was found, assuming that is the southeast corner?

Mr. JOHNSON. It looks like somebody penned that in to show the sack was laying there. That would show it unfolded.

Mr. BELIN. Well, what you would say then is that the penned portion is actually longer than the sack before it was unfolded, is that what you are saying?

Mr. JOHNSON. Yes. It shows to be here, if you are taking this as actual size.

Mr. BELIN. Right. Of course, this is photographed at an angle and sometimes this can be inaccurate insofar as perspective. But would this penned in be the approximate same distance from the south wall that you saw the sack?

Mr. JOHNSON. Well, I couldn't say exact distance. All I know is my partner picked that up right out of that corner, and how far it was from the wall in either direction, I don't know.

Mr. BELIN. Would it be somewhere in the location of where the penned in rectangle is on RLS Deposition Exhibit G?

Mr. JOHNSON. Yes; it would be in this corner, in the southeast corner of the building, and there were some pipes on that side. It would be in that corner—in the southeast corner of that building.

Mr. BELIN. All right, is there anything else you can remember about that sack?

Mr. JOHNSON. No; other than like I said, my partner picked it up and we unfolded it and it appeared to be about the same shape as a rifle case would be. In other words, we made the remark that that is what he probably brought it in.

That is why, the reason we saved it.

Mr. BELIN. Did you find anything else up in the sixth floor that you feel might be relevant insofar as the investigation of the assassination is concerned?

Mr. JOHNSON. No; I don't remember anything right off. Anything else that was preserved as evidence?

Mr. BELIN. Yes.

Mr. JOHNSON. Other than I know we kept the lunch sack and the Dr. Pepper bottle.

Mr. BELIN. You did keep the lunch sack?

Mr. JOHNSON. Sir?

Mr. BELIN. You did keep the lunch sack?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. Where is it?

Mr. JOHNSON. We turned it into the crime lab.

Mr. BELIN. You mean your police department crime lab?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. Did you ever dust it for prints or not, or do you know?

Mr. JOHNSON. Well, now, the lunch sack itself, sir?

Mr. BELIN. Yes.

Mr. JOHNSON. I don't know whether they did or not. Now that sack we are talking about, it was dusted right there at the scene.

Mr. BELIN. That is the long paper sack you found in the southeast corner? I mean as far as the lunch sack is concerned?

Mr. JOHNSON. No, the lunch sack, I don't know. We turned it in, but I never did hear after that what he did with it. I am pretty sure they did use it for something.

Mr. BELIN. Anything else you can think of that is relevant in any way whatsoever to the investigation of the assassination?

Mr. JOHNSON. No; I don't remember anything else.

Mr. BELIN. Well, we surely want to thank you for your cooperation, Mr. Johnson.

You have the right, if you desire, to read the transcription of your testimony here and then sign the deposition, or you can waive the signing and have the court reporter send it to us directly in Washington. Do you care to read it, or do you want to waive the signing of it?

Mr. JOHNSON. I'd better read it.

Mr. BELIN. All right, you will be contacted when it is ready.

TESTIMONY OF SEYMOUR WEITZMAN

The testimony of Seymour Weitzman was taken at 2:15 p.m., on April 1, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Mr. Weitzman, I'm Joe Ball and this is Lillian Johnson, the court reporter. Will you please stand and raise your right hand?

Mr. WEITZMAN. Yes, sir.

Mr. BALL. Do you solemnly swear the testimony you will give before this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WEITZMAN. I do.

Mr. BALL. Will you state your name?

Mr. WEITZMAN. Seymour Weitzman.

Mr. BALL. What is your occupation?

Mr. WEITZMAN. Deputy constable, Dallas County.

Mr. BALL. What is the location of your place of business?

Mr. WEITZMAN. Precinct 1 which is the old courthouse, third floor, room 351.

Mr. BALL. Where were you born?

Mr. WEITZMAN. Dallas, Tex.

Mr. BALL. Were you educated here in this State?

Mr. WEITZMAN. Partially here and Indiana.

Mr. BALL. How far did you go through school?

Mr. WEITZMAN. I went through college, graduated in engineering, 1945.

Mr. BALL. When did you come to Texas?

Mr. WEITZMAN. Do you mean back to Texas?

Mr. BALL. Back to Texas.

Mr. WEITZMAN. Right after the service was over and when I came out of the service.

Mr. BALL. Did you graduate from school before you went into the service?

Mr. WEITZMAN. I finished up after I received my discharge. I went back to Indiana to engineering school in South Bend and finished my degree in 1945.

Mr. BALL. What school?

Mr. WEITZMAN. Allison Division of General Motors Engineering School.

Mr. BALL. What did you do when you went to Dallas?

Mr. WEITZMAN. Went in business for myself.

Mr. BALL. What kind of business?

Mr. WEITZMAN. Dresses, garments, ladies garments.

Mr. BALL. What did you do after that?

Mr. WEITZMAN. I went on the road as district supervisor and manager for Holly's Dress Shops in New York, 115 Fifth Avenue, and I supervised 26 stores for them for approximately 15 years.

Mr. BALL. Then what did you do?

Mr. WEITZMAN. I took over as general manager of the Lamont Corp. which is a discount operation and the headquarters, which was Galveston, Tex. We had stores in Dallas, Fort Worth, Louisiana, Phoenix and Tucson, Ariz. At the end of 1960, I closed up all the stores, retired from the discount operation and went to work for Robie Love in Dallas County, precinct 1.

Mr. BALL. You've been there ever since as deputy constable?

Mr. WEITZMAN. That's right.

Mr. BALL. On November 22, 1963, around noon, where were you?

Mr. WEITZMAN. I was standing on the corner of Main and Houston.

Mr. BALL. Were you alone?

Mr. WEITZMAN. No, sir; I was with another deputy, Bill Hutton.

Mr. BALL. A deputy constable?

Mr. WEITZMAN. Yes, sir; he and I were standing there.

Mr. BALL. Did you see the President's car pass?

Mr. WEITZMAN. Yes, sir; we did. We watched the President pass and we turned and started back to the courthouse when we heard the shots.

Mr. BALL. You say you turned and were starting back to the courthouse—what courthouse and what is the location of that courthouse?

Mr. WEITZMAN. Sitting on Main, Houston, Record and so forth. We were at the back side and we turned around and were going into the Main Street entrance. We made maybe three or four steps when we heard what we thought at that time was either a rifle shot or a firecracker, I mean at that second.

Mr. BALL. How many shots did you hear?

Mr. WEITZMAN. Three distinct shots.

Mr. BALL. How were they spaced?

Mr. WEITZMAN. First one, then the second two seemed to be simultaneously.

Mr. BALL. You mean the first and then there was a pause?

Mr. WEITZMAN. There was a little period in between the second and third shot.

Mr. BALL. What was the longest, between the first and second or the second and third shot; which had the longest time lapse in there?

Mr. WEITZMAN. Between the first and second shot.

Mr. BALL. What did you do then?

Mr. WEITZMAN. I immediately ran toward the President's car. Of course, it was speeding away and somebody said the shots or the firecrackers, whatever it was at that time, we still didn't know the President was shot, came from the wall. I immediately scaled that wall.

Mr. BALL. What is the location of that wall?

Mr. WEITZMAN. It would be between the railroad overpass and I can't remember the name of that little street that runs off Elm; it's cater-corner—the section there between the—what do you call it—the monument section?

Mr. BALL. That's where Elm actually dead ends?

Mr. WEITZMAN. Yes, sir ; I scaled the wall and, apparently, my hands grabbed steampipes. I burned them.

Mr. BALL. Did you go into the railroad yards?

Mr. WEITZMAN. Yes, sir.

Mr. BALL. What did you notice in the railroad yards?

Mr. WEITZMAN. We noticed numerous kinds of footprints that did not make sense because they were going different directions.

Mr. BALL. Were there other people there besides you?

Mr. WEITZMAN. Yes, sir ; other officers, Secret Service as well, and somebody started, there was something red in the street and I went back over the wall and somebody brought me a piece of what he thought to be a firecracker and it turned out to be, I believe, I wouldn't quote this, but I turned it over to one of the Secret Service men and I told them it should go to the lab because it looked to me like human bone. I later found out it was supposedly a portion of the President's skull.

Mr. BALL. That you picked up off the street?

Mr. WEITZMAN. Yes.

Mr. BALL. What part of the street did you pick this up?

Mr. WEITZMAN. As the President's car was going off, it would be on the left-hand side of the street. It would be the——

Mr. BALL. The left-hand side facing——

Mr. WEITZMAN. That would be the south side of the street.

Mr. BALL. It was on the south side of the street. Was it in the street?

Mr. WEITZMAN. It was in the street itself.

Mr. BALL. On the pavement?

Mr. WEITZMAN. Yes, sir.

Mr. BALL. Anywhere near the curb?

Mr. WEITZMAN. Approximately, oh, I would say 8 to 12 inches from the curb, something like that.

Mr. BALL. Off the record.

(Off record discussion.)

Mr. BALL. What did you do after that?

Mr. WEITZMAN. After that, we entered the building and started to search floor to floor and we started on the first floor, second floor, third floor and on up, when we got up to the fifth or sixth floor, I forget, I believe it was the sixth floor, the chief deputy or whoever was in charge of the floor, I forget the officer's name, from the sheriff's office, said he wanted that floor torn apart. He wanted that gun and it was there somewhere, so myself and another officer from the sheriff's department, I can't remember his name, he and I proceeded until we——

Mr. BALL. Was his name Boone?

Mr. WEITZMAN. That is correct, Boone and I, and as he was looking over the rear section of the building, I would say the northwest corner, I was on the floor looking under the flat at the same time he was looking on the top side and we saw the gun, I would say, simultaneously and I said, "There it is" and he started hollering, "We got it." It was covered with boxes. It was well protected as far as the naked eye because I would venture to say eight or nine of us stumbled over that gun a couple times before we thoroughly searched the building.

Mr. BALL. Did you touch it?

Mr. WEITZMAN. No, sir ; we made a man-tight barricade until the crime lab came up and removed the gun itself.

Mr. BALL. The crime lab from the Dallas Police Department?

Mr. WEITZMAN. Yes, sir.

Mr. BALL. Lieutenant Day and Captain Fritz?

Mr. WEITZMAN. I'm not sure what the lieutenant's name was, but I remember Captain Fritz.

Mr. BALL. Did you see Captain Fritz remove anything from the gun?

Mr. WEITZMAN. No, sir ; I did not.

Mr. BALL. What did you do after that?

Mr. WEITZMAN. After that, I returned to my office and I was called down to the city that afternoon later to make a statement on what I had seen.

Mr. BALL. I have three pictures here which I have marked, respectively, D, E, F. I show you D first. Does that look anything like the location where you found the gun?

Mr. WEITZMAN. Yes, sir; this is taken the opposite side the flat I was looking under.

Mr. BALL. Looking from the top side of this picture?

Mr. WEITZMAN. Well, I would be looking over—Boone was looking the top side; I was looking under the flat. We were looking over everything. I was behind this section of books. I believe there were more books in here [indicating].

Mr. BALL. What do you mean "in here"?

Mr. WEITZMAN. In this area [indicating] because at the time we found the gun there were no boxes protruding over the gun.

Mr. BALL. In this area, you mean protruding over the gun?

Mr. WEITZMAN. Yes, sir; it was more hidden than there.

Mr. BALL. I show you the picture marked E. Does that look anything like the area where the gun was found?

Mr. WEITZMAN. Yes, sir; it does.

Mr. BALL. I show you the picture marked F. Is that another picture of the same area?

Mr. WEITZMAN. Yes, sir; as well as I remember, the gun was right in here [indicating].

Mr. BALL. Would you mind making a mark there with a pen? That is on F. Draw on Exhibit F, draw an arrow. The arrow in ink on F shows the location?

Mr. WEITZMAN. Down on the floor.

Mr. BALL. Shows the location of the gun on the floor?

Mr. WEITZMAN. Yes.

Mr. BALL. Was there anything between the place the gun was found; were there any boxes between where the gun was found and the stairway?

Mr. WEITZMAN. Yes, sir; there was a row of boxes between the stairway and the gun because we came up the stairway and we couldn't help but see it if it was in the open.

Mr. BALL. Take E here and make a mark on E as to the location of the place where the gun was found.

Mr. WEITZMAN. Same area.

Mr. BALL. The same area and the arrow marks the place where the gun was found?

Mr. WEITZMAN. Yes, sir.

Mr. BALL. Off the record.

(Off record discussion.)

Mr. BALL. In the statement that you made to the Dallas Police Department that afternoon, you referred to the rifle as a 7.65 Mauser bolt action?

Mr. WEITZMAN. In a glance, that's what it looked like.

Mr. BALL. That's what it looked like—did you say that or someone else say that?

Mr. WEITZMAN. No; I said that. I thought it was one.

Mr. BALL. Are you fairly familiar with rifles?

Mr. WEITZMAN. Fairly familiar because I was in the sporting goods business awhile.

Mr. BALL. What branch of service were you in?

Mr. WEITZMAN. U.S. Air Force.

Mr. BALL. Did you handle rifles?

Mr. WEITZMAN. Mostly Thompson machine guns and pistols.

Mr. BALL. In the Air Force, what were you?

Mr. WEITZMAN. I started out as a flying sergeant.

Mr. BALL. You flew the plane?

Mr. WEITZMAN. Yes, sir.

Mr. BALL. How did you end up?

Mr. WEITZMAN. I ended up flying them; ended up in a prison camp.

Mr. BALL. Where?

Mr. WEITZMAN. I was overseas in Japan.

Mr. BALL. You also said at the time the rifle was found at 1:22 p.m., is that correct?

Mr. WEITZMAN. I believe that is correct. I wouldn't commit myself there because I am not sure; I'm not positive that was it.

Mr. BALL. In this statement, it says Captain Fritz took charge of the rifle and ejected one live round from the chamber.

Mr. WEITZMAN. Yes, sir.

Mr. BALL. He did eject one live round?

Mr. WEITZMAN. Yes, sir; he did eject one live round, one live round, yes, sir. You said remove anything from the rifle; I was not considering that a shell.

Mr. BALL. I understand that. Now, in your statement to the Federal Bureau of Investigation, you gave a description of the rifle, how it looked.

Mr. WEITZMAN. I said it was a Mauser-type action, didn't I?

Mr. BALL. Mauser bolt action.

Mr. WEITZMAN. And at the time I looked at it, I believe I said it was 2.5 scope on it and I believe I said it was a Weaver but it wasn't; it turned out to be anything but a Weaver, but that was at a glance.

Mr. BALL. You also said it was a gun metal color?

Mr. WEITZMAN. Yes.

Mr. BALL. Gray or blue?

Mr. WEITZMAN. Blue metal.

Mr. BALL. And the rear portion of the bolt was visibly worn, is that worn?

Mr. WEITZMAN. That's right.

Mr. BALL. And the wooden portion of the rifle was what color?

Mr. WEITZMAN. It was a brown, or I would say not a mahogany brown but dark oak brown.

Mr. BALL. Rough wood, was it?

Mr. WEITZMAN. Yes, sir; rough wood.

Mr. BALL. And it was equipped with a scope?

Mr. WEITZMAN. Yes, sir.

Mr. BALL. Was it of Japanese manufacture?

Mr. WEITZMAN. I believe it was a 2.5 Weaver at the time I looked at it. I didn't look that close at it; it just looked like a 2.5 but it turned out to be a Japanese scope, I believe.

Mr. BALL. Didn't you, when you went over to the railroad yard, talk to some yardman?

Mr. WEITZMAN. I asked a yardman if he had seen or heard anything during the passing of the President. He said he thought he saw somebody throw something through a bush and that's when I went back over the fence and that's when I found the portion of the skull. I thought it was a firecracker portion; that's what we first were looking for. This was before we knew the President was dead.

Mr. BALL. Did the yardman tell you where he thought the noise came from?

Mr. WEITZMAN. Yes, sir; he pointed out the wall section where there was a bunch of shrubbery and I believe that's to the right where I went over the wall where the steampipe was; that would be going north back toward the jail.

Mr. BALL. I think that's all. Do you have any desire to read this over and sign it or will you waive signature?

Mr. WEITZMAN. I will waive my signature. I don't think the Government is going to alter my statement any.

TESTIMONY OF CAPT. W. R. WESTBROOK

The testimony of Capt. W. R. Westbrook was taken at 9 a.m., on April 6, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Messrs. Joseph A. Ball, John Hart Ely, and Samuel A. Stern, assistant counsel of the President's Commission. Dr. Alfred Goldberg, historian, was present.

Mr. BALL. Would you please stand up and be sworn?

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

Mr. WESTBROOK. I do.

Mr. BALL. Will you state your name, please?

Mr. WESTBROOK. W. R. Westbrook.

Mr. BALL. And what is your address?

Mr. WESTBROOK. At the present time it is 7642 Daingerfield, Apartment C, and another address is Route 2, Quinton. I live at both of them.

Mr. BALL. What is your business or occupation?

Mr. WESTBROOK. Captain of police.

Mr. BALL. The Commission has asked us to put something in the record about everybody's past experience. Can you tell me about where you were born—they don't get to take a look at you, so they would like to read about you.

Mr. WESTBROOK. I was born in Benton, Ark., November 9, 1917. I was a farm boy and came to Dallas in 1937, and went on the police department June 13, 1941, and I served as a radio patrolman for approximately 4 years, promoted to sergeant, and was a sergeant for about 6 or 7 years, and was promoted to captain in 1952, and have held that position since.

Mr. BALL. What are your duties in general, captain?

Mr. WESTBROOK. At the present time I am personnel officer. We conduct all background investigations of applicants, both civilian and police, and then we make—we investigate all personnel complaints—not all of them, but the major ones.

Mr. BALL. Do you wear a uniform?

Mr. WESTBROOK. Well, it is optional. I don't wear one.

Mr. BALL. On November 22, 1963, were you assigned any special duty?

Mr. WESTBROOK. No, sir; other than just my own routine duties.

Mr. BALL. What were those duties that day?

Mr. WESTBROOK. 8:15 to 5:15.

Mr. BALL. And were you in uniform on that day?

Mr. WESTBROOK. No, sir.

Mr. BALL. Where were you when you heard the President had been shot?

Mr. WESTBROOK. I was in my office and Mrs. Kinney, one of the dispatchers, came into the office and told us, and of course—it's the same as everybody says—we didn't believe it until a second look at her and I realized it was so, and so, there's a little confusion right here because everybody became rather excited right quick, but somebody, and I don't know who it was, came into my office and said they needed some more men at this Texas Depository Building.

You know, I didn't review my report before I came over here—I didn't have a chance. I just came off of vacation and they hit me with this this morning as soon as I got to the office. I can't recall whether or not it was the dispatcher's office, but I think it was—somebody in the dispatcher's office had told us they needed some more men at the Texas Depository Building, so I sent the men that were in my office, which were then Sergeants Stringer and Carver, and possibly Joe Fields and McGee, if they were in there—it seems like McGee was, and I think—I sent them to the building, and then I walked on down the hall spreading the word and telling the other people that they needed some men down there, and practically everybody left immediately. I sat around a while—really not knowing what to do because of the—almost all of the commanding officers and supervisors were out of the city hall and I finally couldn't stand it any longer, so I started to the Texas Depository Building, and believe it or not, I walked. There wasn't a car available, and so I walked from the city hall to the Depository Building, and I would stop on the way down where there would be a group of people listening to somebody's transistor radio and I would stop and catch a few false reports, you might say, at that time, until I reached the building.

Do you want me to continue on?

Mr. BALL. Go right ahead, sir.

Mr. WESTBROOK. After we reached the building, or after I reached the build-

ing, I contacted my sergeant Sgt. R. D. Stringer, and he was standing in front and so then I went into the building to help start the search and I was on the first floor and I had walked down an aisle and opened a door onto an outside loading dock, and when I came out on this dock, one of the men hollered and said there had been an officer killed in Oak Cliff.

Well, then, of course, I ran to my radio because I am the personnel officer and that then became, of course, my greatest interest right at that time, and so, Sergeant Stringer and I and some patrolman—I don't recall his name—then drove to the immediate vicinity of where Officer Tippit had been shot and killed.

Of course, the body was already gone, the squad car was still there, and on one occasion as we were approaching this squad car, a call came over the radio that a suspicious person had been sighted running into the public library at Marsalis and Jefferson, so we immediately went to that location and it was a false—it was just one of the actually—it was one of the employees of the library who had heard the news somewhere on the radio and he was running to tell the other group about Kennedy.

So, we returned to the scene and here I met Bob Barrett, the FBI agent, and Sergeant Stringer and Barrett and I were together, and then an eyewitness to the shooting of the officer from across the street, a lady, came to the car, and she was telling us how this happened.

Mr. BALL. Where was your car parked at that time?

Mr. WESTBROOK. It wasn't my car—we didn't have one. I don't know where this officer went after he let us out at the scene.

Mr. BALL. An officer drove you down to the scene?

Mr. WESTBROOK. An officer drove us to the scene.

Mr. BALL. Where were you when this lady came up who was an eyewitness?

Mr. WESTBROOK. We were at the squad car—Tippit's squad car—it had never been moved.

Mr. BALL. You were near 10th and Patton?

Mr. WESTBROOK. And she was telling us what had occurred.

Mr. BALL. Do you remember her name?

Mr. WESTBROOK. No; the other officers got it.

Mr. BALL. Was it a Mrs. Markham?

Mr. WESTBROOK. It could have been, sir; I don't recall, because I directed someone there to be sure and get her name for the report, but she lived directly across the street, and she told us—or was in the process of telling us how it occurred—what she had seen, when someone hollered a patrolman hollered—"It's just come over the radio that they've got a suspicious person in the Texas Theatre."

Then, Sergeant Stringer, I, and Agent Barrett got in another squad car, and I don't know what officer was driving this one, but then when we arrived and were approaching the theatre, I directed the patrolman to turn down into the alley instead of going around to the front because I figured there would be a lot of cars at the front. There were two or three at the back.

So, I and Barrett—Stringer went to another door, and I and Barrett—we stopped at the first one—we got out and walked to this first entrance that was nearest us, and as we walked into the door we met an employee of the theatre.

Again, I do not know his name, but it was taken, and he pointed—I don't think I said anything to him—I think he told me, he said, "The man you are looking for—" Now, right here, Barrett and I became separated for a short minute or two. I think he was on the other side of the stage, and I'm not for sure, but this boy reported—he pointed to a man that was sitting about the middle—the middle row of seats pretty close to the back and he said, "That is the man you are looking for."

And I started toward him and I had taken about two or three steps—down the steps.

Mr. BALL. Down the steps from the stage?

Mr. WESTBROOK. From the stage—yes, sir. Now, I feel sure, and at the time I think I knew—I'm not sure if I included that in the report, but I think Barrett was going down the other steps. I think we separated right there and he got on the other side.

Mr. BALL. Which side were you on?

Mr. WESTBROOK. I was facing the audience—I would be on the right side.

Mr. BALL. Facing the audience—that would be on the right side?

Mr. WESTBROOK. I was on the right side.

Mr. BALL. And if you were facing the screen you would have been on the left?

Mr. WESTBROOK. I would have been on the left.

Mr. BALL. The man that was pointed out to you was sitting next to the aisle, if you were facing the screen?

Mr. WESTBROOK. Well, he was sitting in the middle row of seats, and I don't know just exactly which—it was the third or fourth row from the back, it seemed like.

Mr. BALL. And near what aisle?

Mr. WESTBROOK. He was about the middle of the aisle.

Mr. BALL. He was about the middle of the aisle?

Mr. WESTBROOK. Yes; about the middle of the aisle. So, about the time I reached the first step or maybe the second step, I noticed then Officer McDonald—of course, the stage was still dim, but I could tell it was McDonald. I know him. He used to work for me when I was radio patrolman, and I seen him go down the aisle and this boy come up and made a contact, and they started struggling.

Mr. BALL. You say "the boy come up," what did he do?

Mr. WESTBROOK. He got up from the seat and they started fighting.

Mr. BALL. Were the lights on in the theatre?

Mr. WESTBROOK. Very dim ones; the picture was still running, but the lights were on very dim.

Mr. BALL. They started fighting—what sort of fighting did you see?

Mr. WESTBROOK. Well, I know that I seen Oswald swing at McDonald and McDonald grab him.

Mr. BALL. Oswald swung with which arm, would you say?

Mr. WESTBROOK. I would say it would be his left fist, because from the way he was sitting facing me—I would say it would be his left fist.

Mr. BALL. Then what did you see?

Mr. WESTBROOK. Well, the next thing, of course, then I started running and there was probably six or seven officers that just converged on him just like that. Barrett was, I think, directly behind me in the aisle—he got there at the same time I did.

I yelled about two or three times, "Has somebody got his gun," and finally some officer—I don't know which one it was—says, "Yes; I have the gun."

Mr. BALL. Were you close enough to hear anything said by either McDonald or anyone else?

Mr. WESTBROOK. I heard Oswald say something about police brutality—Oswald yelled something about police brutality.

Mr. BALL. When McDonald first approached the man in the seats did you hear McDonald say anything?

Mr. WESTBROOK. I probably couldn't have heard this, Mr. Ball, from where I was.

Mr. BALL. Did you hear the man say anything?

Mr. WESTBROOK. The word "brutality" or "police brutality" and I think that was just all he yelled—was said while I was in the aisle walking down to the group. There was about six or seven ahold of him at that time.

Mr. BALL. Were the handcuffs on him at the time you arrived?

Mr. WESTBROOK. They were putting the handcuffs on him—they had one handcuff on one hand and they were trying to find the other one, and they were having difficulty in locating it because there were so many hands there.

Mr. BALL. How many officers were there?

Mr. WESTBROOK. In fact—that was one of the only humorous things about the whole thing—somebody did get ahold of the wrong arm and they were twisting it behind Oswald's back and somebody yelled—I remember that, "My God, you got mine." I think it was just an arm that come up out of the crowd that somebody grabbed.

Mr. BALL. Did you see any police officer strike Oswald?

Mr. WESTBROOK. No; I did not.

Mr. BALL. You didn't?

Mr. WESTBROOK. No, I didn't.

Mr. BALL. We had a witness here Thursday, a patron of the theatre at the time, who said that at the time the officers were struggling with Oswald he saw another officer who had a shotgun take the shotgun and grab it by the muzzle and strike Oswald in the back with the butt of the shotgun; did you see that?

Mr. WESTBROOK. No, sir; I didn't see that. It could have happened without me seeing it because half of my view was blocked from the struggle.

Mr. BALL. Did anybody ever tell you that story before?

Mr. WESTBROOK. That's the first time I've heard that.

Mr. BALL. That's the first time you have ever heard it?

Mr. WESTBROOK. That's the first time I have ever heard any shotgun was in play.

Mr. BALL. Did any of the men who were approaching Oswald or who approached Oswald have a gun in their hand?

Mr. WESTBROOK. I didn't see a gun, Mr. Ball; no, sir.

Mr. BALL. Did you see any men with shotguns in the theatre?

Mr. WESTBROOK. In the theatre—I didn't.

Mr. BALL. Did you see any at any other time?

Mr. WESTBROOK. Yes, sir; I had one myself at the library.

Mr. BALL. But did you enter the theatre with a gun?

Mr. WESTBROOK. Oh, no.

Mr. BALL. Did you see any officer either in uniform or out of uniform within the theatre itself that was armed with a shotgun?

Mr. WESTBROOK. No, sir—not that I recall, but of course at that time I wasn't looking for one. You know, if I had been looking for one, I probably would have seen one, because I feel sure there must have been somebody come in with a shotgun.

Mr. BALL. Were you in uniform at that time?

Mr. WESTBROOK. No, sir.

Mr. BALL. What happened after that, Officer Westbrook?

Mr. WESTBROOK. Well, after Oswald was handcuffed, and I was then—some way I got in the aisle in front of Oswald—where this was going on, and I looked right into his face, closer than you and I, about like this—

Mr. BALL. That's close to a foot?

Mr. WESTBROOK. Yes; I'd say 10 inches.

Mr. BALL. Ten inches.

Mr. WESTBROOK. And I asked him his name and he didn't answer, and so that was the only thing. Then I yelled—there was so much confusion and it was rather loud, and I yelled at the top of my voice, I said, "Get him out of here. Get him in the squad car and head straight to the city hall and notify them you are on the way." And so they immediately left with him.

Mr. BALL. Were you the senior officer there?

Mr. WESTBROOK. Possibly—I don't think there was another captain there. There was a lieutenant and then I ordered all of them to be sure and take the names of everyone in the theatre at that time.

Mr. BALL. We have asked for names of people in the theatre and we have only come up with the name of George Applin. Do you know of any others?

Mr. WESTBROOK. He possibly might have been the only one in there at the time—the rest of them might have been working there, because I'm sure at that time of day you would have more employees than you would have patrons.

Mr. BALL. You didn't take the names of any of the patrons?

Mr. WESTBROOK. No, sir.

Mr. BALL. Did you see any marks on Oswald's face as you looked at him, as close to him as you did in the theatre?

Mr. WESTBROOK. It seemed like there was a scratch or something—I don't remember exactly—when I looked at him—maybe a slight discoloration, or it might have been bleeding slightly.

Mr. BALL. Under the right eye?

Mr. WESTBROOK. I believe it would be—you—yes, sir; it would be under the right eye.

Mr. BALL. Here is a picture, and who are the officers in the picture?

Mr. WESTBROOK. Sergeant Warren on the right—

Mr. BALL. What is his full name?

Mr. WESTBROOK. Wilson F. Warren, and this kid on the left—I don't know—I don't know his name. Of course, I know him.

Mr. BALL. That's Sergeant Warren on the right?

Mr. WESTBROOK. Yes, sir.

Mr. BALL. What is his assignment?

Mr. WESTBROOK. He is jail supervisor.

Mr. BALL. And do you know when the picture was taken?

Mr. WESTBROOK. No, sir.

Mr. BALL. And in this picture it looks like there was some mark on Oswald's face.

Mr. WESTBROOK. Yes, it looks like it might have been a little discoloration there—I think in the mug shot that shows up quite a bit more so than it does there, but you can see some.

Mr. BALL. And also on the left eye and right forehead, is that right?

Mr. WESTBROOK. Well, I don't recall anything, but that little bruise.

Mr. BALL. The bruise under the eye?

Mr. WESTBROOK. The bruise under the eye whenever I looked at him.

Mr. BALL. Under which eye?

Mr. WESTBROOK. I think it was the right eye—no, wait a minute, that would be the left eye—left eye.

Mr. BALL. You do recall that?

Mr. WESTBROOK. The one that was facing me—he was facing me.

Mr. BALL. Do you recall a bruise under the left eye—when?

Mr. WESTBROOK. When I looked at him in the theatre, but why, as many officers as there were ahold of him, how he got out from under all the group without more than that, I don't know. Just accidentally trying to straighten up, with as many officers as there were there—I don't know.

Mr. BALL. And you think you do recall that bruise under the left eye?

Mr. WESTBROOK. Maybe I should put that this way, Mr. Ball, a bruise under the eye, because I can't be definite about which eye, but just from the picture I see, but I know I saw that bruise and due to the fact that he had hollered "brutality"—well I'm getting ahead of myself here, so I'll just quit.

Mr. BALL. Go right ahead.

Mr. WESTBROOK. Due to the fact that he had hollered "brutality," as soon as Mr. McDonald had arrived at the city hall with the scratch on his face, I sent him on upstairs.

Mr. BALL. As soon as Oswald arrived?

Mr. WESTBROOK. No; as soon as McDonald arrived. I had nothing to do with Oswald after he got to the city hall.

Mr. BALL. Did you also see a scratch on McDonald's face?

Mr. WESTBROOK. Yes, sir.

Mr. BALL. Where?

Mr. WESTBROOK. I don't remember which side, but it was a rather long scratch and I had him to go to the Bureau and have his picture made—there is a picture of that, which you may have in your possession.

Mr. BALL. That was Officer McDonald—you had his picture taken immediately of his face?

Mr. WESTBROOK. Yes, sir.

Mr. BALL. We will mark this as "Exhibit A" in your deposition.
(Instrument marked by the reporter as "Westbrook's Exhibit A," for identification.)

Mr. BALL. What happened after that?

Mr. WESTBROOK. Well, from there on I had nothing to do with him—with Oswald.

Mr. BALL. Did you see him taken from the theatre?

Mr. WESTBROOK. No, sir; because I went the other way.

Mr. BALL. You went to the back?

Mr. WESTBROOK. Yes; he went out the front and I never saw Oswald again—that's the last time I saw him.

Mr. BALL. Now, what did you do after that?

Mr. WESTBROOK. I went back to the city hall and resumed my desk.

Mr. BALL. Did you ever find some clothing?

Mr. WESTBROOK. That was before, Mr. Ball.

Mr. BALL. When was that?

Mr. WESTBROOK. Actually, I didn't find it—it was pointed out to me by either some officer that—that was while we were going over the scene in the close area where the shooting was concerned, someone pointed out a jacket to me that was laying under a car and I got the jacket and told the officer to take the license number.

Mr. BALL. When did this happen? You gave me a sort of a resume of what you had done, but you omitted this incident.

Mr. WESTBROOK. I tell you what—this occurred shortly—let me think just a minute. We had been to the library and there is a little bit more conversation on the radio—I got on the radio and I asked the dispatcher about along this time, and I think this was after the library situation, if there had been a command post set up and who was in charge at the scene, and he told me Sergeant Owens, and about that time we saw Sergeant Owens pass.

Mr. BALL. What do you mean by "command post"?

Mr. WESTBROOK. Well, the definition—the way we place a command post—maybe I can use another illustration.

If there is some disaster, generally, as in this particular case, there should have been a central person in charge, which was Sergeant Owens, as he had said. The actual command post had not been established, but let me better explain a command post by a disaster area, like a fire.

In other words, you set it up at a certain location on the corner of Eighth and Seventh, and you work from there. Now, in this case we didn't have such a command post set up because one of the main reasons was because it wasn't defined a disaster area as we normally put it, but then I got out of the car after we got back in the car at the library and finally I got out of the car over on Jefferson Street—I would say about the 300 or 400 block of East Jefferson. No; that would be West Jefferson—because 10th comes through—yes; that would be West Jefferson.

Mr. BALL. Was that before you went to the scene of the Tippit shooting?

Mr. WESTBROOK. Yes, sir; that was before we went to that scene.

Mr. BALL. That was after you left the library?

Mr. WESTBROOK. After we left the library. I got out of the car and walked through the parking lot.

Mr. BALL. What parking lot?

Mr. WESTBROOK. I don't know—it may have been a used-car lot.

Mr. BALL. On what street?

Mr. WESTBROOK. It was actually on Jefferson, but the place where this jacket was found would have been back closer to the alley, Mr. Ball.

Mr. BALL. The alley of what?

Mr. WESTBROOK. Between Jefferson and whatever the next street is over there.

Mr. BALL. Tenth Street is the street north.

Mr. WESTBROOK. What street?

Mr. BALL. You see, the street directly north of Jefferson is 10th Street.

Mr. WESTBROOK. It would be between Jefferson and 10th Street?

Mr. BALL. And where with reference to Patton?

Mr. WESTBROOK. Well, it would be toward town or it would be north of Patton—I guess it would be east of Patton.

Mr. BALL. It would be west of Patton, wouldn't it? Or would it be toward Patton?

Mr. WESTBROOK. Toward town—if I could see a map?

Mr. BALL. Well, here is a map [handed instrument to the witness].

Mr. WESTBROOK. I used to be very familiar with that.

Mr. BALL. There is a map and you can look at it and tell us.

Mr. WESTBROOK. [Examining instrument.] Now, I've got it located—here is the Texas Theatre and I'm on Jefferson now. It would be Cumberland, Storey, and Crawford—I would say it would be between Crawford and Storey.

Mr. BALL. Between Crawford and Storey on Jefferson?

Mr. WESTBROOK. On Jefferson, between 10th and Jefferson there.

Mr. BALL. That would be west of Patton.

Mr. WESTBROOK. That would be west of Patton—yes, sir; toward the theatre.

Mr. BALL. Now, you came from the library—where is that library?

Mr. WESTBROOK. The library is at Marsalis and Jefferson, sir. It must be here on Turner Plaza right here.

Mr. BALL. You drove west on Jefferson, did you?

Mr. WESTBROOK. We drove west on Jefferson.

Mr. BALL. And you got out of the car where?

Mr. WESTBROOK. We got out of the car about here [indicating].

Mr. BALL. At what street?

Mr. WESTBROOK. It was between two streets, and I would say it was between this Storey and Crawford.

Mr. BALL. Why did you get out of the car at that time?

Mr. WESTBROOK. Just more or less searching—just no particular reason—just searching the area.

Mr. BALL. You were just looking around to see what you could see?

Mr. WESTBROOK. Yes; and at this time I had a shotgun—I had borrowed a shotgun from a patrolman.

Mr. BALL. Where did you go when you got out of the car?

Mr. WESTBROOK. I walked through, and this is a car lot or a parking area, right along in here, and I don't know whether I am wrong on my location or not, but I think I'm right.

Mr. BALL. You walked through a car lot, did you?

Mr. WESTBROOK. Yes, sir; and I think I came out—is that a church—there's a church right there close by.

Mr. BALL. Was there a station anywhere near there, a service station?

Mr. WESTBROOK. Oh, there could have been—yes, sir. There was either a used-car lot or a parking lot—that I don't know.

Mr. BALL. Well, I show you some pictures here.

Mr. WESTBROOK. I would recognize it in the picture.

Mr. BALL. This is a picture of a Texaco station at the intersection of Crawford and Jefferson.

Mr. WESTBROOK. At Crawford and Jefferson?

Mr. BALL. There is a parking area behind that.

Mr. WESTBROOK. This looks more like it.

Mr. BALL. The Texaco station?

Mr. WESTBROOK. Yes—the Texaco station; and I think where this jacket was found was right along in here [indicating].

Mr. BALL. Now, the picture you are looking at is identified as a parking lot, and on a parking area behind the Texaco service station at the corner of Crawford and Jefferson?

Mr. WESTBROOK. Yes, sir.

Mr. BALL. You walked through there, did you?

Mr. WESTBROOK. I walked through from Jefferson.

Mr. BALL. From Jefferson?

Mr. WESTBROOK. There is an old house—the only thing—I come down by this station there—there is an old house there and some of the officers were looking it over. They had seen somebody go in it and there was quite a few officers there so I didn't pay any further attention to it. So, I walked on, and possibly—this may be it—it appears to be it right here in the corner.

Mr. BALL. Put an arrow showing the old house.

Mr. WESTBROOK. I think this is it right here—I can't be positive, but I think that's it.

Mr. BALL. Make an arrow with a pen.

Mr. WESTBROOK. The arrow marks the point of an old house.

Mr. BALL. That you walked toward, is that right?

Mr. WESTBROOK. Yes.

Mr. BALL. And you have marked that old house?

Mr. WESTBROOK. Yes.

Mr. BALL. Now, what did you do and what did you see?

Mr. WESTBROOK. Well, there were several officers—there were some at the back and there were some in the front, and so I just hesitated a moment and then I walked on.

Mr. BALL. You walked where?

Mr. WESTBROOK. I think I come up this way.

Mr. BALL. By "this way" you mean towards the parking lot?

Mr. WESTBROOK. Towards the parking lot—yes, sir.

Mr. BALL. Behind the Texaco service station?

Mr. WESTBROOK. Yes; behind the Texaco service station, and some officer, I feel sure it was an officer, I still can't be positive—pointed this jacket out to me and it was laying slightly under the rear of one of the cars.

Mr. BALL. What kind of a car was it?

Mr. WESTBROOK. That, I couldn't tell you. I told the officer to take the make and the license number.

Mr. BALL. Did you take the number yourself?

Mr. WESTBROOK. No.

Mr. BALL. What was the name of the officer?

Mr. WESTBROOK. I couldn't tell you that, sir.

Mr. BALL. I offer this as Exhibit B, which is identified as "37. Parking area behind Texaco station," and on which the witness has marked "old house." (Instrument marked by the reporter as "Westbrook Exhibit No. B," for identification.)

(Instrument marked by the reporter as "Westbrook Exhibit No. C," for identification.)

Mr. BALL. I show you another picture which is identified as "38. Place where jacket found behind Oldsmobile, License No. NL 95."

Does that look anything like the area where you saw the jacket?

Mr. WESTBROOK. Yes, sir.

Mr. BALL. Where?

Mr. WESTBROOK. I would say that the jacket probably, if this is the area, was probably right along in here.

Mr. BALL. Put a circle there in the general area.

(Witness complied with request of Counsel Ball.)

Mr. BALL. The jacket was underneath a car?

Mr. WESTBROOK. But, I am guessing on this—slightly underneath a car.

Mr. BALL. What do you mean you are guessing on this—what are you guessing about?

Mr. WESTBROOK. About where the jacket was found in this picture.

Mr. BALL. You mean it was under—

Mr. WESTBROOK. It was under a car, but I don't know whether it was under the one I put it under or not.

Mr. BALL. It might have been under one or the other of the cars, you couldn't swear which?

Mr. WESTBROOK. Yes, it could have been under any of the other cars, but I think it was kind of along in the middle of the parking lot.

Mr. BALL. I offer this as Exhibit B of Captain Westbrook's deposition.

Now, you don't know the name of the officer?

Mr. WESTBROOK. No; I probably knew his name, but we see so many things that were happening so fast.

Mr. BALL. Do you recognize anything in that picture?

Mr. WESTBROOK. (Examining instrument referred to.) No; I don't.

Mr. BALL. This is No. 39, which I identify for the record.

(Instrument marked by the reporter as "Westbrook Exhibit No. D," "39. View of alley behind Texaco station parking lot.")

Mr. WESTBROOK. I still think this is the house here—I think this is the old house and this is the parking lot and I would say the jacket was found behind this row of cars. It seemed to me like there was some—more room from where the cars were from what is shown there—back this way.

Mr. BALL. Point out the old house.

Mr. WESTBROOK. This one.

Mr. BALL. Mark it.
(Witness marked instrument referred to as requested by Counsel Ball.)
Mr. BALL. Point out the row of cars where the jacket was found.
Mr. WESTBROOK. Well, that, I don't believe I could do—
Mr. BALL. Was it near the alley?
Mr. WESTBROOK. It was near—but not this close—it don't seem to me.
Mr. BALL. Not as close as shown in the picture?
Mr. WESTBROOK. It don't seem to me—I can't remember for sure.
Mr. BALL. I offer this exhibit, Westbrook No. D.
Mr. WESTBROOK. Now, I did, when I left this scene, I turned this jacket over to one of the officers and I went by that church, I think, and I think that would be on 10th Street.
Mr. BALL. I show you Commission Exhibit 162, do you recognize that?
Mr. WESTBROOK. That is exactly the jacket we found.
Mr. BALL. That is the jacket you found?
Mr. WESTBROOK. Yes, sir.
Mr. BALL. And you turned it over to whom?
Mr. WESTBROOK. Now, it was to this officer—that got the name.
Mr. BALL. Does your report show the name of the officer?
Mr. WESTBROOK. No, sir; it doesn't. When things like this happen—it was happening so fast you don't remember those things.
Mr. BALL. Then, it was after that you went over to 10th and Patton?
Mr. WESTBROOK. To 10th and Patton—yes, sir.
Mr. BALL. And from there you went to the theatre?
Mr. WESTBROOK. Yes; from there we went to the theatre, and I can't remember exactly how that I got back with Bob Barrett and Stringer, but anyway, we got together again—probably at 10th and Patton.
Mr. BALL. Were you in the personnel office at a time that a gun was brought in?
Mr. WESTBROOK. Yes, sir; it was brought to my office when it shouldn't have been.
Mr. BALL. But it was brought to your office?
Mr. WESTBROOK. Yes; it was.
Mr. BALL. And it was marked by some officer?
Mr. WESTBROOK. It was marked by Officer Jerry Hill and a couple or three more, and when they come in with the gun, I just went on down and told Captain Fritz that the gun was in my office and he sent a man up after it. I didn't take it down.
Mr. BALL. Did you see McDonald mark it?
Mr. WESTBROOK. He possibly could have—he was in there.
Mr. BALL. Did you see the gun unloaded?
Mr. WESTBROOK. No, sir; I didn't see it unloaded. When I saw it, the gun was laying on Mr. McGee's desk and the shells were out of it.
Mr. BALL. Did you look at any of the shells?
Mr. WESTBROOK. No, sir.
Mr. BALL. Did you look the gun over?
Mr. WESTBROOK. No, sir.
Mr. BALL. Do you have any questions?
Mr. ELY. Yes; I have one. Captain, you mentioned that you had left orders for somebody to take the names of everybody in the theatre, and you also stated you did not have this list; do you know who has it?
Mr. WESTBROOK. No; possibly Lieutenant Cunningham will know, but I don't know who has the list.
Mr. ELY. That's all.
Mr. WESTBROOK. And I'm sorry that I'm so vague on names, but it's just—the only reason that I knew Sergeant Stringer, I think, that day he worked with me.
Mr. BALL. Do you have any questions?
Mr. STERN. No, sir.
Mr. BALL. I think that's all. Thank you very much, captain.
Mr. WESTBROOK. Thank you, sir, Mr. Ball, it has been a pleasure.

TESTIMONY OF ELMER L. BOYD

The testimony of Elmer L. Boyd was taken at 11 a.m., on April 6, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Messrs. Joseph A. Ball, John Hart Ely and Samuel A. Stern, assistant counsel of the President's Commission. Dr. Alfred Goldberg, historian, was present.

Mr. BALL. Mr. Boyd, do you swear that 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. BOYD. I do.

Mr. BALL. Will you state your name, please?

Mr. BOYD. Elmer L. Boyd.

Mr. BALL. And what is your occupation?

Mr. BOYD. I am a detective in the homicide and robbery bureau for the Dallas Police Department.

Mr. BALL. You received a letter asking you to appear here today, didn't you?

Mr. BOYD. I think they received one over at the office and they notified me.

Mr. BALL. And you have been told the purpose of this investigation is to inquire into the facts and circumstances surrounding the assassination of President Kennedy?

Mr. BOYD. Yes, sir.

Mr. BALL. I'm going to ask you what you learned during the course of your investigation.

Mr. BOYD. All right.

Mr. BALL. Now, can you tell me something about yourself, where you were born and where you went to school and what you have done most of your life?

Mr. BOYD. Well, yes, sir. I can tell you I was born in Navarro County—the particular place was Blooming Grove, Tex., and it's about 15 miles west of Corsicana, and I was raised up about 7 miles north of there. I attended school, well, I started at a little country school—it was Pecan, was the name of the school. I went there 2 years and then they sent me to Blooming Grove and I started to school in my second grade. The reason I was in the second grade—I had to go through a primer before I got in the first grade—I didn't fail—I just had to go through this primer before I got in the first grade, and I graduated from high school at Blooming Grove in 1946 and I went into the Navy and served for 2 years, I believe I served about 22 months in the Navy—I joined and I went through boot training at San Diego, went from there to Newport, R.I., and caught my first ship, the USS Kenneth D. Bailey. I don't recall just how many months I spent on that—somewhere around 15 or 16 months, I've forgotten, and then they sent me to—I transferred from that ship and went on the USS Cone, that's another destroyer [spelling] C-o-n-e, and along about the first part of January, I believe, in 1948, they transferred me to Pensacola where I caught my third destroyer, the USS Forrest Royal, and we operated in and out of there until I got out of the Navy, and I believe it was about the first day of April 1948, when I was discharged, and I came to Dallas and I have been here in Dallas ever since.

I went to work on the police department May 19, 1952. Prior to that I worked, I believe, about 3 years for the gas company and I started out reading gas meters, and then I went into collecting, and I was a collector for the gas company when I came on the police department. I think I worked a couple of more places before then—one for a printing company down here on Cockrell, down here by Sears & Roebuck for a while, but I didn't stay there long.

Mr. BALL. How long have you been in homicide?

Mr. BOYD. I came in there on October 15, I believe, in 1957.

Mr. BALL. November 22, 1963, what were your hours of duty?

Mr. BOYD. Well, my hours of duty on November 22, 1963, I believe, was 4 to midnight.

Mr. BALL. So, on that day you went to work earlier?

Mr. BOYD. Yes, sir; I did.

Mr. BALL. What time?

Mr. BOYD. I came to work at 9 o'clock. Is it all right for me to go by this?
Mr. BALL. I see you have there a report that is entitled "Report on Officer's Duty in Regard to the President's Murder, R. M. Sims, No. 629, and E. L. Boyd, No. 840."

Mr. BOYD. Yes; we are partners.

Mr. BALL. Did you prepare that report yourself?

Mr. BOYD. He and I together prepared it.

Mr. BALL. When did you prepare it?

Mr. BOYD. Let me see—the last part of November—I'm not sure of the date.

Mr. BALL. Was it within a week after the events took place that are recorded there?

Mr. BOYD. I would say so; yes.

Mr. BALL. You dictated it to a secretary?

Mr. BOYD. Well, I wrote it out in longhand and carried it to the secretary and she typed it up.

Mr. BALL. It was written out in your longhand?

Mr. BOYD. Yes, sir.

Mr. BALL. Do you have those longhand notes?

Mr. BOYD. No, sir; I do not.

Mr. BALL. This report has already been attached to Officer Sims' deposition as Exhibit A, so we have read it.

Mr. BOYD. Yes, sir.

Mr. BALL. During the course of your work, did you make notes of what you were doing in a notebook?

Mr. BOYD. Well, I made notes, and I believe I had a notebook.

Mr. BALL. Did you make it a habit of carrying a notebook with you?

Mr. BOYD. Yes, sir.

Mr. BALL. When you work?

Mr. BOYD. Yes.

Mr. BALL. And you just jot things down as they occur?

Mr. BOYD. Yes, sir.

Mr. BALL. Do you have that notebook with you?

Mr. BOYD. No; I do not.

Mr. BALL. Do you know where it is?

Mr. BOYD. No, sir; right offhand, I don't know where it is. Part of the time, you know, I just took a sheet of paper and put down the particular times, you know, and after I fixed this—I don't recall what I did with it. I may have torn it up.

Mr. BALL. You didn't have a regular notebook that you kept with you at all times?

Mr. BOYD. I had a regular notebook, but I didn't put everything in it, I'm sure.

Mr. BALL. This notebook that you had on November 22, 1963, have anything in it with respect to what you did on the 22d and the 23d of November?

Mr. BOYD. Of 1963—I don't recall if I have these showups in there or not—it seems like I did.

Mr. BALL. Do you have it with you?

Mr. BOYD. No; I do not.

Mr. BALL. Can you get it for me?

Mr. BOYD. I probably could if I have it.

Mr. BALL. Will you look it up?

Mr. BOYD. I will look for it.

Mr. BALL. I'll be down to the police department tomorrow morning at 10 o'clock and will you look it up between now and then and then let me see it if you still have it?

Mr. BOYD. All right.

Mr. BALL. I'll be up there in your department—near Captain Fritz' office.

Mr. BOYD. What time—at 10 o'clock?

Mr. BALL. At 10 o'clock in the morning.

Mr. BOYD. I'll be there—I come on at 10.

Mr. BALL. You come on at 10?

Mr. BOYD. Yes.

Mr. BALL. Then, I'll see you in the morning.

Mr. BOYD. All right.

Mr. BALL. On this morning of November 22, you had been ordered to work early; why was that?

Mr. BOYD. Well, President Kennedy was coming into Dallas and I was assigned to work with Captain Fritz and Detective Sims out at the Trade Mart.

Mr. BALL. Where did you hear that the President had been shot?

Mr. BOYD. Yes; I heard that.

Mr. BALL. You heard that over the radio, didn't you?

Mr. BOYD. Well, I believe it was around 12:40 when Chief Stevenson called and he talked to Captain Fritz out at the Trade Mart and he told him that—Captain Fritz told me that Chief Stevenson told him that the President had been involved in an accident down at the triple underpass and was on his way to Parkland.

Mr. BALL. Did you go over there?

Mr. BOYD. When we got out of the car, we checked, I believe, with—Mr. Sims called in on the radio and they told us he had been shot and we went to Parkland Hospital and pulled up to the emergency and saw there were a lot of people out there, but we saw Chief Curry out in front of the emergency there and he advised us to go back down to the scene of where we thought the shooting had occurred, down at the Texas Book Depository, and Mr. Sims and Captain Fritz and Sheriff Decker was also out there, and he rode back down with us.

Mr. BALL. And you went to the School Depository Building, did you?

Mr. BOYD. Yes, sir.

Mr. BALL. And you were told by Chief Curry to go to the School Depository Building at that time?

Mr. BOYD. Yes; down at the scene and that's where we had heard that they thought that the shot came from—from the Texas Book Store.

Mr. BALL. Where were you when you first heard that?

Mr. BOYD. We were at the Trade Mart when we heard that—pulling out—we were on our way to Parkland Hospital from the Trade Mart, pulling out in the car.

Mr. BALL. Now, when you arrived down here at the building, what did you do?

Mr. BOYD. Well, we went outside the building and we made two or three stops going up, you know, at different floors, and when we got up to the top floor—I believe it was the top one—I think it's the seventh floor, and someone called us and said they had found some hulls, rifle hulls, down on the sixth floor, I believe it was the sixth floor.

Mr. BALL. And you were with whom at that time?

Mr. BOYD. I was with Captain Fritz and Detective Sims.

Mr. BALL. Did you go down to the sixth floor?

Mr. BOYD. We stopped at the sixth floor—you say, did we go down to the sixth floor?

Mr. BALL. When you heard that they found some hulls, just tell us what you did.

Mr. BOYD. We went down to the sixth floor and found the hulls over on the southeast corner of the building and they had some books, I suppose it was books—boxes of books stacked up back over there that way.

Mr. BALL. Did you see the hulls on the floor?

Mr. BOYD. Yes.

Mr. BALL. Did you see anything else around there where the hulls were on the floor?

Mr. BOYD. Well, over to the west there was some paper sacks, and I think some chicken bones up on top of some boxes.

Mr. BALL. That was west?

Mr. BOYD. Right; yes, sir.

Mr. BALL. Near the windows?

Mr. BOYD. Yes, sir; they were near the windows.

Mr. BALL. How far west from where the hulls were located?

Mr. BOYD. Oh, I would say roughly between 30 and 40 feet, probably.

Mr. BALL. Where, with reference to the rows of windows—there are pairs of windows—how many pairs of windows away from where the hulls were located did you see the paper sack and chicken bones?

Mr. BOYD. Let me see—I don't recall just how many rows of windows from

there it was. They are in rows of two, now, I'm not sure, I think it was in front of the third or fourth window over from the southeast corner.

Mr. BALL. Third or fourth?

Mr. BOYD. Yes.

Mr. BALL. Pair of windows?

Mr. BOYD. Yes, sir; now—pair of windows—let's see.

Mr. BALL. The windows are in pairs on that side, on the Elm Street side—now, what sort of sack was it?

Mr. BOYD. The best I remember it was just a brown paper sack—it looked like a lunch sack.

Mr. BALL. About the size of a lunch sack?

Mr. BOYD. Yes.

Mr. BALL. Did you see any other paper sack around there?

Mr. BOYD. I don't recall any if I did.

Mr. BALL. Did you see any brown wrapping paper near the window where the hulls were found, near the windows alongside which the hulls were found?

Mr. BOYD. I don't believe I did.

Mr. BALL. What else did you see?

Mr. BOYD. I just saw those stacks of books up there, and after we had been up there a while, I saw a rifle back over toward the southwest corner over there.

Mr. BALL. Where was that located?

Mr. BOYD. It was down between some boxes.

Mr. BALL. Now, did you see any pictures taken of the hulls, photographs taken of the hulls?

Mr. BOYD. Well, let's see, Detective Studebaker and Lieutenant Day, I believe, came up there and they were taking pictures over there at the scene of the hulls.

Mr. BALL. And what about where the rifle was found, did you see pictures taken there?

Mr. BOYD. Yes; I saw pictures taken over there.

Mr. BALL. By whom?

Mr. BOYD. Lieutenant Day.

Mr. BALL. Did you see anything else on the sixth floor there?

Mr. BOYD. I saw a lot of officers.

Mr. BALL. Did you find anything yourself?

Mr. BOYD. Not on the sixth floor—I don't believe so.

Mr. BALL. What time did you leave there?

Mr. BOYD. Well, I think I've got it down here somewhere—near 2 o'clock—I believe, but let me check to make sure. It would have been between 1:30 and 2 o'clock.

Mr. BALL. Where were you when you heard the rifle had been found?

Mr. BOYD. I was over near the scene of where the shells had been found.

Mr. BALL. Did you see Captain Fritz handle the rifle after it had been found?

Mr. BOYD. I don't believe so.

Mr. BALL. Did you see him eject anything from it?

Mr. BOYD. Let me see, now, I believe they did get a shell out of it after Lieutenant Day came over there.

Mr. BALL. Did you see it, or are you just telling us what you heard?

Mr. BOYD. Well, I don't believe I saw him get it out.

Mr. BALL. You heard about it?

Mr. BOYD. Yes, sir.

Mr. BALL. You left there and went up to the police department, didn't you?

Mr. BOYD. Well, when we left there, we started to go to Irving, but someone—when we got downstairs—someone told Captain Fritz that Sheriff Decker wanted to see him over in his office.

Mr. BALL. You say you started to go where?

Mr. BOYD. Irving, Tex.

Mr. BALL. Where did you get the address in Irving, Tex., or the place to go to in Irving, Tex.?

Mr. BOYD. Captain Fritz got it from some man there on the sixth floor. He came up and talked to him a minute and then he told Mr. Sims and I that we should check this Lee Harvey Oswald out, and that was the address they gave us—it was in Irving, Tex.

Mr. BALL. And what did you do then?

Mr. BOYD. We started to go over there and when we got downstairs, like I said, someone told Captain Fritz that Sheriff Decker wanted to see him a minute before he left, and we went in there and while we were in there we learned that the man that had shot Officer Tippit, we thought was the man, was on his way up to our office and Captain Fritz wanted to go by there and we carried him there.

Mr. BALL. You were in Decker's office when you heard that a man had been arrested for the murder of Tippit?

Mr. BOYD. Yes; we heard about Tippit getting shot when we were up on the sixth floor.

Mr. BALL. Then, Fritz told you to go to Irving, didn't he?

Mr. BOYD. Yes, sir; we started to Irving.

Mr. BALL. Where were you when you heard the man had been arrested, the suspect for the murder of Tippit?

Mr. BOYD. Well, I think we was still in the Texas Book Depository when we heard about him being arrested over there.

Mr. BALL. Did you go to Decker's office with Fritz?

Mr. BOYD. Yes sir.

Mr. BALL. And then you went with Fritz up to your office?

Mr. BOYD. Yes, sir.

Mr. BALL. And did Fritz send somebody else out to Irving, or do you remember?

Mr. BOYD. I think later on, I believe, he sent someone else out there.

Mr. BALL. He told you to stay there at the police department, did he?

Mr. BOYD. Yes, sir.

Mr. BALL. What did you do when you got there?

Mr. BOYD. Well, we went in and there was a good many people there—I don't recall who all was there—I know we talked to Lieutenant Baker, and he told us that the man that shot Tippit was in the interrogation room and about 5 minutes or so after we were in the office, we took Lee Harvey Oswald out of there and brought him into Captain Fritz' office and he talked to him in there.

Mr. BALL. Tell us about what time of day that was?

Mr. BOYD. I believe it was around 2:20 when we took him out in there; yes, sir.

Mr. BALL. And who was there in the room with Oswald at that time?

Mr. BOYD. With Oswald at that time—?

Mr. BALL. You took Oswald into Fritz' office about 2:20?

Mr. BOYD. Yes, sir.

Mr. BALL. Who was there besides Oswald?

Mr. BOYD. Well, Captain Fritz, and let me see, there was some FBI agents.

Mr. BALL. Do you remember their names?

Mr. BOYD. I know one came in just shortly thereafter and I remember Mr. Bookhout and Mr. Hosty came in right after we got in there.

Mr. BALL. And who else was there?

Mr. BOYD. Mr. Hall and Mr. Sims; M. G. Hall is our other partner.

Mr. BALL. He's your other partner?

Mr. BOYD. Yes, sir.

Mr. BALL. And Sims was there, and was there a Secret Service man in there?

Mr. BOYD. Let me see—I think there was a Secret Service man there, but I don't recall—I don't know what his name was.

Mr. BALL. Do you remember what was said?

Mr. BOYD. Well, I don't remember exactly what was said.

Mr. BALL. Well, in general, what was the substance of what was said?

Mr. BOYD. Well—

Mr. BALL. Give me the substance.

Mr. BOYD. Well, I knew Captain Fritz asked him his name.

Mr. BALL. What did he say?

Mr. BOYD. I think he told us his name, I think when he asked him—I'm sure he told him his name because he would talk for a while and then he would quit.

Mr. BALL. Did he ask him where he lived?

Mr. BOYD. Yes, sir; I think he asked him where he lived.

Mr. BALL. What did he say?

Mr. BOYD. He said he lived over on Beckley.

Mr. BALL. Did he give the address?

Mr. BOYD. I believe that he said, well, I know he gave an address—I know he gave an address but he didn't say if it was north or south—I remember that—he didn't say if it was North Beckley or South Beckley and I remember another thing—Mr. Hosty came in and identified him himself, you know, as he came in.

Mr. BALL. What do you mean "identified him"?

Mr. BOYD. He took his identification out of his pocket and put it down there in front of him and told him who he was with.

Mr. BALL. He told Oswald his name and who he was with?

Mr. BOYD. Yes, sir.

Mr. BALL. What else happened?

Mr. BOYD. Well, they participated in the interrogation—Mr. Hosty asked him some questions and he was pretty upset with Mr. Hosty.

Mr. BALL. What do you mean by that, what gave you that impression—what happened?

Mr. BOYD. Well, just by Oswald's actions, he said he had been to his house two or three times talking to his wife and he didn't appreciate him coming out there when he wasn't there.

Mr. BALL. Is that what he said to Hosty?

Mr. BOYD. Yes, sir.

Mr. BALL. Anything else?

Mr. BOYD. I don't recall—I know Mr. Hosty asked him several questions and finally he jumped up and hit the desk, Oswald did, and sat down, and like I say, he was pretty upset.

Mr. BALL. Was he handcuffed at that time?

Mr. BOYD. Yes; I believe he was handcuffed.

Mr. BALL. Was he handcuffed with his hands behind him?

Mr. BOYD. No, sir.

Mr. BALL. Had his hands been handcuffed behind him before he came into the room?

Mr. BOYD. I couldn't say if they had or not—they could have been.

Mr. BALL. Do you know whether the handcuffs were changed after he got in the room?

Mr. BOYD. They could have been changed after he got in the room—I'm not certain.

Mr. BALL. Who changed them?

Mr. BOYD. I don't recall.

Mr. BALL. Now, when Oswald jumped up and struck the desk, he struck the desk with what? With his hand?

Mr. BOYD. With his hands.

Mr. BALL. What did Hosty ask him before that?

Mr. BOYD. He had asked him about a trip to Mexico City?

Mr. BALL. Who did?

Mr. BOYD. Mr. Hosty.

Mr. BALL. What did Oswald say?

Mr. BOYD. He told him he hadn't been to Mexico City.

Mr. BALL. What else?

Mr. BOYD. I don't recall just exactly—I think that the words that he used when he was talking to Mr. Hosty was that he had been out there and accosted his wife, I believe that's the words that he used and like I said, after he talked to him, he said he didn't appreciate him coming out there to his house.

Mr. BALL. What was it that Hosty said before Oswald got up and struck the desk with his hand—what question did he ask?

Mr. BOYD. I don't remember what the question was. I know it had something to do with—let me see—I'm not sure if he was still talking to him about his wife or the trip to Mexico City.

Mr. BALL. You remember he did ask him if he took a trip to Mexico?

Mr. BOYD. Yes, sir.

Mr. BALL. Oswald said he had not?

Mr. BOYD. He said he had not been to Mexico.

Mr. BALL. And what did Hosty say to that?

Mr. BOYD. He asked him if he denied being to Mexico City—I've just forgotten—it wasn't too awful long before that—I don't recall just exactly what time that he said—I know it was something recent.

Mr. BALL. What did Oswald say?

Mr. BOYD. He said he had not been there.

Mr. BALL. Do you remember anything else that was said?

Mr. BOYD. No, sir; right offhand—I don't.

Mr. STERN. Did he ask him anything about Russia?

Mr. BOYD. Yes, sir; something was asked him—I don't recall who asked him about that, and he told us about going over to Russia, I believe he was there in 1959, or something like that—about 1959. I'll tell you, I didn't keep notes in there because of the fact I was sitting right beside Oswald—right in front of him—more or less.

Mr. BALL. Did anybody keep notes?

Mr. BOYD. I saw the FBI man writing—they had a little book—across the table over there.

Mr. BALL. Did you have any microphones in there to record the conversation?

Mr. BOYD. No, sir.

Mr. BALL. Do you as a practice record the interrogations of your prisoners?

Mr. BOYD. No, sir; we don't.

Mr. BALL. How long did this take—how long was he questioned at this time?

Mr. BOYD. Let me see—we took him down to the first showup right after 4 o'clock, I think I have the exact time here—4:05 is when we left.

Mr. BALL. Was he in Captain Fritz' office from the time you took him in there—what time was that?

Mr. BOYD. At 2:15—2:20.

Mr. BALL. From 2:20 until 4 o'clock?

Mr. BOYD. Yes, sir.

Mr. BALL. Now, you took him into the first showup, did you?

Mr. BOYD. Yes, we left Captain Fritz' office at 4:05.

Mr. BALL. Who picked the men to go in the showup with him?

Mr. BOYD. Who picked the men?

Mr. BALL. Yes.

Mr. BOYD. I don't recall who picked those men.

Mr. BALL. Did you?

Mr. BOYD. No, sir; I didn't.

Mr. BALL. Did Sims?

Mr. BOYD. I don't recall if he did—I don't recall who picked those men.

Mr. BALL. Who were the men in this showup?

Mr. BOYD. Well, one of them's names—we call him Bill Perry, his name is William E. Perry, he's a police officer and he was No. 1; and we had Lee Oswald, was No. 2; and R. L. Clark was No. 3; and Don Ables was No. 4.

Mr. BALL. The No. 4 man was a clerk there in the jail, was he?

Mr. BOYD. I believe he was a clerk down in the jail office.

Mr. BALL. Is it usual to have police officers show up with prisoners?

Mr. BOYD. Well, I have seen them in there before—I mean—it isn't done real often.

Mr. BALL. It's unusual to use officers to showup with prisoners?

Mr. BOYD. Well, I would say so, but I know that there has been officers.

Mr. BALL. Is that usual to use Don Ables, the clerk, in a showup?

Mr. BOYD. No, sir.

Mr. BALL. It is unusual?

Mr. BOYD. Yes.

Mr. BALL. The usual thing is to have other prisoners come in handcuffed with the suspect, isn't it?

Mr. BOYD. Yes.

Mr. BALL. Do you know why that wasn't done in this case?

Mr. BOYD. No; I do not.

Mr. BALL. When did you first learn that officers were going to go with you and with Oswald into the showup?

Mr. BOYD. When we got ready for the showup.

Mr. BALL. Did you hear anybody direct them to go into the showup with Oswald?

Mr. BOYD. No, sir.

Mr. BALL. You say when you got ready for the showup, that would mean where—where were you when you heard that officers were going to take part in the showup?

Mr. BOYD. Well, I guess it was down in the jail office. We took Lee Oswald down on the elevator and met the rest of them there in the jail office in the lobby there, to the best of my recollection.

Mr. BALL. Before you went into the showup, did you search Oswald?

Mr. BOYD. Yes; I did.

Mr. BALL. And what did you find?

Mr. BOYD. I found five .38 shells, I believe it was five.

Mr. BALL. Live? Live shells?

Mr. BOYD. Yes, sir.

Mr. BALL. What did you do with them?

Mr. BOYD. Well, I put them in an envelope and put them with the rest of the property up there to be turned in.

Mr. BALL. Did you put any mark on them?

Mr. BOYD. Let me see—I can look and see.

Mr. BALL. I will show you Commission Exhibit 592 in an envelope, will you take a look at that—at the cartridges?

Mr. BOYD. Yes—I got my mark on them.

Mr. BALL. You have your mark on all five of them?

Mr. BOYD. I have my mark on the first three—yes, sir—I have my mark on all of them.

Mr. BALL. On all five of them?

Mr. BOYD. Yes, sir.

Mr. BALL. You put those marks on there, did you?

Mr. BOYD. Yes, I did.

Mr. BALL. Now, looking those cartridges over, can you tell me whether these five cartridges, which constitute Commission Exhibit 592, are the cartridges which you took from Oswald?

Mr. BOYD. Yes; they are.

Mr. BALL. And where were you when you put the mark on them?

Mr. BOYD. I was back up in my office.

Mr. BALL. When you first took them from Oswald, where did you put them?

Mr. BOYD. I put them in my pocket.

Mr. BALL. And after you were back in the office, you put a mark on them, did you?

Mr. BOYD. Yes.

Mr. BALL. And turned them over to whom?

Mr. BOYD. Well, let me see—it seems like we had a drawer there where we had some more property, where we put it all in there—you know, where they had the other stuff—I have forgotten just exactly where it would be.

Mr. BALL. You turned them over to someone in the police department?

Mr. BOYD. Yes, sir.

Mr. BALL. Now, the showup was conducted and what side of the showup were you on? Stage side or out front?

Mr. BOYD. I was right next to the door on the inside, where you go into that showup room from the room leading into the jail office.

Mr. BALL. Who asked the questions?

Mr. BOYD. Let me see—at one of the showups—I've forgotten whether it was on this particular one—whether it was someone out from—Sims asked him some questions in one of those showups.

Mr. BALL. Did you ever ask any questions?

Mr. BOYD. Not that I recall—I don't believe I did.

Mr. BALL. How were these men dressed that were in this showup?

Mr. BOYD. Well, let me think—some of them had coats and slacks and one of them—let's see—I don't recall what color, but some of them—I don't believe any of them had a tie on—the officers had taken their ties off and I think Ables, I believe, was in his shirt sleeves.

Mr. BALL. Without a tie—did he have a tie on?

Mr. BOYD. No, sir; I don't believe so.

Mr. BALL. Ables was in his shirt sleeves. What about the two officers, Perry?

Mr. BOYD. Now, I remember Perry had on a coat, but he didn't have his shirt buttoned back up at the top, I remember that.

Mr. BALL. What about Clark?

Mr. BOYD. As I remember, Clark had on a white shirt. Now, I'm not sure—well, I'm not sure if he had on a coat or not, but I remember seeing him in a white shirt as he came in.

Mr. BALL. Were they manacled—handcuffed?

Mr. BOYD. Yes; they were handcuffed.

Mr. BALL. All four of them?

Mr. BOYD. Yes—handcuffed together.

Mr. BALL. What did Oswald have on?

Mr. BOYD. Well, he had on some—I believe it was dark slacks—it seems like it was a brown shirt he had on—he had on a long-sleeved shirt. It seems like he had on a jacket when he first came up there—I'm not too sure about that jacket—I know he had on a sport shirt and slacks.

Mr. BALL. Well, his clothes were a little rougher in character than the other three, weren't they?

Mr. BOYD. Well, could have been.

Mr. BALL. The other three were better dressed than Oswald, would you say?

Mr. BOYD. Well, yes, sir; I would say they probably were.

Mr. BALL. Oswald had a shirt that had a frayed elbow, didn't he, a hole in the elbow, didn't he?

Mr. BOYD. I don't recall if he did or not—I'm not sure.

Mr. BALL. Now, when they asked questions of Oswald at this showup, did he reply?

Mr. BOYD. I believe he did at that one—I believe he did reply.

Mr. BALL. Was he angry?

Mr. BOYD. I don't believe he was too angry.

Mr. BALL. Did he shout or yell in a loud voice?

Mr. BOYD. I don't recall him shouting.

Mr. BALL. He didn't shout or speak in a loud voice at this time?

Mr. BOYD. No.

Mr. BALL. Did he at some other showup protest?

Mr. BOYD. I heard he did, but I don't know.

Mr. BALL. Were you present?

Mr. BOYD. I wasn't present at that one.

Mr. BALL. You weren't present at any time in which he made any protest of the type of showup?

Mr. BOYD. No, sir; I don't believe so.

Mr. BALL. This day—this first showup—did he protest that it was not a fair showup?

Mr. BOYD. I don't recall if he did.

Mr. BALL. Did he at any time tell you after the showup that he didn't think it was fair to put those men in with him?

Mr. BOYD. He didn't tell me that—no, sir.

Mr. BALL. Did he ever tell you that any showup had been unfair?

Mr. BOYD. Not that I recall.

Mr. BALL. Now, did you hear any conversation that went on in the audience part of the showup?

Mr. BOYD. No, sir; I couldn't—I don't recall any of it—I couldn't hear anything.

Mr. BALL. Did you know any of the witnesses that were out there?

Mr. BOYD. I couldn't see them.

Mr. BALL. Did you take any witnesses' statements from people who were out in the audience?

Mr. BOYD. No, sir; I didn't.

Mr. BALL. What did you do after that showup?

Mr. BOYD. I took him back—I took Lee Oswald back to Captain Fritz' office.

Mr. BALL. What time did you get him back there?

Mr. BOYD. Well, we left in there, I think it was 4:20—I believe—yes; that was by my watch. I was just going by my watch; it could have been off.

Mr. BALL. Who was present at that interrogation?

Mr. BOYD. Well, let me see—I don't recall who was up there—I think there was an FBI agent and I think a Secret Service man was up there and I don't recall the names of the ones that was there.

Mr. BALL. Was there only one FBI agent at that interrogation?

Mr. BOYD. Well, it seems like that's all there was up there—just one. I think another one came in—now, I never did know—there was another one that came in—now, I never did know—then there was another one that came in, but I didn't ever know if he was Secret Service or an FBI man—I never did know. But someone—I believe, called him back out right after he got in there, but I'm not sure.

Mr. BALL. Do you know the names of the FBI agents?

Mr. BOYD. No, sir.

Mr. BALL. How about the Secret Service?

Mr. BOYD. I don't know their names.

Mr. BALL. Was there a Secret Service man there?

Mr. BOYD. I think there was a Secret Service man there.

Mr. BALL. More than one?

Mr. BOYD. Just one.

Mr. BALL. Do you know his name?

Mr. BOYD. Let me see if I have it here.

Mr. BALL. Was Kelley there?

Mr. BOYD. Mr. Kelley was there at one interrogation.

Mr. BALL. How long did this one last that started at 4:20?

Mr. BOYD. Let me see—I don't know, but at 6:20 we took him back downstairs for another showup.

Mr. BALL. Do you think it lasted 2 hours, the interrogation in Fritz' office?

Mr. BOYD. Well, no, sir; I don't think they were in there that long.

Mr. BALL. Did you feed Oswald at any time?

Mr. BOYD. Mr. Hall—I don't know—I believe someone asked him if he wanted anything and he said he didn't. Mr. Hall finally gave him a cup of coffee—he finally took a cup of coffee from Mr. Hall—I don't recall just exactly the time—that's M. G. Hall.

Mr. BALL. He's one of your partners?

Mr. BOYD. Yes, sir [spelling] H-a-l-l, and I think—let me see—I know that he gave him a cup of coffee.

Mr. BALL. Well, from the time that you first took Oswald into your custody after 2:15 or so, you said, until you put him in jail that night about 12:20, or 12:30, did he have anything to eat?

Mr. BOYD. I don't believe so because he said he didn't want anything.

Mr. BALL. Did you eat?

Mr. BOYD. I ate real late that night—I don't remember just what time it was.

Mr. BALL. How late?

Mr. BOYD. I think I ate around 9 o'clock—I'm not sure about that—it could have been 10.

Mr. BALL. Now, in this interrogation that started about 4:20, do you remember what was said?

Mr. BOYD. No, sir; I sure don't.

Mr. BALL. Was Oswald handcuffed?

Mr. BOYD. Yes, sir; I think he was handcuffed.

Mr. BALL. Were the handcuffs in front or behind?

Mr. BOYD. They were in front of him, I believe, still.

Mr. BALL. Do you remember anything that took place at that interrogation—anything that was said?

Mr. BOYD. No, sir—I sure don't.

Mr. BALL. Now, at 6:20 there was another showup?

Mr. BOYD. Yes.

Mr. BALL. And who was present at that showup?

Mr. BOYD. We had the same showup as we had had before and they were numbered the same as they were before.

Mr. BALL. Were the men dressed any differently?

Mr. BOYD. No, sir; they were dressed like they were before.

Mr. BALL. And do you know who conducted the showup—asked the questions?

Mr. BOYD. Now, I believe that this is the one that Mr. Sims asked some questions.

Mr. BALL. Do you know who it was that asked the questions at the first showup that afternoon?

Mr. BOYD. No, sir; I do not.

Mr. BALL. Was there a Mr. Leavelle on duty that day?

Mr. BOYD. Mr. Leavelle was down there, I believe, on that day.

Mr. BALL. Did he ask questions at any of the showups?

Mr. BOYD. I think he did, but I'm afraid to say for sure because I don't really know.

Mr. BALL. At the second showup, did Oswald answer the questions—at 6:20?

Mr. BOYD. Yes; I think he answered the questions.

Mr. BALL. Was he angry?

Mr. BOYD. I don't recall him being angry.

Mr. BALL. Did he talk louder than the other three men?

Mr. BOYD. Not especially that I noticed.

Mr. BALL. Did you hear any of the conversation that went on in the audience part of the showup?

Mr. BOYD. No, sir.

Mr. BALL. Did you hear anything that was said to the witnesses, or what they said to the officers?

Mr. BOYD. No, sir.

Mr. BALL. What did you do after that showup?

Mr. BOYD. We took him back up to Captain Fritz' office.

Mr. BALL. That was about what time?

Mr. BOYD. I think it was 6:30 or 7 when we left the showup room when we took him there.

Mr. BALL. Who was present in Captain Fritz' office at that time?

Mr. BOYD. Well, that was when Justice of the Peace David Johnston [spelling] J-o-h-n-s-t-o-n, and our assistant district attorney, Bill Alexander, William F. Alexander, I believe is his true name—they came in with Captain Fritz.

Mr. BALL. Oswald was there too, was he?

Mr. BOYD. Yes.

Mr. BALL. What took place there?

Mr. BOYD. Well, Captain Fritz signed a murder complaint against Lee Harvey Oswald and that was for the murder of J. D. Tippit.

Mr. BALL. Was there some conversation that took place there at that time in front of Oswald?

Mr. BOYD. Yes, sir.

Mr. BALL. What was it, that you can remember?

Mr. BOYD. Well, I believe Judge Johnston, I believe, read the charge to Oswald, and—well, I don't recall the rest of that conversation.

Mr. BALL. Do you remember what Oswald said?

Mr. BOYD. No, sir.

Mr. BALL. At any time in any of the interrogations did you ever hear of anyone accuse Oswald of having shot Officer Tippit?

Mr. BOYD. Yes, sir—I heard—I believe I heard Captain Fritz talk to him about shooting Officer Tippit—I don't remember what interrogation it was in.

Mr. BALL. What did Oswald say?

Mr. BOYD. He said he didn't shoot anyone.

Mr. BALL. Did you ever hear anybody accuse Oswald of shooting the President, President Kennedy?

Mr. BOYD. I remember hearing them talk to him about shooting the President.

Mr. BALL. Who talked to him about it?

Mr. BOYD. I believe it was Captain Fritz.

Mr. BALL. What did Oswald say?
Mr. BOYD. He said he didn't shoot anyone.
Mr. BALL. Now, do you remember what Oswald said when Judge Johnston read the charge to Oswald? The charge of murder of Tippit, if he said anything?
Mr. BOYD. I think he said something, but I cannot tell you what it was.
Mr. BALL. You don't recall that?
Mr. BOYD. No, sir.
Mr. BALL. Oswald did make some statement, though?
Mr. BOYD. I believe he said something—yes, sir.
Mr. BALL. Did he ask for a lawyer?
Mr. BOYD. Well, let me see, he wanted to get in touch with a lawyer—I believe it was a lawyer by the name of Abt [spelling] A-b-t in New York City.
Mr. BALL. When did he say that? When did he tell you that?
Mr. BOYD. It was—either right before the first showup, or right after the first showup.
Mr. BALL. What did you tell him?
Mr. BOYD. Captain Fritz said he would—he didn't ask me, he was talking to Captain Fritz—yes.
Mr. BALL. This was in Captain Fritz' office?
Mr. BOYD. Yes.
Mr. BALL. What did Fritz say?
Mr. BOYD. He said he would see if he could make arrangements later on for him to use the telephone later on and call him.
Mr. BALL. Was anything said about who would pay for the call?
Mr. BOYD. No, sir.
Mr. BALL. No mention of that?
Mr. BOYD. I think he said he would call collect—I'm not sure.
Mr. BALL. Who said that—Oswald?
Mr. BOYD. Oswald.
Mr. BALL. Now, after the murder complaint was signed, what did you do?
Mr. BOYD. Well, let me see, I believe after that was signed, Mr. Clements—I believe, came in there.
Mr. BALL. In where?
Mr. BOYD. In Captain Fritz' office, and started talking to Lee Oswald.
Mr. BALL. And do you remember what he asked him?
Mr. BOYD. Well, I know he asked him about his name and I think he asked him where he was born, I think, and he asked him about his life in Russia—when he went to Russia and when he came back—I don't recall all of that.
Mr. BALL. And Oswald answered the questions?
Mr. BOYD. Yes, sir; I'll tell you—Oswald, he answered his questions until he finally—well, this interrogation was interrupted by another showup, and after we came back up Mr. Clements continued his interrogation and finally Oswald told him he was just tired talking and he thought he had talked long enough and he didn't have anything else to say.
He came in there and he wanted to get a little—well, he told him he wanted to get a little of his personal history and background, and Oswald finally got up and said, "What started out to be a short interrogation turned out to be rather lengthy," and he said, "I believe I have answered all the questions I have cared to answer, and I don't care to say anything else."
And sat back down.
Mr. BALL. He stood up and said that, did he?
Mr. BOYD. Yes; he stood up and said it. He just sat back in the chair and said, "I don't care to talk any more."
Mr. BALL. The first interrogation by Clements was interrupted, wasn't it?
Mr. BOYD. Yes.
Mr. BALL. That was interrupted by a showup, and that would be the third showup that you participated in?
Mr. BOYD. Yes, sir.
Mr. BALL. And that took place at what time?
Mr. BOYD. It was 7:30, let me see, no—7:40.

Mr. BALL. And who took part in that showup?

Mr. BOYD. You mean the officers?

Mr. BALL. No; who were the parties in the showup?

Mr. BOYD. Well, the first one was Richard Walter Borchgardt, and No. 2 was Lee Harvey Oswald, and No. 3 was—I have the wrong name in here—I have the last name—I just asked him his name as he came out in the showup room there and I understood him to say it was Braswell but it was Brazel.

Mr. BALL. Brazell—how do you spell that?

Mr. BOYD. [Spelling.] Brazel. B-r-a-z-e-l.

Mr. BALL. What is his full name?

Mr. BOYD. Ellis Carl Brazel.

Mr. BALL. He was the third man?

Mr. BOYD. Yes, sir.

Mr. BALL. Who was the fourth man?

Mr. BOYD. Don Ables was the fourth.

Mr. BALL. Was there some reason why you changed the parties to the showup?

Mr. BOYD. I don't know any reason.

Mr. BALL. Who directed that?

Mr. BOYD. I don't know—we met them down in the jail office and they had those three men down there.

Mr. BALL. What is the usual thing—when you are going to have a showup and you are in charge of investigation, who picks the people who appear in the showup?

Mr. BOYD. Well, most of the time we call down to the jail office and have them send us down—if he's already in jail, we just have them send up there and get him and just how many we want in the showup and we will tell them to give us this particular one—or three or four men—whatever the case may be.

Mr. BALL. Who picks them?

Mr. BOYD. The jailers upstairs.

Mr. BALL. Do you tell them to get them all the same color?

Mr. BOYD. Yes, sir; we always tell them to get them all the same color. I never have had too much trouble getting them all the same color.

Mr. BALL. What about the size and weight?

Mr. BOYD. Now, we always tell them to get them as near the same size and age and weight as they can. Sometimes they do and sometimes they don't.

Mr. BALL. In this case you didn't pick the men for the showup?

Mr. BOYD. I didn't know them—no, sir.

Mr. BALL. Or any of the showups?

Mr. BOYD. No, sir.

Mr. BALL. Now, this third showup took place at what time?

Mr. BOYD. We left the office at 7:40 and it takes, like I say, 2 or 3 minutes to get downstairs, and we got him back—we left down there to go back up at 7:55.

Mr. BALL. Who conducted the questioning on this third showup which you attended?

Mr. BOYD. I don't recall who did.

Mr. BALL. What about Oswald's manner in the third showup?

Mr. BOYD. I don't recall him being any different in that showup than the first two.

Mr. BALL. What about the appearance of the men in this showup—let's take the No. 1 man—what was his coloring and weight and size?

Mr. BOYD. Well, let's see—this is that Richard Walter Borchgardt. He was born May 30, 1940, and our records show him to be 5' 9", and 161 pounds.

Mr. BALL. That's [spelling] B-o-r-c-h-g-a-r-d-t?

Mr. BOYD. That's [spelling] B-o-r-c-h-g-a-r-d-t.

Mr. BALL. 161 pounds?

Mr. BOYD. Yes, sir; he had brown hair and blue eyes and fair complexion.

Mr. BALL. What was he in for, do you know?

Mr. BOYD. Yes, he was in for CPW and investigation of burglary and theft.

Mr. BALL. Then, the second man was who?

Mr. BOYD. Lee Harvey Oswald.

Mr. BALL. And the third man—was who?

Mr. BOYD. Ellis Carl Brazel [spelling] B-r-a-z-e-l.
Mr. BALL. That's [spelling] B-r-a-z-e-l—just one "l"?
Mr. BOYD. Yes, sir.
Mr. BALL. He was No. 3 and what is his description?
Mr. BOYD. He was born November 24, 1941, and it shows him to be 5' 10", 169 pounds, green eyes, blond hair, ruddy complexion.
Mr. BALL. What was he in for?
Mr. BOYD. I think he was in for tickets.
Mr. BALL. You mean, going too fast—speeding?
Mr. BOYD. Yes, sir; I believe that's right, or having some overdue tickets—he could have been in for something else, but that's what I think he was in for.
Mr. BALL. And Don Ables is the fourth man?
Mr. BOYD. Yes, sir.
Mr. BALL. He was the No. 4 man in the first two shows, too?
Mr. BOYD. This shows him to be 5' 9", 165 pounds.
Mr. BALL. What do you have Oswald down for?
Mr. BOYD. I don't have his description down, but I think he told me he was 5' and 8' or 9' and weighed 140-something pounds—I believe that is what he told me.
Mr. BALL. Do you know what happened to Borchgardt?
Mr. BOYD. No, sir; I don't.
Mr. BALL. Or to Brazel?
Mr. BOYD. No, sir.
Mr. BALL. Now, in this showup, the third showup, was Oswald's manner any different than it had been the first two showups?
Mr. BOYD. I don't recall it being any different.
Mr. BALL. Did he shout, yell, or anything of the sort?
Mr. BOYD. I don't believe, because when he got back upstairs there, he started talking to Mr. Clements again and he didn't get upset.
Mr. BALL. How long did he talk to Mr. Clements? This last time?
Mr. BOYD. Well, let's see—he didn't talk to him but for about half an hour.
Mr. BALL. Then, after that what happened?
Mr. BOYD. Well, after Mr. Clements left, well, in a few minutes Detective Johnny Hicks and R. L. Studebaker from the crime lab came down to the office, that's Captain Fritz' office, and Detective Hicks fingerprinted Oswald and Sgt. Pete Barnes came in, and shortly afterward Capt. George Doughty came down and stayed just a few minutes and went back up, and he left out and I don't know where he went.
Mr. BALL. What did Barnes do?
Mr. BOYD. Well, he helped Johnny Hicks make some paraffin casts of Oswald's hands and the right side of his face.
Mr. BALL. You were there when that happened?
Mr. BOYD. I was in and out—I was in more than I was out. I was in and out at the time that was going on.
Mr. BALL. Then what happened—what did you do after that?
Mr. BOYD. About 11:30 Mr. Sims and I made out some arrest sheets on Lee Oswald.
Mr. BALL. And where was Oswald then?
Mr. BOYD. He was still up in the homicide office.
Mr. BALL. Did you question him again?
Mr. BOYD. No, sir.
Mr. BALL. And what did you do after that?
Mr. BOYD. Well, shortly after that Chief Curry and Captain Fritz came in, and Chief Curry asked us to take Lee Oswald back down into the assembly room and to take him out in front of the showup stage, and he told us not to let anyone get near to him or touch him—if they did—if anyone even tried it, to take him immediately to jail.
Mr. BALL. What did you do then?
Mr. BOYD. We went down there and stayed, I'll say, 5 minutes or so.
Mr. BALL. What happened when you stayed the 5 minutes—describe what you did?
Mr. BOYD. Well, there was a bunch of news reporters down there.

Mr. BALL. Television cameras?

Mr. BOYD. I believe there was some cameras in there—I'm not sure about the cameras—I know that there was a lot of reporters down there. They had some cameras on the outside.

Mr. BALL. What did you do with Oswald?

Mr. BOYD. We took him up there and some of them asked him some questions and he talked back and forth there for a minute and finally we got him and took him up in the jail office and carried him on up and put him in the jail.

Mr. BALL. Was Oswald angry?

Mr. BOYD. Part of the time he was.

Mr. BALL. What was said—can you remember?

Mr. BOYD. I remember somebody hollering out back there, "Why did you shoot the President?"

Mr. BALL. What did he say?

Mr. BOYD. He said, "I didn't shoot anyone."

Mr. BALL. You took him on up there, then, did you?

Mr. BOYD. Yes, sir.

Mr. BALL. And you put him in jail for the night, did you?

Mr. BOYD. Yes, sir.

Mr. BALL. And then you went home and went to bed?

Mr. BOYD. Later on I did.

Mr. BALL. What time did you go to work the next day—that would be November 23.

Mr. BOYD. I think I got in around 9 o'clock.

Mr. BALL. Then what did you do?

Mr. BOYD. I arrived at 9:30 and I stayed around the office until 10:25 and Mr. Sims, Hall, and myself went up and got Lee Oswald out of jail again and brought him down to my office.

Mr. BALL. Who told you to do that?

Mr. BOYD. Captain Fritz.

Mr. BALL. What did you do when you brought him down to your office?

Mr. BOYD. Well, Mr. Fritz and the FBI and Mr. Robert Nash, the U.S. marshal, and Mr. Kelley of Secret Service were in Captain Fritz' office at that time.

Mr. BALL. Who else was in the office?

Mr. BOYD. Let me see—I believe Mr. Sims and Hall, and Captain Fritz were there.

Mr. BALL. Now, Sims said he didn't stay there.

Mr. BOYD. Well, he came back out after we got him down there—that's right.

Mr. BALL. You stayed there, didn't you?

Mr. BOYD. Yes.

Mr. BALL. And you heard what was said?

Mr. BOYD. Yes, sir.

Mr. BALL. Tell us what you heard.

Mr. BOYD. Well, I know Mr. Nash asked him a question or two.

Mr. BALL. What were they?

Mr. BOYD. I don't recall what questions he asked.

Mr. BALL. Who else asked questions?

Mr. BOYD. Captain Fritz talked to him and—let me see—I don't remember if Mr. Bookhout—it seemed like Mr. Bookhout asked a question or two—I believe all of them asked him something.

Mr. BALL. Do you know what they asked?

Mr. BOYD. No, sir.

Mr. BALL. Do you remember what Oswald said?

Mr. BOYD. Well, let me see—no, sir; I can't recall what he said; like I say, I didn't keep notes there because I was sitting right near Oswald.

Mr. BALL. Was Oswald handcuffed?

Mr. BOYD. Yes; he was handcuffed.

Mr. BALL. Were the handcuffs in the front or in the back?

Mr. BOYD. They were in the front of him.

Mr. BALL. How long did this questioning last?

Mr. BOYD. It didn't last too awful long—about an hour or so, I believe, and we took him back to the jail at 11:30.

Mr. BALL. Then what did you do?

Mr. BOYD. Then Mr. Sims and Hall and Mr. Dhority, who is another detective in our bureau—went out to 1026 North Beckley to recheck Oswald's room out there.

Mr. BALL. Did you go out there then?

Mr. BOYD. Yes.

Mr. BALL. Did you have a search warrant?

Mr. BOYD. Let me see—I'm not sure if I had a search warrant—I know the landlady was there and let us in there. I didn't have the search warrant myself, I'll say that. One of the other officers might have had a search warrant.

Mr. BALL. But you didn't have one?

Mr. BOYD. I didn't have one.

Mr. BALL. You don't know whether you had one or not?

Mr. BOYD. I know there was a search warrant gotten but I didn't get it.

Mr. BALL. Well, there was a search warrant issued to search 1026 North Beckley the day before?

Mr. BOYD. Yes.

Mr. BALL. And it was searched the day before—you knew that, didn't you?

Mr. BOYD. Yes.

Mr. BALL. When you searched it this day, what did you find?

Mr. BOYD. Nothing.

Mr. BALL. Did you take anything with you?

Mr. BOYD. No, sir.

Mr. BALL. You took nothing out?

Mr. BOYD. I don't believe so. I think it was pretty clean.

Mr. BALL. What kind of furnishings did you see in there?

Mr. BOYD. Well, I saw a little bed, just a little small dresser—it barely would go in there and you barely did have room enough to walk between the dresser and the wall. The fact is the whole works were—wasn't any wider than that—just about that wide [indicating].

Mr. BALL. The whole room?

Mr. BOYD. The whole room.

Mr. BALL. It wasn't any wider than how many feet?

Mr. BOYD. I would say it wasn't over about 12 feet long and about 5 feet wide or something like that.

Mr. BALL. Did it have curtains on the windows?

Mr. BOYD. Well, it had—let's see, I'm not sure if it was curtains or blinds. It had one little bed in there and it barely did have room enough to get in there and go to bed.

Mr. BALL. You don't recall whether it had curtains or blinds?

Mr. BOYD. No, sir; I do not.

Mr. BALL. Did you see Oswald again that day?

Mr. BOYD. I don't believe I did—let me see.

Mr. BALL. Well, it says in your report you brought him in at 6:30.

Mr. BOYD. I didn't do that.

Mr. BALL. You didn't do it? You were off duty?

Mr. BOYD. I wasn't off duty, but I just wasn't at the office at that time.

Mr. BALL. You don't think you saw him again?

Mr. BOYD. I don't believe so.

Mr. BALL. What about November 24?

Mr. BOYD. I worked late on the night of the 23d so I wouldn't have to come back early the next morning.

Mr. BALL. Then, you were with him on the 24th?

Mr. BOYD. I wasn't with him on the 24th—I was watching on the TV at home—I wasn't at home—I was out at my mother-in-law's at Irving, Tex., and I called Lieutenant Baker right after I learned about Oswald.

Mr. BALL. I want to ask you a question about Oswald's appearance when you first saw him. Did he have any marks on his face?

Mr. BOYD. He had one markup—I believe it was on his left eye—the thing that I noticed or was noticeable. And I asked him where he got that and he said, "Well, I struck an officer and he struck me back." He said, "Which he should have done."

Mr. BALL. Did he say "He should have done that?" Did Oswald say that?

Mr. BOYD. Yes, sir.

Mr. BALL. I want the exact words, not your version—give me the exact words.

Mr. BOYD. I'll tell you—I asked him how he got this place on his eye, and he says, "Well, I struck an officer and the officer struck me back, which he should have done."

Mr. BALL. Those were the exact words?

Mr. BOYD. Those were the exact words.

Mr. BALL. Was there anything else said about that?

Mr. BOYD. No, sir; he didn't seem too much upset about it.

Mr. BALL. Did he ever complain to you that he had been abused by the officers at the time of the arrest?

Mr. BOYD. No, sir.

Mr. BALL. Did he ever use the term that "police brutality"—did he ever use that term to you?

Mr. BOYD. I don't remember him ever using the term "police brutality".

Mr. BALL. Did he ever ask you to get him a lawyer?

Mr. BOYD. No, sir; he didn't ask me to get him one.

Mr. BALL. Were you present at any time when a lawyer visited Oswald?

Mr. BOYD. No, sir; I wasn't present—we asked him, did he want a lawyer here—Captain Fritz the next morning had asked him, and he said he didn't want a lawyer, he wanted Mr. Abt.

Mr. BALL. Do you have some questions?

Mr. STERN. What was your impression of Oswald—the way he handled himself, what kind of a man did he seem to you?

Mr. BOYD. I'll tell you, I've never saw another man just exactly like him.

Mr. STERN. In what way?

Mr. BOYD. Well, you know, he acted like he was intelligent; just as soon as you would ask him a question, he would just give you the answer right back—he didn't hesitate about his answers. I mean, as soon as you would pop him a question, he would shoot you an answer right back and, like I said, I never saw a man that could answer questions like he did.

Mr. STERN. Did he seem to be under stress or calm in those terms?

Mr. BOYD. Well, at times he was just as calm as could be, then once in a while he would—I don't know just how to tell you, but every now and then he would be talking and he would be just as calm and the next minute he would just liable to be—I mean his attitude, you know, would change, you know, rather frequently, but most of the time when he would be talking to you he was rather calm.

Mr. STERN. When it changed, was it for any noticeable reason or did it change apparently?

Mr. BOYD. Well, most of the time, you know, it was just when somebody would say something—some little something he didn't like, and he would—he didn't become mad, but the worst thing he did was when he jumped up and slapped the desk.

Mr. STERN. During the Hosty interrogation?

Mr. BOYD. Yes, sir.

Mr. STERN. He seemed to you to understand generally his rights?

Mr. BOYD. Yes, sir.

Mr. STERN. And do you know that he wasn't required to answer?

Mr. BOYD. Yes, sir.

Mr. STERN. Of course, this was a long day for everybody—did he seem by the end of the day still to be in command of himself, or did he appear tired or particularly worn out?

Mr. BOYD. Well, he didn't appear to be as tired as I felt—he didn't appear to be, because I imagine he could have been tired—he didn't show it.

Mr. STERN. This is quite unnatural—really rather exceptional; this is, of course, why you say somewhat unusual, a man accused of killing two people, one of them the President of the United States, and at the end of the day, he is pretty well in command?

Can you tell us in any other respect about the kind of person he seemed to you—anything else that you observed about him, as you now recall?

Mr. BOYD. I don't know—he just struck me as being the man, you know, who liked to move around a lot—I don't know that he did, but he just struck me as being a man that acted like he was not satisfied and—in one place.

Mr. BALL. When you participated in the search of Oswald and found five pistol cartridges in his pants pocket, was there any discussion of these bullets with him; did he say anything, or did you say anything to him about it?

Mr. BOYD. I just asked him, "What were they doing in there," and he said, "I just had them in my pocket."

Mr. STERN. The memorandum mentions the cartridges—bus transfer, except that he had a ring on his finger which he took off and he gave it to Mr. Sims. Do you remember any other items that he had that you got from him during this search?

Mr. BOYD. No, sir; I know that Mr. Sims did get the bus transfer and took his ring—he took his ring off and give it to Mr. Sims, and I got those five shells, and that's all that I recall being taken from him.

Mr. STERN. Do you remember an identification bracelet in the course of that investigation?

Mr. BOYD. Let me see—I'm trying to think if he had an identification bracelet.

When we were up in Captain Fritz' office the first time—I recall—I don't recall if I saw that bracelet then or not—it seemed like I did. I know I saw a little card with his picture on it.

Mr. STERN. But this was not something you obtained in your search?

Mr. BOYD. No; I didn't.

Mr. STERN. That had been obtained earlier, apparently.

That's all. Do you have anything else?

Mr. ELY. Yes. Mr. Boyd, when you first saw Oswald when you went to the interrogation room and got him—do you remember that?

Mr. BOYD. Yes.

Mr. ELY. Who was with him in the interrogation room prior to your arrival?

Mr. BOYD. I am not positive about who was with him—there's some uniformed men in there and I believe there was Officer K. E. Lyons, but I would be afraid to say for sure, because I'm not positive, but I believe that's who it was.

Mr. ELY. Do you know whether whoever it was was there with them, were they talking to him or questioning him, or don't you know?

Mr. BOYD. Well, I don't know. I just took it that they were the ones that brought him into—into the office up there. They were more or less just waiting for somebody.

I just assumed they were part of the officers that were out in the Texas Theatre where they arrested him and transferred down to our office from Oak Cliff.

Mr. ELY. Now, referring to the press conference Friday night, I believe you mentioned that part of the time Oswald seemed angry to you, do you know what it was that upset him?

Mr. BOYD. When someone called to him and asked him why he shot the President, that seemed like that's what upset him.

Mr. ELY. Do you know if there is anyone who could tell us who picked the people in the various lineups—you don't know exactly, but did you know, is there anybody you could tell us?

Mr. BOYD. I just don't know who it would be.

Mr. ELY. On Friday night, about what time did you check Oswald into the jail there?

Mr. BOYD. I think it was around 12:20 in the morning, I believe. According to my watch, I believe that's what I went by—that's what the time would be, of course, it could be a few minutes off. We turned him over to the jailers at 12:23 a.m.

Mr. ELY. Do you know whether he was checked out of the jail again after that time? Late at night—I realize you checked him out the next morning.

Mr. BOYD. No, sir; I don't know.

Mr. ELY. You don't know?

Mr. BOYD. No.

Mr. ELY. I believe that's all I have.

Mr. BALL. Well, Mr. Boyd, this will be written up and it will be submitted to

you and you can read it over and correct it and sign it if you wish. That's one procedure you can follow.

Or, this young lady will write it up and we'll send it on to the Commission as it is if you waive your signature. You have your option—you can do either one.

Mr. BOYD. I think she probably got it down all right—I'll trust her.

Mr. BALL. Then, you are waiving your signature?

Mr. BOYD. Yes, sir.

Mr. BALL. Thank you very much, and I am glad to have met you.

Mr. BOYD. Glad to have met you, Mr. Ball.

TESTIMONY OF ROBERT LEE STUDEBAKER

The testimony of Robert Lee Studebaker was taken at 3:45 p.m., on April 6, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Messrs. Joseph A. Ball, John Hart Ely, and Samuel A. Stern, assistant counsel of the President's Commission. Dr. Alfred Goldberg, historian, was present.

Mr. BALL. Do you solemnly swear the testimony you give before this Commission to be the truth, the whole truth and nothing but the truth, so help you God?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. Will you state your name, please?

Mr. STUDEBAKER. R. L. Studebaker—Robert Lee.

Mr. BALL. And you have been requested to appear here to give testimony in this inquiry, have you not, by your Chief of Police, who told you that we had a matter requiring your testimony?

Mr. STUDEBAKER. Yes.

Mr. BALL. The subject of the testimony is the assassination of President Kennedy.

You made certain investigations on November 22 and 23 and 24 with respect to that, did you not?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. What I want to ask you is what you did at that time. Can you tell me something about yourself, where you were born, where you went to school, and what your training is?

Mr. STUDEBAKER. I was born in Niles, Mich., and attended several schools and have been in Dallas and I have been in the Air Force and came to Dallas in 1950, and have been in the Police Department since February 8, 1954, and right now I am a detective in the Crime Scene Service Section of the ID Bureau of the Dallas Police Department.

Mr. BALL. What sort of training did you have for the crime lab work that you are doing?

Mr. STUDEBAKER. It's just on-the-job training—you go out with old officers and learn how to dust for prints and take pictures and fingerprints.

Mr. BALL. Have you had any special training in identification fingerprints?

Mr. STUDEBAKER. No, sir; we don't classify prints too much where we are. We just compare them.

Mr. BALL. What is the technique of lifting a print, as you call it?

Mr. STUDEBAKER. Well, it's just using the regular dusting powder that we have and if you find something that you want to dust, you dust for the print. We used on this special case up there on those boxes and things, we have a special powder that we used on that.

Mr. BALL. Then you take a picture of the print—a photograph?

Mr. STUDEBAKER. Of this area, we just taped it to preserve it. We just lift the print and then tape it to preserve it.

Mr. BALL. By "lifting a print," you mean to make it stand out?

Mr. STUDEBAKER. Raising it up; yes, sir.

Mr. BALL. By means of your dusting powder?

Mr. STUDEBAKER. By a chemical, yes. This certain print that was up there, we used this special powder for cardboard and paper. That's what it's used for.

Mr. BALL. Now, on the 22d of November 1963, were you on duty that day?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. What time did you go to work?

Mr. STUDEBAKER. 7 a.m.

Mr. BALL. In the morning?

Mr. STUDEBAKER. Yes.

Mr. BALL. What are your hours—7 to 3?

Mr. STUDEBAKER. 7 to 3.

Mr. BALL. Did you get a call to go down to the Texas School Book Depository?

Mr. STUDEBAKER. Yes.

Mr. BALL. What time did you go down there?

Mr. STUDEBAKER. I believe we got the call about 1:05—we was down there about 1:15.

Mr. BALL. And whom did you go with?

Mr. STUDEBAKER. Lieutenant Day and I answered the call.

Mr. BALL. What equipment did you take with you?

Mr. STUDEBAKER. We took our camera and fingerprint kits and our truck. We have a truck that is equipped with all that stuff—a station wagon.

Mr. BALL. Each one of you had a camera, did you?

Mr. STUDEBAKER. No, sir; we just had one camera.

Mr. BALL. What kind of camera was it?

Mr. STUDEBAKER. It's a Graflex, a 4 by 5 Speed Graflex.

Mr. BALL. Have you had some experience in operating a camera?

Mr. STUDEBAKER. Yes.

Mr. BALL. How much?

Mr. STUDEBAKER. Well, on this certain camera?

Mr. BALL. Yes.

Mr. STUDEBAKER. About 2 months.

Mr. BALL. But you have had photography in your crime lab work?

Mr. STUDEBAKER. Yes.

Mr. BALL. For how long?

Mr. STUDEBAKER. Was about 2 months.

Mr. BALL. How long have you done photography altogether?

Mr. STUDEBAKER. In my lifetime?

Mr. BALL. No, as one of the assistants in the crime lab, what period of years?

Mr. STUDEBAKER. 2 months. I went to the crime lab in October, the 1st of October.

Mr. BALL. You did—had you done any photography before that?

Mr. STUDEBAKER. Just home photography.

Mr. BALL. And the fingerprint equipment, is that the dusting powder you mentioned?

Mr. STUDEBAKER. Yes.

Mr. BALL. And what else?

Mr. STUDEBAKER. Just anything we had in the truck. We have the truck complete.

Mr. BALL. You have different kinds of fingerprint dusting powder for different substances?

Mr. STUDEBAKER. Yes.

Mr. BALL. How many different kinds of powder do you have?

Mr. STUDEBAKER. Well, we have a gray powder that we use for lifting prints and use under an ultra-violet light and we have a black volcano powder that we use on white or grey surfaces, and then just recently we purchased this new powder—it's a magnetic powder. It's a new type of powder that you just use something like a pen to lift your powder out of the jar that it's in and it will lift a print off of a paper better than your regular dusting powder. It's more accurate in lifting a print than anything I have ever seen. It's a new type powder—a magnetic powder is what it is, and they have a jet black and a gray and a silver-gray and different types of powder in there that you can use on different types surfaces.

Mr. BALL. By "lifting the prints," you mean it stands out?

Mr. STUDEBAKER. Raising the print up, raising the invisible print which is a latent print and it will raise the moisture out of the paper that it is pressed on. It takes 7 pounds of pressure to leave a latent fingerprint and the moisture in your fingers, in the pores of your skin, is what leaves the print on the paper, but it is invisible until you put your powder on there and then it raises it.

Mr. BALL. Now, on this day when you went to the Texas School Book Depository Building, did you go directly to some particular floor?

Mr. STUDEBAKER. We went to the entrance and they said it was on the sixth floor and we went directly to the sixth floor.

Mr. BALL. Then, were you directed to some place on the sixth floor, as soon as you arrived there?

Mr. STUDEBAKER. No; they hadn't found anything when we got there.

Mr. BALL. After you were there a little while, did somebody find something?

Mr. STUDEBAKER. They found the empty hulls in the southeast corner of the building—they found three empty hulls and we went over there and took photographs of that.

Mr. BALL. Do you have that photograph with you?

Mr. STUDEBAKER. Yes.

Mr. BALL. Could I see it, please?

Mr. STUDEBAKER. Now, I took two of the photographs and Lieutenant Day took two. We took double shots on each one. These are the ones I took myself—these pictures. There's the two pictures that I took. This one was right before anything was moved. There is a hull here, a hull here, and a hull over here.

Mr. BALL. Now, this picture you have just identified as the picture you took, we will mark it as Exhibit "A" in your deposition.

Mr. STUDEBAKER. Yes, sir.

(Instrument referred to marked by the reporter as "Studebaker Exhibit A," for identification.)

Mr. STUDEBAKER. Yes, sir; now, on this negative right down here in the bottom corner of this negative, there is another hull—you can just barely see the tip of it right here, and when this picture was printed, the exposure of the printing left this out, but I have one—I didn't know this was like that, but I have another one that shows this hull this way.

You see these boxes all right stacked up here, and you couldn't get over here to take another picture in that way, without getting up on everything and messing everything up. This is exact before anything was ever moved or picked up.

There are just two different views there. You probably got one or two copies. We printed a bunch of them.

Mr. BALL. Is this the same picture?

Mr. STUDEBAKER. That's the same picture, only you don't have it there either.

Mr. BALL. It doesn't show it?

Mr. STUDEBAKER. It doesn't show the third hull laying beside this box.

Mr. BALL. We have a picture which shows the three hulls, which is Exhibit A, and a picture showing the two hulls, will be marked "Exhibit B."

(Instrument referred to marked by the reporter as "Studebaker Exhibit B," for identification.)

Mr. STUDEBAKER. The first pictures was shots on the southeast facing west, and this one here is facing east.

Mr. BALL. In other words, Exhibit A was filmed from the east, with the camera facing west?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. And Exhibit B is what?

Mr. STUDEBAKER. Facing east.

Mr. BALL. You are facing east?

Mr. STUDEBAKER. We have a jacket we made up that has all of those pictures numbered in there, and I believe he made an explanation on every one of those.

Mr. BALL. We will identify your Exhibit A as your No. 20 and your Exhibit B as your No. 19. Now, what other pictures did you take?

Mr. STUDEBAKER. Of the rifle?

Mr. BALL. Yes.

Mr. STUDEBAKER. Yes, sir; that's why, right after these were taken, they said they had found a rifle and to bring the cameras over to the northwest corner of the building where the rifle was found and I loaded everything up and carried it over there.

Mr. BALL. Did you take a picture of that?

Mr. STUDEBAKER. Yes, sir; on these, Lieutenant Day also took pictures of those, and he also took pictures of this gun. We took two shots apiece.

Mr. BALL. Let's see the shots you took of the place where the gun was located?

Mr. STUDEBAKER. I know it's mine because my knees are in the picture.

Mr. BALL. Do you remember the name of the deputy sheriff that found the gun?

Mr. STUDEBAKER. No, I don't.

Mr. BALL. You have handed me a picture now that I will have marked as "Exhibit C" and it is your No. 22.

(Instrument marked by the reporter as "Studebaker Exhibit C," for identification.)

Mr. BALL. That is a picture taken by you of the location of the gun—that was before anyone moved it?

Mr. STUDEBAKER. Yes.

Mr. BALL. Do you have another shot of that other picture?

Mr. STUDEBAKER. No, we took two from the same location when we was up on top of the stack of boxes shooting down at it, before they picked it up. Actually, there was four negatives of them of the gun, but they are all in the same location, shooting straight down and they were taken on different exposures.

Mr. BALL. You took some other pictures, didn't you?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. Did you take a picture of the window in the southeast corner?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. Were there any boxes on the ledge of this window?

Mr. STUDEBAKER. Yes.

Mr. BALL. Did you take some pictures showing those boxes?

Mr. STUDEBAKER. Yes.

Mr. BALL. Was that before any of them were moved?

Mr. STUDEBAKER. That picture right there is the one that shows them, and the other pictures show them before they were moved.

Mr. BALL. You mean Exhibit A and B?

Mr. STUDEBAKER. A and B.

Mr. BALL. Do you have a picture that shows the boxes themselves, just a shot of those boxes in the window?

Mr. STUDEBAKER. This one, Exhibit A, shows that—this is the exact—now, this print here isn't too good, but you can see the indentation in this box right here. This is before it was ever moved, and right down below here, you can see a staple on another box or another negative, this isn't too good a negative here. If I had known what you wanted, I would have brought you a better print—picked out a better print.

Mr. BALL. Now, you say on Exhibit A it shows a box in the window?

Mr. STUDEBAKER. These boxes [indicating], yes, sir.

Mr. BALL. Is that the way they were piled up?

Mr. STUDEBAKER. Yes, just exactly like that.

Mr. BALL. And you say there is an indentation on that box?

Mr. STUDEBAKER. Right here.

Mr. BALL. That shows in the picture.

Mr. STUDEBAKER. Yes.

Mr. BALL. Will you take this pen and sort of surround that and make it look a little heavier?

Mr. STUDEBAKER. (Marked exhibit as requested by Counsel Ball.)

Mr. BALL. There was an indentation in the box, was there?

Mr. STUDEBAKER. Yes, and you can tell on these boxes. We checked them all over and this box is a Second Rolling Readers—that was carried from the fourth aisle over here to over here (indicating) and there is another box that was taken off of this stack—this stack right here.

Mr. BALL. Is it shown in the picture?

Mr. STUDEBAKER. It will show on another negative.

Mr. BALL. You see, somebody reading this can't tell what you mean by "another box taken from this stack here."

Mr. STUDEBAKER. Well, there is a box right under this.

Mr. BALL. Right under what?

Mr. STUDEBAKER. Right under this box.

Mr. BALL. You mean the box that's shown in the window ledge, you mean the little Rolling Readers?

Mr. STUDEBAKER. There are two boxes stacked up here—here's one, and here's one.

Mr. BALL. Were they both Rolling Readers?

Mr. STUDEBAKER. Yes; two small boxes, and then a large box with these books was underneath.

Mr. BALL. It's marked "books"?

Mr. STUDEBAKER. It's marked "books" and it was underneath this box.

Mr. BALL. Now, the box marked "books" was underneath the box marked "Rolling Readers"?

Mr. STUDEBAKER. Yes; Second Rolling Readers.

Mr. BALL. Now, there were two Rolling Readers boxes, weren't there?

Mr. STUDEBAKER. Yes.

Mr. BALL. Where were they taken from?

Mr. STUDEBAKER. They were taken from the fourth aisle and put there.

Mr. BALL. Where were they stacked in the window?

Mr. STUDEBAKER. Well, this shows as much as you can before anything was moved, and at that time, we went over to this other place—

Mr. BALL. Did you take this picture?

Mr. STUDEBAKER. Yes, sir; that was after the boxes were dusted.

Mr. BALL. That's after they were moved?

Mr. STUDEBAKER. Yes, sir; that's when we was trying to get some prints right there.

Mr. BALL. Do you have any pictures of the boxes before they were moved other than those you have showed me?

Mr. STUDEBAKER. Just these two.

Mr. BALL. Just the two that show the cartons, and those are Exhibits A and B?

Mr. STUDEBAKER. We have probably got one down there I can get you that is a lot better print than that. If you want a better print, I can get it for you.

Mr. BALL. Then, you don't have any pictures taken of the boxes before they were moved?

Mr. STUDEBAKER. No.

Mr. BALL. Now, I will show you another picture which we will mark as "Exhibit D," was that taken by you?

Mr. STUDEBAKER. Yes.

(Instrument marked by the reporter as "Studebaker Exhibit D," for identification.)

Mr. BALL. Does that show the position of the boxes before or after they were moved?

Mr. STUDEBAKER. That's after they were dusted—there's fingerprint dust on every box.

Mr. BALL. And they were not in that position then when you first saw them?

Mr. STUDEBAKER. No.

Mr. BALL. Now, take a look at it and tell me where were they with reference to the left window sill, were there boxes over close to the left window sill or in the center, or close to the right of the window sill?

Mr. STUDEBAKER. Where is your other picture—and I will show you?

See this box right here—this box?

Mr. BALL. We are referring now to the box shown in Exhibit B.

Mr. STUDEBAKER. That's one of these Rolling Readers there in Exhibit B, you can read it right here—it's upside down. It says, "Second Rolling Readers."

Mr. BALL. That says 10.

Mr. STUDEBAKER. No; it says Second; that's that little Rolling Reader—it says "Second Rolling Readers". They don't go by this up there, they go by this

right here, this little print. Now, this box was turned over on its side and you see the tape right here, the way it is wrapped around—that was laying in the window like this on the top box.

Mr. BALL. "In the window like this," you mean as shown on Exhibit B?

Mr. STUDEBAKER. It is Exhibit B.

Mr. BALL. It was on the window ledge?

Mr. STUDEBAKER. It was on the window ledge, just like it is right there, and then this other box was beside it, and this box was turned up on end.

Mr. BALL. You say "this box turned up on end," you've got to give us a description of "this box"—you mean the box marked "books"?

Mr. STUDEBAKER. The box marked "books"—now, we have—this thing is stapled here some place along this edge and you can see the staples in this other print. You can't see it in this print.

Mr. BALL. What other print?

Mr. STUDEBAKER. When you make a negative, you have to put it on your exposure when you expose the thing, and you see, you lose part of your negative.

Mr. BALL. First, let me get back to what we were talking about first.

Mr. STUDEBAKER. Well, this box was sitting right here—the first box in Exhibit A.

Mr. BALL. Wait just a minute—let me direct your attention to Exhibit B, does it show a box on the window ledge?

Mr. STUDEBAKER. This box—the Second Rolling Readers.

Mr. BALL. That picture was taken before the box was moved?

Mr. STUDEBAKER. Yes.

Mr. BALL. That box shown in the window ledge in Exhibit B was the Rolling Readers box?

Mr. STUDEBAKER. Yes.

Mr. BALL. And underneath that was another box?

Mr. STUDEBAKER. Another Rolling Reader box?

Mr. BALL. And underneath that sitting on the floor was another box?

Mr. STUDEBAKER. A box marked "books".

Mr. BALL. It was larger in size?

Mr. STUDEBAKER. It was larger in size.

Mr. BALL. Than the Rolling Readers box?

Mr. STUDEBAKER. Yes.

Mr. BALL. Now, the one marked "books", how was that standing, was it on its end or on its side?

Mr. STUDEBAKER. It was on its end. You see, these staples right along here, these staples show in another print. They don't show in this print—this is just a bad print.

Mr. BALL. When you say "in this," what is it?

Mr. STUDEBAKER. This is Exhibit—what is it?

Mr. BALL. This is Exhibit A.

Mr. STUDEBAKER. Exhibit A—it was standing on end.

Mr. BALL. Now, in Exhibit A—can you tell me looking at Exhibit A whether or not these boxes were over near the left-hand corner of the sill, to the left of the sill, looking out of the window, at the center, or over at the right.

Mr. STUDEBAKER. They were in the left-hand corner of the window looking towards Elm Street.

Mr. BALL. How close to the edge of the sill?

Mr. STUDEBAKER. Right at the edge.

Mr. BALL. Right at the edge?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. Now, you show an indentation or a mark on the top of the box shown in Exhibit A, is that a little Rolling Reader box?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. Now, we have a picture here which we will mark "Exhibit E."

(Instrument marked by the reporter as "Studebaker Exhibit E," for identification.)

Mr. BALL. This is a picture of the fifth and sixth floor of the Texas School Book Depository taken by a photographer right after shots were fired at President Kennedy.

Can you tell me whether or not the Rolling Readers box you identified in Exhibit A is shown in that picture?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. Where?

Mr. STUDEBAKER. That's the top corner.

Mr. BALL. Where?

Mr. STUDEBAKER. That's this corner right here.

Mr. BALL. Let's put a circle around that so we can identify that.

Mr. STUDEBAKER. Have you got a ballpoint pen?

(Witness Studebaker marks the instrument referred to as requested by Counsel Ball.)

Mr. BALL. The circle surrounds that box, is that correct?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. There is another box shown in Exhibit E here over to the right of the window as you stand looking out of the window.

Mr. STUDEBAKER. It would be these boxes back over in here—it would be the top of those boxes.

Mr. BALL. How far were they away from the window?

Mr. STUDEBAKER. I would have to look at the measurements—I have the measurements down here. This is the box you see right there, in that picture. You see, these boxes were stacked all up on top of each one.

Mr. BALL. You are referring to Exhibit A?

Mr. STUDEBAKER. Exhibit A.

Mr. BALL. And it is the row of boxes?

Mr. STUDEBAKER. Behind this window—that's the top of that box—that's all it is.

Mr. BALL. It is the top of a box that is shown in this picture?

Mr. STUDEBAKER. Yes.

Mr. BALL. And they were set back from the window 2 or 3 feet, were they?

Mr. STUDEBAKER. Yes, they were about 18 inches is all that was.

Mr. BALL. Let's make two circles—one circle around the top of the Rolling Readers and one circle around the top of the other box. So, the people who read this can understand it, make the Rolling Readers circle an "X" circle and mark it out here—mark "X" and the other circle a "Y" circle.

(Witness Studebaker marked the exhibit referred to as requested by Counsel Ball.)

Mr. BALL. Now, the Rolling Readers box, which is shown in the "X" circle on this Exhibit E, where was that with reference to the window sill itself?

Mr. STUDEBAKER. Sitting right on the sill.

Mr. BALL. And the box that is shown in the picture as around the "Y" circle of Exhibit E, that was how far from the window itself?

Mr. STUDEBAKER. Approximately 18 inches from the inside brick of the window.

Mr. BALL. And that little aisleway is shown on Exhibits A and B?

Mr. STUDEBAKER. Yes, on A and B.

Mr. BALL. Now, did you at any time see any paper sack around there?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. Where?

Mr. STUDEBAKER. Storage room there—in the southeast corner of the building—folded.

Mr. BALL. In the southeast corner of the building?

Mr. STUDEBAKER. It was a paper—I don't know what it was.

Mr. BALL. And it was folded, you say?

Mr. STUDEBAKER. Yes.

Mr. BALL. Where was it with respect to the three boxes of which the top two were Rolling Readers?

Mr. STUDEBAKER. Directly east.

Mr. BALL. There is a corner there, isn't it?

Mr. STUDEBAKER. Yes, sir; in the southeast corner.

Mr. BALL. It was in the southeast corner?

Mr. STUDEBAKER. I drew that box in for somebody over at the FBI that

said you wanted it. It is in one of those pictures—one of the shots after the duplicate shot.

Mr. BALL. Let's mark this picture "Exhibit F."

(Instrument marked by the reporter as "Studebaker Exhibit F," for identification.)

Mr. BALL. Do you know who took that picture?

Mr. STUDEBAKER. No; I don't.

Mr. BALL. Do you recognize the diagram?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. Did you draw the diagram?

Mr. STUDEBAKER. I drew a diagram in there for the FBI, somebody from the FBI called me down—I can't think of his name, and he wanted an approximate location of where the paper was found.

Mr. BALL. Does that show the approximate location?

Mr. STUDEBAKER. Yes.

Mr. BALL. Where you have the dotted lines?

Mr. STUDEBAKER. Yes.

Mr. BALL. Now, there is something that looks like steam pipes or water pipes in the corner there?

Mr. STUDEBAKER. Yes.

Mr. BALL. Where was that with reference to those pipes—the paper wrapping?

Mr. STUDEBAKER. Laying right beside it—right here.

Mr. BALL. Was it folded over?

Mr. STUDEBAKER. It was doubled—it was a piece of paper about this long and it was doubled over.

Mr. BALL. How long was it, approximately?

Mr. STUDEBAKER. I don't know—I picked it up and dusted it and they took it down there and sent it to Washington and that's the last I have seen of it, and I don't know.

Mr. BALL. Did you take a picture of it before you picked it up?

Mr. STUDEBAKER. No.

Mr. BALL. Does that sack show in any of the pictures you took?

Mr. STUDEBAKER. No; it doesn't show in any of the pictures.

Mr. BALL. Was it near the window?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. Which way from the window?

Mr. STUDEBAKER. It was east of the window.

Mr. BALL. Over in the corner?

Mr. STUDEBAKER. Over in the corner—in the southeast corner of the building, in the far southeast corner, as far as you can get is where it was.

Mr. BALL. You say you dusted it?

Mr. STUDEBAKER. With that magnetic powders.

Mr. BALL. Did you lift any prints?

Mr. STUDEBAKER. There wasn't but just smudges on it—is all it was. There was one little ole piece of a print and I'm sure I put a piece of tape on it to preserve it.

Mr. BALL. Well, then, there was a print that you found on it?

Mr. STUDEBAKER. Yes; just a partial print.

Mr. BALL. The print of a finger or palm or what?

Mr. STUDEBAKER. You couldn't tell, it was so small.

Mr. BALL. But you did dust it and lift some print?

Mr. STUDEBAKER. Yes.

Mr. BALL. When you say you taped it, what did you do, cover it with some paper?

Mr. STUDEBAKER. We have—it's like a Magic Mending Tape, only we use it just strictly for fingerprinting.

Mr. BALL. Let's stick with the paper.

Mr. STUDEBAKER. Well, on the paper I put a piece of 1 inch tape over it—I'm sure I did.

Mr. BALL. After you dusted the print, you put a 1 inch tape over it?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. Now, did you also lift a print off of the box?

Mr. STUDEBAKER. Yes.

Mr. BALL. You lifted a print off of a box?

Mr. STUDEBAKER. Yes.

Mr. BALL. Where was the box?

Mr. STUDEBAKER. The box was due north of the paper that was found, and it was, I believe, we have it that it was—I can read the measurements off of one of these things—how far it was.

Mr. BALL. Fine, do that.

Mr. STUDEBAKER. It was 16½ inches from the—from this wall over here (indicating).

Mr. BALL. Which wall are you talking about?

Mr. STUDEBAKER. It was from the south wall of the building.

Mr. BALL. Did you take a picture of that box in place before it was moved?

Mr. STUDEBAKER. Yes.

Mr. BALL. The box from which you lifted the prints?

Mr. STUDEBAKER. This box never was moved.

Mr. BALL. That box never was moved?

Mr. STUDEBAKER. That box never was moved.

Mr. BALL. And you took a picture of it?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. And that was the location of it when you lifted the print of it?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. And may I have that, please, and we will mark it Exhibit G.

Mr. STUDEBAKER. I was with them in the corner all the time—they were with me, rather, I guess Captain Fritz told them to stay with us and help us in case they were needed.

Mr. BALL. Johnson and Montgomery?

Mr. STUDEBAKER. Johnson and Montgomery—they were with me all the time over in that one corner.

Mr. BALL. Now, we have here a picture which we will mark "G."
(Instrument marked by the reporter as "Studebaker Exhibit G," for identification.)

Mr. BALL. This is your No. 26, and that shows the box, does it?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. And that was its location with reference to the corner?

Mr. STUDEBAKER. Yes, sir; that's the exact location.

Mr. BALL. Can you draw in there showing us where the paper sack was found? (Witness Studebaker drew on instrument as requested by Counsel Ball.)

Mr. BALL. That would be directly south?

Mr. STUDEBAKER. That would be directly south of where the box was.

Mr. BALL. You have drawn an outline in ink on the map in the southeast corner. Now, that box is how many inches, as shown in this picture?

Mr. STUDEBAKER. It is 16 inches from the south wall.

Mr. BALL. You say you lifted a print there off of this box?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. And now, is that shown in the picture?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. What shows in the picture, can you tell me what shows in the picture? Describe what you see there.

Mr. STUDEBAKER. Well, there is a box with a partial print on the—it would be the northwest corner of the box.

Mr. BALL. Was that a palm print or a fingerprint?

Mr. STUDEBAKER. A palm.

Mr. BALL. It was a palm print?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. And does it show the direction of the palm?

Mr. STUDEBAKER. Yes.

Mr. BALL. Which way?

Mr. STUDEBAKER. West.

Mr. BALL. It would be made with the hand—

Mr. STUDEBAKER. With the right hand sitting on the box.

Mr. BALL. And the fingers pointed west, is that it?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. Now, you outlined that before you took the picture, did you?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. And that is the outline shown in this picture?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. Now, in Exhibit F, does that also show—did you attempt to show the diagram of the palm in Exhibit F; did you do that?

Mr. STUDEBAKER. No; could I?

Mr. BALL. Did you?

Mr. STUDEBAKER. Did I do this?

Mr. BALL. Yes.

Mr. STUDEBAKER. No.

Mr. BALL. But, does that correspond with your opinion as to the direction of the hand, the position of the hand at the time the palm print was made?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. There were no fingers shown in that print, just the palm print?

Mr. STUDEBAKER. No, sir; just the palm print.

Mr. BALL. Now, do you have some more pictures there to show me?

Mr. STUDEBAKER. Well, I've got a bunch of them. I made this diagram of the whole sixth floor of that building. This isn't the original, and J. B. Hicks and I measured this thing and I drew the diagram.

Mr. BALL. Now, did you find a two-wheeled truck up there?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. And did you take a picture of it?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. Let me see that one.

Mr. STUDEBAKER. All right—it has the Dr. Pepper bottle and the paper sack that was sitting there in the picture.

Mr. BALL. Let me see that one.

Mr. STUDEBAKER. (Handed instrument to Counsel Ball.)

There are two different views of it—there's one and here's one. That was before anything was touched and before it was dusted. This is a shot—I believe that's in the third aisle and let's see what it is marked—it's the sixth floor of 411 Elm Street looking south and the third aisle from Houston Street on the south side of the building. That was taken looking directly into that—this is the sack with those chicken bones and all that mess was in there too.

Mr. BALL. Is the sack shown there?

Mr. STUDEBAKER. Yes; it's a little ole brown sack—yes; it's right there.

Mr. BALL. We will mark this as "Exhibit H," which is your No. 6.

(Instrument marked by the reporter as "Studebaker Exhibit H," for identification.)

Mr. BALL. That's the sack, is that right?

Mr. STUDEBAKER. Yes.

Mr. BALL. And it shows—it has some chicken bones in it?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. Any chicken bones in any other place?

Mr. STUDEBAKER. No.

Mr. BALL. None outside the sack?

Mr. STUDEBAKER. No; they were all inside the sack, wrapped up and put right back in. It had a little piece of Fritos in the sack, too.

Mr. BALL. Then, we will have the next picture marked Exhibit I, which shows the Dr. Pepper bottle with the two-wheeler, is that right?

Mr. STUDEBAKER. Yes, sir.

(Instrument marked by the reporter as "Studebaker Exhibit I," for identification.)

Mr. BALL. And that's your No. 7.

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. That's the third row over?

Mr. STUDEBAKER. That's the third aisle from Houston Street.

Mr. BALL. That would be the third set of windows?

Mr. STUDEBAKER. That would be the third set of windows—it would be—one, two, three.

Mr. BALL. The third set of windows from Houston Street—you mark it.

Mr. STUDEBAKER. Yes.

(Instrument marked by the witness Studebaker as requested by Counsel Ball.)

Mr. BALL. Now, did you see a chicken bone over near the boxes in the south-east corner, over near where you found the cartridges and the paper sack?

Mr. STUDEBAKER. I don't believe there was one there.

Mr. BALL. You didn't see any. One witness, a deputy sheriff named Luke Looney said he found a piece of chicken partly eaten up on top of one of the boxes; did you see anything like that?

Mr. STUDEBAKER. No.

Mr. BALL. Was anything like that called to your attention?

Mr. STUDEBAKER. I can't recall anything like that. It ought to be in one of these pictures, if it is.

Mr. BALL. You made a map of that sixth floor and identified pictures by numbers, did you not?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. You made a measurement of the distance from the window ledge to the sidewalk, didn't you?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. How many feet?

Mr. STUDEBAKER. Let me see—61 feet from the window ledge to the sidewalk.

Mr. BALL. Now, this is such a good set of pictures, can we have them?

Mr. STUDEBAKER. You will have to see Chief Curry. He gave orders that no pictures were to be released without his permission. You can call him, if you want to.

Mr. BALL. Well, I already have taken some of them.

Mr. STUDEBAKER. I'm sure he will. We have printed about 10,000 of them—it seems like that and I don't imagine that two or three more would make any difference. This is out of a master set—all of these pictures you have here.

Mr. BALL. The picture of the boxes; this is after they were moved?

Mr. STUDEBAKER. Yes, sir; they were moved there. This is exactly the position they were in.

Mr. BALL. It is?

Mr. STUDEBAKER. Yes—not—this was after they were moved, but I put them back in the same exact position.

Mr. BALL. Were they that close—that was about the position?

Mr. STUDEBAKER. Yes.

Mr. BALL. Let's take one of these pictures and mark it the next number, which will be "Exhibit J."

(Instrument marked by the reporter as "Studebaker Exhibit J," for identification.)

Mr. BALL. After the boxes of Rolling Readers had been moved, you put them back in the same position?

Mr. STUDEBAKER. Yes.

Mr. BALL. And took a picture?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. And this is Exhibit J, is it, is that right?

Mr. STUDEBAKER. Exhibit J, yes, sir.

Mr. BALL. Now, the box that had the print on it is shown?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. Let's put a few hieroglyphics on here—a few numbers on here. Let's put the box with the print that was found as 1.

Mr. STUDEBAKER. You want 1 marked on this box?

(Witness Studebaker marked instrument as requested by Counsel Ball.)

Mr. BALL. And the place where the paper sack was found as No. 2 and the box that had the indentation on it, let's mark it No. 3.

Mr. STUDEBAKER. (Marked instruments as requested by Counsel Ball.)

Mr. BALL. And outline the indentation with a circle.

Mr. STUDEBAKER. (Witness executed outline as requested by Counsel Ball.)

Mr. BALL. Was there any other indentation on that box besides that which is shown in the circle on 3?

Mr. STUDEBAKER. No.

Mr. BALL. That's the only one?

Mr. STUDEBAKER. Yes, you see, I dusted these first, because I figured he might have stacked them up.

Mr. BALL. Did you find any prints?

Mr. STUDEBAKER. No prints, and then I was standing right there and I told Johnson and Montgomery that there should be a print, and I turned around and figured he might have been standing right in there, and I dusted all these poles here and there wasn't no prints on any of it and started dusting this big box, No. 1 here, and lifted the print off of that box.

Mr. BALL. Did you later examine that print that you lifted off of that box in your crime lab?

Mr. STUDEBAKER. I was up in that building until 1 o'clock that morning and got there at 1 and left at 1 and they had seized all of our evidence and I haven't seen it since.

Lieutenant Day compared the print before it was released to Oswald's print.

Mr. BALL. He did?

Mr. STUDEBAKER. He compared it as Oswald's right palm print.

Mr. BALL. Did you put some masking tape over that bit of cardboard before you moved it?

Mr. STUDEBAKER. As soon as the print was lifted, you see, I taped it and then they took the print down there. They just took the top corner of this box down there.

Mr. BALL. They just took the top part of the box down there?

Mr. STUDEBAKER. Yes, and when we took this picture, we took it back—that stuff has been up there and back until I was so confused I don't know what was going on.

Mr. BALL. You mean, when you took the picture which is marked Exhibit J—

Mr. STUDEBAKER. This picture has the palm print on it.

Mr. BALL. It has the palm print—it had been removed and had been identified and brought back and put in the box?

Mr. STUDEBAKER. It had been brought back and put in the box and as being Oswald's right palm print.

Mr. BALL. So, in Exhibit J, you put the cardboard back on the box?

Mr. STUDEBAKER. On the box, yes, sir; where it was found.

Mr. BALL. Where you had found it? You put the Rolling Readers boxes back where you first saw them?

Mr. STUDEBAKER. Yes.

Mr. BALL. And then you took a picture?

Mr. STUDEBAKER. Yes.

Mr. BALL. So, this Exhibit J, gives us the scene as you saw it?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. Before the boxes were moved?

Mr. STUDEBAKER. Yes.

Mr. BALL. And before the palm print was identified?

Mr. STUDEBAKER. Yes, sir.

Mr. BALL. Did you find any prints on that sack that had the chicken bones in it?

Mr. STUDEBAKER. No.

Mr. BALL. Did you find any prints on boxes around where that sack was found?

Mr. STUDEBAKER. No, no prints.

Mr. BALL. Or the two-wheeler truck?

Mr. STUDEBAKER. No.

Mr. BALL. No prints?

Mr. STUDEBAKER. No.

Mr. BALL. You dusted around there for them?

Mr. STUDEBAKER. I dusted everything around that area. There was just smears and smudges on the bottom.

Mr. BALL. Did you dust the rifle?

Mr. STUDEBAKER. No, sir; Lieutenant Day handled the rifle part of it. I didn't mess with the rifle at all. He took it down to the city hall and they worked on it down there at the lab.

Mr. BALL. Do you have the measurements of the boxes?

Mr. STUDEBAKER. Yes, I have all the measurements.

Mr. BALL. Where?

Mr. STUDEBAKER. Down at the city hall.

Mr. BALL. Let's take Exhibit J—how did the height of the little Rolling Reader box on the window sill compare with the height of the box you have marked "3" that had the indentation on it?

Mr. STUDEBAKER. It was lower, approximately 3 or 4 inches lower than the box marked "Exhibit 3, or No. 3" in the picture.

Mr. BALL. Which box was lower, tell us which box was lower?

Mr. STUDEBAKER. The box on the sill was lower than the box—do you want to mark it "4"—the box in the window?

Mr. BALL. The box in the window, you mark it "4," if you wish.

Mr. STUDEBAKER. (Marked instrument as requested by Counsel Ball.)

Mr. BALL. Now, tell us which box, identifying it by number.

Mr. STUDEBAKER. Box No. 4 in the window was approximately 3 to 4 inches lower than Box No. 3 pictured in the picture of Exhibit J.

Mr. BALL. Now, do you have any questions to ask him on any other subject matters, and if you do go ahead and ask him.

Mr. STERN. Perhaps this is not the witness to establish it, but I think it might be useful to know if he has any opinion as to why the boxes were placed that way?

Mr. STUDEBAKER. A good gun rest.

Mr. STERN. In that arrangement?

Mr. STUDEBAKER. Yes, it was a good gun rest.

Mr. STERN. With the box in front lower than the box behind?

Mr. STUDEBAKER. In other words, it's like this—you see—it would be down on a level like this—it shows where the butt of the gun was up behind him here. He was down like this—nobody could see him from the street. He was behind this window. He didn't shoot this way because everybody would be looking right at him.

Mr. BALL. Now, how big was this paper that you saw—you saw the wrapper—tell me about how big that paper bag was—how long was it?

Mr. STUDEBAKER. It was about, I would say, 3½ to 4 feet long.

Mr. BALL. The paper bag?

Mr. STUDEBAKER. Yes.

Mr. BALL. And how wide was it?

Mr. STUDEBAKER. Approximately 8 inches.

Mr. BALL. Mr. Studebaker, this testimony will be written up and it will be submitted to you if you wish, for your signature. You can read it over and sign it, or it is your option that you can waive your signature and we will send it right on up to the Commission.

Which do you prefer?

Mr. STUDEBAKER. Whichever is the easiest for you.

Mr. BALL. It is easier for you if you don't have to read it, of course, but you have a right to read it and sign it, whichever you want to do.

Mr. STUDEBAKER. Well, I will read it and sign it.

Mr. BALL. All right. She will notify you.

Mr. STUDEBAKER. Okay.

Mr. BALL. Thank you very much.

Mr. STUDEBAKER. Yes, sir.

TESTIMONY OF C. N. DHORITY

The testimony of C. N. DhORITY was taken at 2:45 p.m., on April 6, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Messrs. Joseph A. Ball, John Hart Ely, and Samuel A. Stern, assistant counsel of the President's Commission. Dr. Alfred Goldberg, historian was present.

Mr. BALL. My name is Joe Ball. Will you stand up and be sworn?
Do you solemnly swear that the evidence you are about to give before the Commission shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. DHORITY. Yes, sir.

Mr. BALL. Will you state your name, please?

Mr. DHORITY. C. N. Dhority.

Mr. BALL. And what is your occupation?

Mr. DHORITY. Detective with the Dallas Police Department.

Mr. BALL. You understand, don't you, that we are inquiring here as to the facts surrounding the assassination of President Kennedy, do you not?

Mr. DHORITY. Yes.

Mr. BALL. And you have been requested to come up here and give your testimony?

Mr. DHORITY. Yes, sir.

Mr. BALL. And you are willing to testify to such matters that came to your attention during your investigation of that assassination, are you not?

Mr. DHORITY. Yes, sir.

Mr. BALL. Will you tell me something about yourself, where you were born and what your education is, and how long you have been here with the Department?

Mr. DHORITY. Well, I was born in Tuscumbia, Ala., in August 1923, and lived there until I was about 10 years old, and have been in Dallas the rest of the time. I have been on the police department since August 24, 1946.

Mr. BALL. What department do you work with?

Mr. DHORITY. I work for Captain Fritz.

Mr. BALL. Homicide?

Mr. DHORITY. Yes, sir.

Mr. BALL. How long have you been in the Homicide Department?

Mr. DHORITY. Since 1955.

Mr. BALL. On November 22, 1963, what time did you go to work?

Mr. DHORITY. Oh, I believe it was around 2 p.m.

Mr. BALL. Was that the time you usually went to work?

Mr. DHORITY. No, I was off that day.

Mr. BALL. Well, how did you happen to go to work that day?

Mr. DHORITY. Lt. Wells called me and told me to come to work.

Mr. BALL. And you went to work at the main office of the Police Department?

Mr. DHORITY. Yes.

Mr. BALL. You arrived at about 2 p.m.?

Mr. DHORITY. Yes.

Mr. BALL. Do you usually work with another detective?

Mr. DHORITY. Yes. H. H. Blessing.

Mr. BALL. Was he on duty that day with you?

Mr. DHORITY. I don't believe so. He got shot last December and has been in pretty bad shape. He just works sometimes and I don't know whether he was there that day.

Mr. BALL. Did you work with anybody that day, November 22, after you came to work?

Mr. DHORITY. I worked part of the day with C. W. Brown; he's a patrolman temporarily assigned to that bureau.

Mr. BALL. What is the first thing you did that day after you came to work?

Mr. DHORITY. I started answering telephones, I believe; they were all ringing.

Mr. BALL. And did you later see Lee Oswald?

Mr. DHORITY. Yes.

Mr. BALL. About what time was the first time you saw him?

Mr. DHORITY. I don't recall exactly what time it was—he was in Captain Fritz' office.

Mr. BALL. On November 22, did you ever sit in on the questioning, sit in a group where Oswald was questioned?

Mr. DHORITY. No, sir.

Mr. BALL. What was the first thing that you did that day with respect to the investigation of the President's assassination?

Mr. DHORITY. Around 6 p.m., Detective Brown and myself went out and got Mr. McWatters from the bus in front of the city hall there and brought him into the lineup and took an affidavit off of him.

Mr. BALL. You were with Mr. McWatters, were you, in the lineup during the showup?

Mr. DHORITY. Yeah.

Mr. BALL. That was about what time?

Mr. DHORITY. About 6:30. I don't recall.

Mr. BALL. You two men were with him?

Mr. DHORITY. Yes, sir.

Mr. BALL. There was some other people there also at that time, weren't there; some other witnesses?

Mr. DHORITY. Quite a few down there as well as I recall, in the showup room.

Mr. BALL. At the showup room?

Mr. DHORITY. Yes, sir.

Mr. BALL. Did you talk to any of them?

Mr. DHORITY. No, sir.

Mr. BALL. Did you talk to a man named W. W. Whaley at that time?

Mr. DHORITY. Whaley, that's a cabdriver?

Mr. BALL. The cabdriver.

Mr. DHORITY. I don't believe that was that night—I was thinking that was the next day.

Mr. BALL. Well, did you at some time talk to Whaley?

Mr. DHORITY. Well, briefly, I took him back down to the cab company down there.

Mr. BALL. Did you talk to a fellow at this showup at 6:30, did you talk to anybody named Sam Guinyard? Or Ted Callaway?

Mr. DHORITY. I don't recall the names.

Mr. BALL. But at this showup at 6:30 you and Brown were with McWatters, were you not?

Mr. DHORITY. Yes, sir.

Mr. BALL. Was there a Leavelle there, J. R. Leavelle—a detective?

Mr. DHORITY. I don't recall—he could have been—there was quite a few officers there.

Mr. BALL. Do you remember what occurred at the showup?

Mr. DHORITY. Yes, sir; he identified Oswald as the No. 2 man in the four-man lineup.

Mr. BALL. Were any questions asked of the men in the lineup?

Mr. DHORITY. I don't recall—I wasn't holding the showup, I was just with him and viewing the lineup. I believe that someone up there did that.

Mr. BALL. What did McWatters say to you?

Mr. DHORITY. He identified him as the man that rode on the bus and said he wasn't for sure exactly where he picked him up, but he said he believed that he got off shortly after he got on the bus, but after he identified him he went upstairs and looked at a transfer that Detective Sims had took out of Oswald's pocket, and he positively identified the transfer as his transfer.

Mr. BALL. You took McWatters' affidavit after that, didn't you?

Mr. DHORITY. Yes, sir.

Mr. BALL. Right after he had made an identification?

Mr. DHORITY. Yes, sir.

Mr. BALL. Of Oswald?

Mr. DHORITY. Yes, sir.

Mr. BALL. At that time, and I'll show you a copy of an affidavit by McWatters, and will you take a look at that, please?

Mr. DHORITY. [Examined instrument referred to.]

Mr. BALL. Mr. Dhority, after the showup, did you take the affidavit from Mr. McWatters?

Mr. DHORITY. Yes, I did.

Mr. BALL. Now, in the affidavit here he says he picked up a man on the lower end of town on Elm and Houston and went out on Marsalis and picked up a woman, and then he mentions that as he went out, "This man was

grinning and never did say anything. The woman said that it was not a grinning matter. I don't remember where I let this man off. This man looks like the No. 2 man I saw in a lineup tonight."

Now, you read that, didn't you?

Mr. DHORITY. Yes.

Mr. BALL. Now, you say he identified Oswald, he identified him as a man that he had seen before doing what—did he tell you?

Mr. DHORITY. No, I just asked him if he saw the man there that he picked up, and he said it was the No. 2 man.

I don't know whether you've talked to him or not.

Mr. BALL. Yes, I have.

Mr. DHORITY. But to me, he is the type of person that the longer you talk to him—he just goes and he will try, to me, he will try to say, "Well, I'm sure it was," but then he would go on with something else.

Mr. BALL. Well, what I want to know is this—he identified Oswald, but did he tell you where he had seen Oswald before and what Oswald had done?

Mr. DHORITY. Well, just like that affidavit there, he says he thought he picked him up down there close to the Book Depository on Elm.

Mr. BALL. Did he tell you that? As he went out on Marsalis that some man on the bus had grinned at a woman when the woman mentioned that the President had been shot?

Mr. DHORITY. I don't know exactly for word to word—it's in the affidavit there.

Mr. BALL. This is the story he told you that's in the affidavit; is that right?

Mr. DHORITY. Yes, sir; after he gave me the affidavit and we were walking back across the street to the bus, he said, "Well, I think he went out on Marsalis with me." He said, "He could have got off sooner."

Mr. BALL. Well, I want to read this affidavit into the record. It says:

"The State of Texas, County of Dallas

"Before me, Patsy Collins, a Notary Public in and for said County, State of Texas, on this day personally appeared Cecil J. McWatters, 2523 Blyth, DA 1-2909, Dallas, Texas, Business Address: Dallas Transit Company.

"Who, after being by me duly sworn on oath deposes and says: Today, November 22, 1963, about 12:40 p.m. I was driving Marsalis Bus No. 1213. I picked up a man on the lower end of town on Elm around Houston. I went on out Marsalis and picked up a woman. I asked her if she knew the President had been shot and she thought I was kidding. I told her if she did not believe me to ask the man behind her that he had told me the President was shot in the temple. This man was grinning and never did say anything. The woman said that it was not a grinning matter. I don't remember where I let this man off. This man looks like the #2 man I saw in a line-up tonight. The transfer #004459 is a transfer from my bus with my punch mark."

Is that about what McWatters told you?

Mr. DHORITY. That's what he told me when I was taking the affidavit from him. Like I say, when I was walking back across the street with him to the bus he said he wasn't for sure that he did ride down on Marsalis.

Mr. BALL. Now, on this same night, did you show him this transfer No. 004459?

Mr. DHORITY. Yes.

Mr. BALL. Issued by the Dallas Transit Co?

Mr. DHORITY. Yes.

Mr. BALL. And what did he tell you about that?

Mr. DHORITY. He said it was definitely a transfer that he issued and showed me his punch that he carried and he matched the punch on the transfer.

Mr. BALL. Now, did Captain Fritz give you some rifle shells to deliver to somebody?

Mr. DHORITY. Yes, sir.

Mr. BALL. About what time of the night or day was that?

Mr. DHORITY. I don't recall when it was, but, from his office there I took them up to the crime lab.

Mr. BALL. Were there three spent 6.5 rifle shells, is that right?

Mr. DHORITY. Yes, sir.

Mr. BALL. Did you return any shells to Captain Fritz?

Mr. DHORITY. Yes, sir.

Mr. BALL. All of them or one of them?

Mr. DHORITY. No; he told me to bring him one back.

Mr. BALL. You brought one back in an envelope?

Mr. DHORITY. Yes.

Mr. BALL. And Lieutenant Day kept two; is that right?

Mr. DHORITY. That's right.

Mr. BALL. Were you present when paraffin casts were made of Oswald's hands and his face?

Mr. DHORITY. Yes, sir.

Mr. BALL. Who made them?

Mr. DHORITY. I believe that was Pete Barnes and Johnny Hicks, as well as I remember.

Mr. BALL. Did you attend another showup?

Mr. DHORITY. Yes.

Mr. BALL. When was that?

Mr. DHORITY. That was about, oh, approximately an hour later after the McWatters showup and there was a Mrs. Davis there.

Mr. BALL. That was the same day?

Mr. DHORITY. Yes, sir.

Mr. BALL. Tell me, did somebody send you out to her house?

Mr. DHORITY. Yes; Lieutenant Wells sent me out there.

Mr. BALL. What was her first name?

Mr. DHORITY. Well, there were two of them—I don't recall for sure—as well as I remember—it was Mrs. Jeanette Davis.

Mr. BALL. There were two girls—Virginia and Jeanette?

Mr. DHORITY. Virginia and Jeanette Davis, and I took the affidavit from Virginia, as well as I recall it.

Mr. BALL. You went from the police department out to the Oak Cliff region someplace, didn't you?

Mr. DHORITY. Yes.

Mr. BALL. Where?

Mr. DHORITY. 400 East 10th.

Mr. BALL. Who sent you out there?

Mr. DHORITY. Lieutenant Wells.

Mr. BALL. Who went with you?

Mr. DHORITY. C. W. Brown.

Mr. BALL. And what address did you go to?

Mr. DHORITY. 400 East 10th.

Mr. BALL. Who did you see there?

Mr. DHORITY. Well, there were quite a few people in the house there, but we were told to contact Virginia Davis and her sister, Jeanette Davis.

Mr. BALL. And, did you talk to them?

Mr. DHORITY. Yes, sir.

Mr. BALL. Did they give you anything?

Mr. DHORITY. Virginia gave me a .38 hull.

Mr. BALL. Did she tell you where she got it?

Mr. DHORITY. I believe that she said that she found it in her front yard, as well as I remember.

Mr. BALL. What did you do after that?

Mr. DHORITY. We carried them down to the police department and took affidavits off of them and they went to the lineup.

Mr. DHORITY. They identified Oswald as the No. 2 man in the lineup.

Mr. DHORITY. Yes, sir.

Mr. BALL. With them?

Mr. DHORITY. Yes, sir.

Mr. BALL. That was about what time of the night?

Mr. DHORITY. The line-up—I imagine was about 7:30.

Mr. BALL. 7:30 at night. And who was in the lineup?

Mr. DHORITY. They identified Oswald as the No. 2 man in the lineup.

Mr. BALL. Who else was in the lineup?

Mr. DHORITY. I don't know.

Mr. BALL. You didn't have that?

Mr. DHORITY. No; I didn't hold the lineup.

Mr. BALL. What do you call that lineup, is that the number showup in your report?

Mr. DHORITY. I don't have a report showing any numbers.

Mr. BALL. Were you with Virginia and Jeanette Davis, standing with them?

Mr. DHORITY. Yes, sir.

Mr. BALL. And that was about what time of night, you said, 7:30?

Mr. DHORITY. Yes.

Mr. BALL. Your records show that on November 22, 1963, there was a showup at 7:55 p.m.

Mr. DHORITY. Well, I don't recall exactly what time it was.

Mr. BALL. Anyway, tell me how that showup was conducted, what did you say to these people?

Mr. DHORITY. Well, I was there with them and there at the time of the showup, and they both were——

Mr. BALL. I know—but how was it conducted—did somebody ask questions?

Mr. DHORITY. Well, as I recall, somebody was holding the showup and there was other people there at the same time looking at them.

Mr. BALL. Did somebody ask questions of the men in the showup?

Mr. DHORITY. I think they did.

Mr. BALL. Did you?

Mr. DHORITY. No, sir.

Mr. BALL. Did you show these two Davis girls a picture of anybody before they went in there, did you ever show them Oswald's picture?

Mr. DHORITY. No; I didn't; no, sir.

Mr. BALL. What did you tell them at the house, what did you tell them before you brought them down?

Mr. DHORITY. I just told them I wanted to take an affidavit off of them and to take them down to a showup.

Mr. BALL. Down to a showup?

Mr. DHORITY. Yes, sir.

Mr. BALL. When you were in the showup, did you say anything to them?

Mr. DHORITY. Did I say anything to them?

Mr. BALL. During the showup, did you say anything to the two girls?

Mr. DHORITY. I don't recall saying anything to them at all.

Mr. BALL. What did they tell you?

Mr. DHORITY. They said that the No. 2 man looked like the man, as well as I remember.

Mr. BALL. "Looked like the man"—looked like the man what?

Mr. DHORITY. I believe she said that run across her yard, as well as I remember. It's in the affidavit.

Mr. BALL. Who took the affidavit?

Mr. DHORITY. I took the one from Virginia, I believe.

Mr. BALL. And who took the one from Jeanette?

Mr. DHORITY. I believe Brown took that one.

Mr. BALL. Now, what did you do with the empty hull that was given to you, that Virginia gave you?

Mr. DHORITY. I gave it to Lieutenant Day in the crime lab.

Mr. BALL. Do you know whether or not Virginia or Jeanette Davis found an empty shell—did she tell you she found an empty shell—Jeanette Davis?

Mr. DHORITY. I don't recall—it seems like she told me she had found one earlier and gave it to the police out there, as well as I remember.

Mr. BALL. Gave it to the police that day?

Mr. DHORITY. Yes; I believe so.

Mr. BALL. I have here an affidavit signed "Mrs. Virginia Davis," is that a copy of the affidavit that you took from Virginia that day?

Mr. DHORITY. [Reads instrument referred to.] Yes, sir.

Mr. BALL. I would like to have this and the preceding affidavits marked as Exhibits Nos.—Mr. McWatters' will be Dhority "Exhibit No. A," and Mrs. Davis' affidavit will be "Exhibit No. B," of Mr. Dhority's deposition.

(Instruments referred to marked by the reporter as Dhority "Exhibits Nos. A and B," for identification.)

Mr. BALL. Did you do anything more that day, Friday the 22d? You told us you watched the preparation of the paraffin casts.

Mr. DHORITY. Yes, sir.

Mr. BALL. Is there anything more you did that day?

Mr. DHORITY. I don't recall anything particularly. I did quite a bit of telephone answering of the telephone there at the city hall—there was so much going on at the city hall, I can't recall everything.

Mr. BALL. Now, on the next day, November 23, you took part in a showup, didn't you?

Mr. DHORITY. I didn't take part in the one on the cabdriver there.

Mr. BALL. Were you present?

Mr. DHORITY. I was present—what it was—they wanted me to take the cabdriver's—me and Brown, to take the cabdriver back down to the station, and I believe we walked into the showup room while there was a showup—the showup had just started or was going on and we walked in there and Mr. Alexander from the district attorney's office was also there.

Mr. BALL. Did you talk to Whaley?

Mr. DHORITY. No; I did not.

Mr. BALL. Was there a cab driver there named Scoggins [spelling] S-c-o-g-g-i-n-s also?

Mr. DHORITY. I believe there was—there was two cabdrivers there and I know Mr. Alexander, down at the district attorney's office, told us they identified him.

Mr. BALL. Did Whaley ever tell you he identified him?

Mr. DHORITY. No, sir.

Mr. BALL. Did you take an affidavit from Whaley?

Mr. DHORITY. No, sir.

Mr. BALL. Now, were you present at some time on the 24th when Oswald was in Captain Fritz' office?

Mr. DHORITY. Yes, sir.

Mr. BALL. That would be Sunday, November 24.

Mr. DHORITY. Yes, sir.

Mr. BALL. Tell us about what you did that day, on the 24th of November.

Mr. DHORITY. Well, on—I went up to jail along with Leavelle and Graves and got him and brought him down to Captain Fritz' office that morning.

Mr. BALL. Who was present in Captain Fritz' office that day?

Mr. DHORITY. Well, Captain Fritz and Mr. Kelley and Mr. Sorrels.

Mr. BALL. Mr. Sorrels of the Secret Service?

Mr. DHORITY. And Mr. Holmes.

Mr. BALL. And Holmes is what?

Mr. DHORITY. Of the Post Office Department.

Mr. BALL. What time did you bring him into Fritz' office?

Mr. DHORITY. About 9:30 in the morning.

Mr. BALL. What time did you leave there?

Mr. DHORITY. Oh, I imagine it was shortly after 11 o'clock when Captain Fritz gave me the keys to his car and told me to go get it down there in front of the jail office to move Oswald down to the County in.

Mr. BALL. What was said there in Fritz' office that day—do you remember any of the conversations?

Mr. DHORITY. There was a lot of conversation.

Mr. BALL. What did they talk about—the people in there?

Mr. DHORITY. Well, they were talking to Oswald and Mr. Kelley talked to him and Mr. Sorrels talked to him—I don't think Mr. Holmes talked to him too much. I think he recorded most of the interviews, as well as I remember.

Mr. BALL. Do you remember what was said?

Mr. DHORITY. I couldn't remember all that was said.

Mr. BALL. Did you make any notes?

Mr. DHORITY. No, sir; I didn't.

Mr. BALL. Was your deposition taken before?

Mr. DHORITY. Yes, sir.

Mr. BALL. By Mr. Hubert?

Mr. DHORITY. I don't know—it was some FBI man, as well as I remember.

Mr. BALL. But you weren't sworn under oath, just your statement?

Mr. DHORITY. Yes; I wasn't sworn under oath—no, sir.

Mr. BALL. After they questioned Oswald, what did you do?

Mr. DHORITY. Well, I believe we gave him a sweater to put on. I think it was kind of cool—one of his sweaters.

Mr. BALL. Was he handcuffed?

Mr. DHORITY. Yes; Leavelle handcuffed himself to Oswald just before I left the office.

Mr. BALL. Had he been handcuffed during the questioning in Fritz' office that morning?

Mr. DHORITY. I don't recall—I didn't have my handcuffs on him.

Mr. BALL. Just before you left the office, Leavelle handcuffed him—did he put one cuff on Oswald and one on Leavelle; is that it?

Mr. DHORITY. Yes.

Mr. BALL. Fritz gave you instructions to do what?

Mr. DHORITY. He gave me the keys to his car and told me to go down and get his car and back it up front of the jail door to put Oswald in.

Mr. BALL. Is that what you did?

Mr. DHORITY. I went downstairs and got his car, unlocked his car, and was in the process of backing it up there—in fact—I was just about ready to stop, when Captain Fritz came out and Leavelle and Oswald and Graves and Johnson and Montgomery came out the jail door.

Captain Fritz reached over to the door of the car and I was turned around to see—backing it up—still had the car moving it along and I saw someone run across the end of the car real rapid like. At first, I thought it was somebody going to take a picture and then I saw a hand come out and I heard the shot.

Mr. BALL. Graves and Leavelle were there beside Oswald, were they?

Mr. DHORITY. Yes; beside Oswald.

Mr. BALL. Oswald was between Graves and Leavelle?

Mr. DHORITY. That's right.

Mr. BALL. Any questions?

Mr. ELY. Yes, I have one or two.

I would like to go back if I can to these lineups. You say you were present at three of them and I have taken one by one—the first one was at 6:30 p.m. on Friday, the one where Mr. McWatters identified Oswald. Did you at that time observe the men who were lined up with Oswald?

Mr. DHORITY. No; I didn't pay any attention to them, really.

Mr. ELY. Do you have any recollection of how their size and appearance compared with Oswald?

Mr. DHORITY. No; I didn't study it.

Mr. ELY. And you don't remember what they were wearing either?

Mr. DHORITY. I sure don't.

Mr. ELY. Do you remember anything unusual about Oswald's behavior at that lineup, did he make a lot of noise, or did he behave just like at the other three, as far as you can remember?

Mr. DHORITY. I don't recall.

Mr. ELY. Now, do you remember how Mr. McWatters indicated his choice, in other words, did he do it in such a way that the other people present could hear who he was choosing?

Mr. DHORITY. No; he did not—it was very low.

Mr. ELY. He said it to you, but he said it quietly so that they couldn't hear?

Mr. DHORITY. Yes, sir.

Mr. ELY. What about the other two people, did they indicate their choices out loud, or did they also indicate them quietly?

Mr. DHORITY. It was also quietly.

Mr. ELY. In other words, none of the men could hear what the other two were saying?

Mr. DHORITY. No.

Mr. ELY. Now, the lineup where Jeannette Davis made the identification, did

you observe anything about the appearance or clothing of the other men in that lineup?

Mr. DHORITY. No, sir; I didn't.

Mr. ELY. Do you remember how Jeanette and Virginia Davis indicated their choices to you?

Mr. DHORITY. Just standing there by them—very quietly told me.

Mr. ELY. In more or less the same procedure as the other one?

Mr. DHORITY. Yes.

Mr. ELY. Did Oswald do anything unusual at that lineup?

Mr. DHORITY. I don't recall anything unusual.

Mr. ELY. And the one Saturday morning with Mr. Whaley—I realize you didn't participate in this one, but you were present. Do you not remember anything about that?

Mr. DHORITY. I don't recall anything unusual about it at all—I sure don't.

Mr. ELY. Do you remember whether at that one Oswald was yelling about something?

Mr. DHORITY. It seems like that at that one he shook his hands up and made some comment about being handcuffed. Of course, they were all handcuffed—it was something like that—I can't recall for sure, but as far as any outburst or anything like that, I don't recall anything like that.

Mr. ELY. Now, your report states that you were present in Captain Fritz' office Friday evening when the paraffin casts were made. Could you estimate from what time to what time you were in Fritz' office on Friday evening?

Mr. DHORITY. I sure don't have any idea.

Mr. ELY. Do you know about how long you were there?

Mr. DHORITY. I sure don't.

Mr. ELY. Was it just while they were having the paraffin tests?

Mr. DHORITY. Yes.

Mr. ELY. Were you there for any of the interrogation of Friday evening?

Mr. DHORITY. No.

Mr. ELY. None at all?

Mr. DHORITY. No.

Mr. ELY. Is it correct that you were at the police station until 2 a.m. on Saturday morning, is that what time you went home?

Mr. DHORITY. That sounds about right.

Mr. ELY. Do you know what time Oswald was checked into the jail on Friday night?

Mr. DHORITY. I sure don't.

Mr. ELY. You had nothing to do with it, taking him up there?

Mr. DHORITY. No.

Mr. ELY. How would you characterize Oswald's behavior on Sunday morning when you were present in Fritz' office? Was he at that time—did he seem calm or excited?

Mr. DHORITY. Very calm.

Mr. ELY. Did he seem fatigued to you, or did he seem to be about the same?

Mr. DHORITY. He was very calm and fresh.

Mr. ELY. Just one more thing I would like to cover and that is the conditions in the police station surrounding Fritz' office, I mean, special with regard to newspapermen being present—were the corridors filled with newspapermen—do you recall how much of a crowd was there?

Mr. DHORITY. When?

Mr. ELY. Well, let's say when you were there on Friday evening.

Mr. DHORITY. They were so thick you couldn't walk through them. You had to shove your way through them to get in and out of the office. There wasn't any in the office at all, but from the elevator to the office, cameras and lights were set up so thick you just had to work your way through.

Mr. ELY. All right, Mr. Ball, I don't believe I have anything else.

Mr. BALL. Mr. Dhority, this will be written up.

Mr. DHORITY. The only other thing that I had to do with that that we didn't go into—now, I rode in the ambulance with Oswald to the hospital.

Mr. BALL. Did he say anything?

Mr. DHORITY. Well, I held his pulse all the way out there. It was very, very

weak all the way and as we was turning into the hospital, the only time he showed any signs of life and he started a muscle reaction then—

Mr. BALL. He was unconscious, was he?

Mr. DHORITY. He was unconscious all the time, and when he went into the operating room, Detective Graves went in with him there and Captain Fritz left and told me to arrange for the security of Oswald in the hospital, and I was talking to Mr. Price, who is the administrator of the hospital, and we were looking over a wing, when we got word that he was dead, so I went back then and contacted Captain Fritz by 'phone and then got Oswald's clothing and had Oswald's mother and wife look at Oswald's body and then carried him to the morgue where I got Dr. Rose to photograph him with color pictures before he did the autopsy.

Mr. BALL. Now, this will all be written up and it will be submitted to you if you wish, and you can read it over and correct it and sign it if you want to, or you have the option to waive your signature, and in which event this young lady will write it up and send it on to the Commission.

Mr. DHORITY. Well, I will just waive my signature.

Mr. BALL. All right. Fine. Thank you very much.

TESTIMONY OF RICHARD M. SIMS

The testimony of Richard M. Sims was taken at 10:20 a.m., on April 6, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Messrs. Joseph A. Ball, John Hart Ely, and Samuel A. Stern, assistant counsel of the President's Commission. Dr. Alfred Goldberg, historian, was present.

Mr. BALL. Will you stand up and be sworn?

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

Mr. SIMS. I do.

Mr. BALL. Will you state your name, please?

Mr. SIMS. Richard M. Sims.

Mr. BALL. And what is your business or occupation?

Mr. SIMS. Police department, city of Dallas.

Mr. BALL. And what is your position with the police department?

Mr. SIMS. Detective in the homicide and robbery bureau since August 2, 1948.

Mr. BALL. Will you tell me something about yourself, where you were born and educated and what you have done before you went with the police department?

Mr. SIMS. I was born and raised here in Dallas and I went to school—grade school in Dallas, but moved out to a little city called Hutchins, south of Dallas, and finished my education out there, and joined the Navy when I was 17, and was discharged when I was 21, and I came to work down here when I was 23.

Mr. BALL. With the police department?

Mr. SIMS. Yes, sir.

Mr. BALL. And you have been with them ever since?

Mr. SIMS. Yes.

Mr. BALL. And you have been with homicide how long?

Mr. SIMS. Since September 1957.

Mr. BALL. On November 22, 1963, what were your hours of duty?

Mr. SIMS. Well, actually, my hours of duty were from 4 to midnight, but because the President was going to be in Dallas, I came to work early because we was assigned with Captain Fritz to be down at the Trade Mart when the President arrived.

Mr. BALL. What time did you go to the Trade Mart?

Mr. SIMS. It was around 10 o'clock, I believe.

Mr. BALL. In the morning?

Mr. SIMS. Yes, sir; 10 a.m.—Captain Fritz and Boyd and I.

Mr. BALL. Where were you when you heard the President had been shot?
Mr. SIMS. We were at the President's table. Chief Stevenson called Captain Fritz over and told him the President had been involved in an accident.

Mr. BALL. That was about what time of day?

Mr. SIMS. That was about 12:40, I believe, sir.

Mr. BALL. What did you do then?

Mr. SIMS. Chief Stevenson told us to go to the hospital, Parkland Hospital, so we did.

Mr. BALL. Whom did you go with?

Mr. SIMS. Captain Fritz and Boyd and I, and I drove.

Mr. BALL. Captain Fritz is the head of homicide squadron, isn't he?

Mr. SIMS. Yes.

Mr. BALL. And Boyd is your partner?

Mr. SIMS. Yes; Boyd is my partner since 1957.

Mr. BALL. And what did you do over there when you got to Parkland?

Mr. SIMS. Well, we arrived at Parkland and we saw that Chief Curry was there in front of the hospital, so he directed us back to the Depository Store, down to the Book Store.

Mr. BALL. Tell me this—what did he say—what did he tell you to do?

Mr. SIMS. I don't remember the exact words, but he told us to go back to the store at the triple underpass—I don't remember what it was—I couldn't say for sure.

Mr. BALL. Did anybody tell you at that time that there had been anyone in the Texas Depository Book Building that had done the shooting?

Mr. SIMS. No, sir; I think at that time it was strictly speculation from where the shot had been fired.

Mr. BALL. He just told you to go back to the scene of the shooting?

Mr. SIMS. Yes—as I said, I couldn't say for sure.

Mr. BALL. Did you go back there—back to Elm and Houston?

Mr. SIMS. Yes, sir; we went directly to the Book Store and Sheriff Bill Decker rode back with us.

Mr. BALL. And you went right to the building?

Mr. SIMS. Yes, sir; and pulled up in front of it there—in front of the building.

Mr. BALL. On the way back, did you hear anything over the radio?

Mr. SIMS. Yes, sir; we heard them mention the Book Store.

Mr. BALL. What did they say—what did you hear?

Mr. SIMS. Well, now, I don't know.

Mr. BALL. You heard something about it?

Mr. SIMS. Yes, sir; we went there for some reason—I know that.

Mr. BALL. Was it something you heard over the radio that directed you to go there?

Mr. SIMS. We went directly to the store and parked there in front.

Mr. BALL. What did you do after that?

Mr. SIMS. Well, we took our rifles out of the car and shotgun, and proceeded to the building, went in the building.

Mr. BALL. What door of the building did you go in?

Mr. SIMS. The front door.

Mr. BALL. Who was with you?

Mr. SIMS. Captain Fritz and Boyd and I.

Mr. BALL. Could you tell me about what time you got to the building?

Mr. SIMS. Yes, sir; I got it here—about 12:58—about 1 o'clock.

Mr. BALL. The radio log of that day at 12:36 shows that the following was broadcast from the police radio log: "The witness says shots came from the fifth floor of the Texas Book Depository Store at Houston and Elm. I have him with me now and we are sealing off the building."

Do you think you heard that?

Mr. SIMS. No, sir; I wouldn't have heard that. We didn't hear about the shooting until 12:40, but we had to have heard something or we wouldn't have went directly to the Book Store like we did.

Mr. BALL. At 12:45, there was a broadcast that stated: "All the information we have received indicates it did come from the fifth floor of that building."

"Which building?"

"The Texas Depository Building at Elm and Houston."

Do you know whether you could have heard that?

Mr. SIMS. Well, our radio was on—I could have heard, that; yes, sir. We got to the hospital, I guess, about that time and we did have our radio on.

Mr. BALL. When you went in the front door, who was with you?

Mr. SIMS. Captain Fritz, Boyd, and I.

Mr. BALL. Where did you go?

Mr. SIMS. We went directly to the elevator.

Mr. BALL. Which elevator?

Mr. SIMS. The main passenger elevator.

Mr. BALL. It was a freight elevator, wasn't it?

Mr. SIMS. No, sir; I think the passenger elevator goes to about the third floor and then the freight elevator takes over.

Mr. BALL. You went up in the passenger elevator in the front of the building?

Mr. SIMS. Yes, sir.

Mr. BALL. And you went as far as it could go, did you?

Mr. SIMS. Yes, sir.

Mr. BALL. What did you do then?

Mr. SIMS. Then, we caught the freight elevator.

Mr. BALL. That would be in another part of the building?

Mr. SIMS. Yes; I think it's on the north end of the building.

Mr. BALL. Did somebody direct you where to go to get the freight elevator?

Mr. SIMS. I believe—I'm not positive whether they did or not.

Mr. BALL. And where did you go from there?

Mr. SIMS. Well, we got off on the third floor and there were officers there, so we went all the way up and we started to the seventh floor, actually, and there was officers on every floor as we went up.

Mr. BALL. And where did you go first?

Mr. SIMS. Well, we stopped at the second floor, first.

Mr. BALL. Now, were you on the elevator at that time?

Mr. SIMS. No, sir—it was full of officers.

Mr. BALL. Do you know who some of the officers were?

Mr. SIMS. Yes; I don't know which ones I can remember, but Lieutenant Revill was there, I believe.

Mr. BALL. At 2:35, you mentioned two officers.

Mr. SIMS. Lieutenant Revill and Detective Westphal was over there with us.

Mr. BALL. Are they with homicide?

Mr. SIMS. No, sir; they are with the special service bureau.

Mr. BALL. What is the special service bureau?

Mr. SIMS. Well, it's a combination of vice, narcotics, and undercover work.

Mr. BALL. Now, you got, you said, up to the third floor?

Mr. SIMS. Yes, sir.

Mr. BALL. And where did you go then?

Mr. SIMS. Well, let's see, we got off—we stopped at the second floor and went to the third floor and some officer there had a key to a room and we made a hurried search of it and there was a bunch of officers on that floor and we went on to the fourth floor, and I don't know if we got off at the fourth or not, but anyway, we got off at the seventh floor—each floor as we passed would have officers on it, and we hadn't been on the seventh floor very long—for just a while—until someone hollered that they had found the hulls on the sixth floor, so we went back to the sixth floor.

Mr. BALL. Someone on the seventh floor told you they had found the hulls?

Mr. SIMS. No, sir; someone hollered from the sixth floor that the hulls had been found.

Mr. BALL. And you could hear them?

Mr. SIMS. Yes, sir; you could hear them.

Mr. BALL. Did you go down the stairway?

Mr. SIMS. No, sir; we went back down the elevator, as well as I remember.

Mr. BALL. And where did you go when you got off of the elevator?

Mr. SIMS. We may have had to climb the stairs from six to seven—I don't remember how high that elevator goes. I know we went back to the sixth floor.

Mr. BALL. And where did you go when you got off at the sixth floor?

Mr. SIMS. We went over to the corner window there.

Mr. BALL. Which corner?

Mr. SIMS. It would be the one on Houston and Elm, that corner there—it would be the southeast corner.

Mr. BALL. It was the southeast corner?

Mr. SIMS. Yes, sir.

Mr. BALL. And what did you see?

Mr. SIMS. We saw the boxes stacked up about—I don't know—three or four stacks high and found three empty hulls laying there next to the wall of the Elm Street side of the building, the front of the building.

Mr. BALL. Who was there when you saw them?

Mr. SIMS. Well, there was two or three officers was there when we got there, and I believe the officer that found them was still there. I have his name here someplace.

Mr. BALL. Was he a deputy sheriff?

Mr. SIMS. Yes, he was a deputy sheriff.

Mr. BALL. And who else—Luke Mooney?

Mr. SIMS. Yes—there was two or three officers there besides us—I don't know who all.

Mr. BALL. And did Luke tell you whether or not he had moved the hulls or not?

Mr. SIMS. He said he had left them like he had found them.

Mr. BALL. Did you take a picture of those hulls?

Mr. SIMS. Lieutenant Day did, I believe.

Mr. BALL. Was he there right at the time?

Mr. SIMS. No, sir; he didn't get there until a few minutes later.

Mr. BALL. Did you see the picture taken of the hulls?

Mr. SIMS. Yes, sir.

Mr. BALL. You saw Day take the pictures, did you?

Mr. SIMS. Yes, sir.

Mr. BALL. He was the cameraman, was he?

Mr. SIMS. Well, there was another one there too. Actually, it was Detective Studebaker that works for him.

Mr. BALL. Studebaker and Day?

Mr. SIMS. I believe it was Studebaker.

Mr. BALL. Did they both have cameras?

Mr. SIMS. I don't remember if they both had cameras or not.

Mr. BALL. You saw one of them at least take a picture?

Mr. SIMS. Yes; I know pictures was being taken.

Mr. BALL. When the picture was taken, were the hulls in the same position as when you had first seen them?

Mr. SIMS. Yes, sir; they were.

Mr. BALL. What else did you see that day?

Mr. SIMS. Well, someone then hollered—we started a search of the sixth floor then, going from east to west—all the officers, and someone had found the rifle over by the stairway.

Mr. BALL. That would be in what corner of the building?

Mr. SIMS. That would be in actually the northwest corner of the building.

Mr. BALL. And what happened then?

Mr. SIMS. Then, we went over to where the rifle was found.

Mr. BALL. Did you see the rifle?

Mr. SIMS. Yes; I saw the rifle.

Mr. BALL. Where was the rifle?

Mr. SIMS. It was laying there near a stairway, partially covered by some paper.

Mr. BALL. Did you see any pictures taken of that? Of the rifle at that location?

Mr. SIMS. Yes, sir; I did.

Mr. BALL. Who took that picture?

Mr. SIMS. Well, it was either Studebaker or Lieutenant Day.

Mr. BALL. Who saw the picture taken—did you?

Mr. SIMS. Yes, sir.

Mr. BALL. And then what did you do?

Mr. SIMS. Then we finished there and went—started to go to the city hall.

Mr. BALL. You said you finished there, did you see anything of significance there besides these hulls and the rifle?

Mr. SIMS. No, sir.

Mr. BALL. Did you ever see a paper bag?

Mr. SIMS. Well, we saw some wrappings—a brown wrapping there.

Mr. BALL. Where did you see it?

Mr. SIMS. It was there by the hulls.

Mr. BALL. Was it right there near the hulls?

Mr. SIMS. As well as I remember—of course, I didn't pay too much attention at that time, but it was, I believe, by the east side of where the boxes were piled up—that would be a guess—I believe that's where it was.

Mr. BALL. On the east side of where the boxes were—would that be the east?

Mr. SIMS. Yes, sir; it was right near the stack of boxes there. I know there was some loose paper there.

Mr. BALL. Was Johnson there?

Mr. SIMS. Yes, sir; when the wrapper was found Captain Fritz stationed Johnson and Montgomery to observe the scene there where the hulls were found.

Mr. BALL. To stay there?

Mr. SIMS. Yes, sir.

Mr. BALL. That was Marvin Johnson and L. D. Montgomery who stayed by the hulls?

Mr. SIMS. Yes, sir; they did. I was going back and forth, from the wrapper to the hulls.

Mr. BALL. Was the window open in the southeast corner?

Mr. SIMS. Yes, sir.

Mr. BALL. Were there any boxes near the window?

Mr. SIMS. Yes, sir; there was enough room for someone to stand between the boxes and the window.

Mr. BALL. Were there any boxes anywhere near the window ledge?

Mr. SIMS. Yes; there was, I believe, I'm not positive about this, a couple of boxes, one stacked on the other right at the left of the window and then there was a stack of boxes directly behind the window about 3 or 4 feet high, I guess.

Mr. BALL. Did you see anybody take a picture of the boxes in the window—what position they were on the window ledge?

Mr. SIMS. Well, Lieutenant Day took a picture of all the surrounding area there.

Mr. BALL. How long were you on the sixth floor of the Texas School Book Depository Building?

Mr. SIMS. Well, sir; let's see—at the time the hulls were found, I think the hulls were found about 1:15, so we were down there just a minute or two. Let's see—we got back to the city hall at 2:15 and we went over and talked to Sheriff Decker 10 or 15 minutes.

Mr. BALL. Now, when you left, you say that Captain Fritz told Johnson and Montgomery to stay near the place where the hulls were located?

Mr. SIMS. Yes.

Mr. BALL. Was that after the picture had been taken of the hulls?

Mr. SIMS. I believe it was during—before Lieutenant Day got up there, I believe.

Mr. BALL. And it was after that that you went to the place where the rifle was found?

Mr. SIMS. Yes, sir.

Mr. BALL. Then did you go back to the place where the hulls were located on the floor?

Mr. SIMS. Yes, sir.

Mr. BALL. That's when the picture was taken?

Mr. SIMS. No, sir; he was making pictures during that time.

Mr. BALL. Who picked up the hulls?

Mr. SIMS. Well, I assisted Lieutenant Day in picking the hulls up.

Mr. BALL. There were three hulls?

Mr. SIMS. Yes, sir.

Mr. BALL. Now, what kind of a receptacle did you put them in?

Mr. SIMS. He had an envelope.

Mr. BALL. Did he take charge of the hulls there?

Mr. SIMS. I don't know.

Mr. BALL. Did he take them in his possession, I mean?

Mr. SIMS. I don't remember if he took them in his possession then or not.

Mr. BALL. But you helped him pick them up?

Mr. SIMS. I picked them up from the floor and he had an envelope there and he held the envelope open.

Mr. BALL. You didn't take them in your possession, did you?

Mr. SIMS. No, sir; I don't believe I did.

Mr. BALL. When the rifle was found, were you there?

Mr. SIMS. No, sir; we were still on the sixth floor where the hulls were, I believe.

Mr. BALL. Did you see anyone pick the rifle up off the floor?

Mr. SIMS. Yes, sir; I believe Lieutenant Day—he dusted the rifle there for fingerprints.

Mr. BALL. And did you see Fritz do anything?

Mr. SIMS. Yes, sir; he took it and ejected a live round of ammunition out of the rifle.

Mr. BALL. Do you know who took possession of that live round?

Mr. SIMS. No, sir; I don't.

Mr. BALL. Now, you left the building about what time?

Mr. SIMS. Well, we arrived at the city hall around 2 o'clock—I'll have to look at the record—on this—about 2:15—we left there evidently about 2 o'clock.

Mr. BALL. You and who?

Mr. SIMS. Captain Fritz and Boyd.

Mr. BALL. Then where did you go?

Mr. SIMS. Captain Fritz went over and talked to Sheriff Decker. He sent word he wanted to talk to Captain Fritz, so we talked to the sheriff and then we went to the city hall.

Mr. BALL. Where was Decker when he said he wanted to talk to Fritz?

Mr. SIMS. Well, I didn't go inside the sheriff's office—I stayed out in the corridor there.

Mr. BALL. The sheriff's office is just a half a block from the Texas School Depository Building?

Mr. SIMS. Yes, sir; it's across the street.

Mr. BALL. And the city hall where your office, the police offices are located, is how far from the corner of Elm and Houston?

Mr. SIMS. Well, that's the 500 block there and the city hall is, let's see, in the 2000 block, I believe, so it would be 15 blocks.

Mr. BALL. A couple of miles—a mile and a half?

Mr. SIMS. I don't know what it is.

Mr. BALL. When you went back to your offices, was Fritz there at that time?

Mr. SIMS. No, sir; he went back with Boyd and I.

Mr. BALL. After you left Decker's?

Mr. SIMS. He went back with Boyd and I.

Mr. BALL. What happened when you went back to your office?

Mr. SIMS. Well, sir; we got to the office and, of course, it was full of people and I think—

Mr. BALL. You say it was full of people?

Mr. SIMS. Yes, sir.

Mr. BALL. You mean the floor was full of people?

Mr. SIMS. Our office was—I don't remember about the people.

Mr. BALL. What people?

Mr. SIMS. Officers—police officers, I don't know who all was up there, all I know is that there was a lot of people.

Mr. BALL. Had the press moved in and the television cameras at that time?

Mr. SIMS. I don't remember what time they had moved in—I don't remember.

Mr. BALL. Tell me what happened when you got back?

Mr. SIMS. Well, sir, I think he talked to a detective then—he's a lieutenant now—Captain Fritz talked to Baker and said, "While we was up in the Book Depository Store we heard Officer Tippit had been shot," and so Baker, I believe, told Captain Fritz that they had the man that had shot Officer Tippit, in the interrogation room.

Mr. BALL. Who was that Baker?

Mr. SIMS. He was a detective then, but he's a lieutenant now. He has been in the office there for several years.

Mr. BALL. Baker told Fritz that Tippit had been shot?

Mr. SIMS. No, sir; that we had heard that on the sixth floor of the Book Store, but he told Captain Fritz that the man that shot Officer Tippit was there in the interrogation room, or something to that effect.

Mr. BALL. What happened then?

Mr. SIMS. Well, I don't know, let's see, we took Oswald at 2:20, Boyd and I, took Oswald from the interrogation room to Captain Fritz' office.

Mr. BALL. You and Boyd?

Mr. SIMS. Yes.

Mr. BALL. At 2:20 took Oswald—that's the first time you saw Oswald?

Mr. SIMS. Yes, sir; that's right, he was there in that interrogation room.

Mr. BALL. And who was in Fritz' office at that time?

Mr. SIMS. Well, let's see, during the interrogation, there was Mr. Bookhout, that's Jim Bookhout, and Mr. Hosty, and Boyd and I and Captain Fritz.

Mr. BALL. Did you make notes of what was said at that time?

Mr. SIMS. No, sir; I didn't.

Mr. BALL. Did your partner, Boyd, make notes, do you think?

Mr. SIMS. I don't know if he did or not.

Mr. BALL. Do you have anything from which you can refresh your memory as to what was said in that interrogation?

Mr. SIMS. No, sir.

Mr. BALL. You have some memory of what was said, don't you?

Mr. SIMS. Well, not the exact wording or the exact questions.

Mr. BALL. Give us your memory of the substance of what was said there at that time.

Mr. SIMS. Well, I couldn't say that. I know that it consisted of his name and where he lived and things of that nature, and where he worked.

Mr. BALL. Now, tell us all you can remember, even though it is not complete, just tell us as much as you can remember?

Mr. SIMS. I don't remember—I know, like I say, he asked him his name and where he worked and things of that nature.

Mr. BALL. Did they ask him whether or not he had killed Tippit?

Mr. SIMS. Yes, sir; I believe he did.

Mr. BALL. What did he say?

Mr. SIMS. He said, "No."

Mr. BALL. Did they ask him if he had shot the President?

Mr. SIMS. I don't remember now what—I wouldn't want to say for sure what questions he did ask him.

Mr. BALL. Who did the questioning?

Mr. SIMS. Captain Fritz.

Mr. BALL. Did anyone else ask him questions?

Mr. SIMS. Well, I don't know if they did or not.

Mr. BALL. Did you ask him any questions?

Mr. SIMS. No, sir.

Mr. BALL. Well—

Mr. SIMS. Not at this time here, I didn't but I talked to him later on that evening.

Mr. BALL. But you didn't ask him any questions at the time you were there then?

Mr. SIMS. No, sir; I never did actually do any interrogation myself then.

Mr. BALL. Was he handcuffed at that time?

Mr. SIMS. I don't remember if he was or not.

Mr. BALL. Wasn't he handcuffed with his handcuffs behind his back, and didn't he ask to be more comfortable?

Mr. SIMS. I don't remember.

Mr. BALL. Do you remember any incident where Oswald said he would be more comfortable if he could get his hands from behind his back, or something of that sort?

Mr. SIMS. No, sir; I don't.

Mr. BALL. Do you remember changing his handcuffs at any time so that he could put his hands in front of him.

Mr. SIMS. Of course, when he took the paraffin cast of his hands, he wasn't handcuffed?

Mr. BALL. But that was late that evening?

Mr. SIMS. Yes; it was around—it was after dark, I believe.

Mr. BALL. Now, I'm talking about—only about the interrogation that commenced about 2:20 in the afternoon of November 22.

Mr. SIMS. I just don't remember.

Mr. BALL. You don't remember changing the handcuffs?

Mr. SIMS. No, sir; I don't.

Mr. BALL. How long was he in Captain Fritz' office?

Mr. SIMS. Well, let's see, we first went in there at 2 and we stayed in there evidently—this says here that the Secret Service and the FBI took part in the interrogation of Oswald with Captain Fritz, and we took him down to the first showup at 4:05.

Mr. BALL. Then, would you say he was in Captain Fritz' office from about 2:20 until 4 o'clock?

Mr. SIMS. Well, he had to be either in Captain Fritz' office or the interrogation room—that's the only two places that he was kept.

Mr. BALL. All right, do you have any memory of how long he was in Captain Fritz' office the first time for the interrogation?

Mr. SIMS. No, sir; I don't recall if he stayed in there from 2:20 until showup time at 4:05 or not. He may have stayed in there all that time or he may have been put back in the interrogation room, which is right next door.

Mr. BALL. Where is the interrogation room from Captain Fritz' office?

Mr. SIMS. It's in the same office, but just a different room—there's just a hall separating them.

Mr. BALL. And in the interrogation room, were you with Oswald?

Mr. SIMS. Yes, sir.

Mr. BALL. You and Boyd?

Mr. SIMS. Yes, sir.

Mr. BALL. When he was in the interrogation room for the first showup, did you ask him any questions?

Mr. SIMS. Yes; we talked to him.

Mr. BALL. Do you remember what you said to him?

Mr. SIMS. No, sir; I don't remember—it was just—I know I asked him about his—later on I asked him about his life in Russia and about him being in the service and things of that nature.

Mr. BALL. Did you ask him that at this time? Before the first showup at 4:05?

Mr. SIMS. I don't remember what time it was.

Mr. BALL. There was sometime then that you asked him about his life in Russia?

Mr. SIMS. Yes, sir.

Mr. BALL. Are you able to tell us about what time that was?

Mr. SIMS. No, sir; I sure don't know what time it was.

Mr. BALL. Could it have been after he had been in Captain Fritz' office and and before the first showup?

Mr. SIMS. It was after he had been in Captain Fritz' office; yes, sir.

Mr. BALL. And it was in the interrogation room?

Mr. SIMS. I—well, I don't know—I have talked to him both places, and I don't know—I know he wouldn't talk at all about the assassination of the President or of Officer Tippit, but he would talk about his life in Russia and some things over here and about his family and things.

Mr. BALL. Now, you say he wouldn't talk about the assassination of the President, what do you mean?

Mr. SIMS. Well, he would just deny knowledge of it.

Mr. BALL. And you say he wouldn't talk about Officer Tippit's death, what do you mean by that; what would he say, if anything?

Mr. SIMS. Well, he would make some remark and he just wouldn't talk about it.

Mr. BALL. Well, did he ever deny that he had anything to do with it?

Mr. SIMS. Yes, sir.

Mr. BALL. He did?

Mr. SIMS. Yes, sir.

Mr. BALL. Did he ever make any admission to you that he had any knowledge of Officer Tippit's death?

Mr. SIMS. Not at all; no, sir.

Mr. BALL. Did he ever make any admission to you that he had any knowledge of the shooting of the President at all?

Mr. SIMS. None at all.

Mr. BALL. When he did talk to you about his life in Russia, what did you say?

Mr. SIMS. Well, I would ask him where he lived and he told me.

Mr. BALL. What did he tell you?

Mr. SIMS. Well, I've forgotten the name of the town he said he lived in.

Mr. BALL. Irving, Tex.?

Mr. SIMS. No, sir; in Russia.

Mr. BALL. Oh, in Russia—I see—what did he say?

Mr. SIMS. Well, it was some town I didn't know about it, but he did say he lived in Moscow, I believe it was.

Mr. BALL. Anything else?

Mr. SIMS. Well, he said he worked in a factory and he liked everything over there except the weather.

Mr. BALL. Do you remember anything else he said?

Mr. SIMS. Well, no, sir; we talked about—just a general discussion about the cars over there and the appliances, and just talked to him about it.

Mr. BALL. Did he tell you about his wife?

Mr. SIMS. Yes, sir.

Mr. BALL. What did he say?

Mr. SIMS. I don't remember what he said about his wife—he wouldn't talk about her much.

Mr. BALL. Or his children?

Mr. SIMS. He said he had some children; yes, sir.

Mr. BALL. Did he say anything else except he had some children?

Mr. SIMS. I believe he said he had—I don't know if he told me he had a brother or not.

Mr. BALL. There was one time there that you learned that he had a room at 1026 North Beckley—when did you learn that?

Mr. SIMS. I don't know when that was, now, that was found out that first day, I believe. Another officer went out and searched his room and also went to Irving, I believe.

Mr. BALL. The officers went out and searched the room sometime that afternoon, around 3:30.

Mr. SIMS. That's right, I believe so.

Mr. BALL. Can you tell me whether or not you are the one that found out he had a room at 1026 North Beckley?

Mr. SIMS. No, sir; I didn't.

Mr. BALL. He didn't tell you that?

Mr. SIMS. No, sir; I don't believe he did.

Mr. BALL. All right. Did he tell you that his wife lived in Irving, Tex.?

Mr. SIMS. I don't remember if he told me that or not.

Mr. BALL. Now, the first showup was at what time?

Mr. SIMS. At 4:05.

Mr. BALL. How did you conduct that showup?

Mr. SIMS. Well, we took Oswald down with us with the two police officers.

Mr. BALL. What two police officers?

Mr. SIMS. Clark and Perry.

Mr. BALL. You say you took him down—where was he when you took him down?

Mr. SIMS. He was in our office, Captain Fritz' office.

Mr. BALL. That would be on the second floor?

Mr. SIMS. Third floor.

Mr. BALL. On the third floor?

Mr. SIMS. Yes, sir.

Mr. BALL. And where did you take him?

Mr. SIMS. Well, we walked out of our door and turned left, and you go a few feet and go to the elevator—where the waiting room for the elevator is—it's a locked door, and then go from there to the basement of the city hall and then go from the elevator there to the holdover room next to the stage, the showup stage.

Mr. BALL. You have a special place for showups, do you?

Mr. SIMS. Yes, sir.

Mr. BALL. And would you describe it?

Mr. SIMS. Yes, sir; in front of it is the detail room, where the officers get their assignments every day before they go out in the squads, and the platform is a raised platform—I guess it's 2 or 2½ or 3 feet raised above the floor and it has got a black—some type of a cloth screen with floodlights at the top and down at the bottom.

Mr. BALL. Is it a cloth screen between the—

Mr. SIMS. Between the suspects and the witnesses we have.

Mr. BALL. The stage and the outer part of the room?

Mr. SIMS. Yes, sir.

Mr. BALL. Are there seats in the room?

Mr. SIMS. Yes, sir.

Mr. BALL. What kind of seats?

Mr. SIMS. They are just a regular chair—with a long desk, something like this here.

Mr. BALL. You say you took Oswald down with a couple of the officers?

Mr. SIMS. Yes, sir; two of the officers went with us—Perry and Clark.

Mr. BALL. And they are Dallas Police Department officers, are they?

Mr. SIMS. Yes, sir.

Mr. BALL. And why did you have to have them come down with you?

Mr. SIMS. I don't know why they did.

Mr. BALL. Who instructed them to go with you?

Mr. SIMS. I don't know that. I know they said they were there for the showup so we went with them.

Mr. BALL. During the showup, were they part of the showup?

Mr. SIMS. Yes; they participated in the showup; they were with Oswald and this jailer.

Mr. BALL. How were they dressed?

Mr. SIMS. I believe one of them pulled his coat off, and I don't know how they were dressed, but one of them pulled his coat off—I know.

Mr. BALL. Were they handcuffed?

Mr. SIMS. Yes, sir.

Mr. BALL. They were handcuffed together?

Mr. SIMS. Yes; all of them was handcuffed.

Mr. BALL. Now, there were four of them altogether?

Mr. SIMS. Yes, sir.

Mr. BALL. In the showup?

Mr. SIMS. Yes, sir.

Mr. BALL. What were their names?

Mr. SIMS. They were—well, it would be Clark and Perry and Oswald.

Mr. BALL. Give their full names, if you will.

Mr. SIMS. All right.

Mr. BALL. And what their position is with the Dallas Police Department.

Mr. SIMS. No. 1 was Bill Perry, W. E. Perry, he was No. 1, with the Dallas Police Department, and No. 2 was Lee Harvey Oswald, and No. 3 was R. L. Clark with the Dallas Police Department, and No. 4 was Don Ables, who is a civilian jail clerk.

Mr. BALL. And who selected Don Ables to be in the showup?

Mr. SIMS. I don't know who selected him.

Mr. BALL. Does he have his office in the jail?

Mr. SIMS. Well, yes, sir; the jail office—he works in there.

Mr. BALL. Can you give me just a general description of what these fellows look like?

Mr. SIMS. Yes, sir; W. E. Perry, he is 34 years of age, 5'10½" and about 170, I believe and that's a guess, now. He has brown hair, blue eyes, and dark complexion. Richard L. Clark is 31, 5'9¼", 170, has blond hair, blue eyes, and ruddy complexion.

Now, these weights could be different now—I don't know. Don Ables is 26, 5'9", 165, and brown hair.

Mr. BALL. What kind of complexion does Don Ables have?

Mr. SIMS. I don't have that here—I believe he's just ruddy complexion, I believe.

Mr. BALL. Now, in the showup, where were you, on the stage or in the audience?

Mr. SIMS. I was on the stage.

Mr. BALL. And did you hear anything that was said from the audience part of the showup?

Mr. SIMS. Yes, sir.

Mr. BALL. What did you hear?

Mr. SIMS. Well, someone was asking each one in the showup a few questions.

Mr. BALL. Do you know who that was that asked the questions in the first showup?

Mr. SIMS. I'm not positive, but I believe it was Detective Leavelle in our office conducted the first showup.

Mr. BALL. And what questions did they ask?

Mr. SIMS. I couldn't say the exact questions, but as a rule, his age and address and where he went to school and where he was born and just a few questions like that, just to have them say a few words.

Mr. BALL. Did Leavelle ask all of the questions?

Mr. SIMS. He asked all four of the men in the showup.

Mr. BALL. How did Oswald act at this showup; tell me what he did and what he said?

Mr. SIMS. Well, he just acted more or less like the other—acted natural.

Mr. BALL. Answered the questions?

Mr. SIMS. Yes, sir.

Mr. BALL. Did he protest any?

Mr. SIMS. No, sir.

Mr. BALL. Did he say that he had a T-shirt on and no one else had a T-shirt on?

Mr. SIMS. No, sir; now, I think the showup that I didn't conduct the next day, I believe he refused to answer questions or said something about a T-shirt or something.

Mr. BALL. He didn't say anything of that sort?

Mr. SIMS. No, sir; he acted normal, with the other showups I was in.

Mr. BALL. He answered the questions?

Mr. SIMS. Yes, sir; he did.

Mr. BALL. Did you hear anything else from the audience side of the showup?

Mr. SIMS. No, sir.

Mr. BALL. Do you know the names of any witnesses that were out there?

Mr. SIMS. No, sir; I didn't know who was out there.

Mr. BALL. Did you talk to any of the witnesses that were out there?

Mr. SIMS. No, sir; I didn't.

Mr. BALL. Either before or after the showup, did you talk to any of the witnesses out there?

Mr. SIMS. I don't believe I did—I don't believe so.

Mr. BALL. Did you take any statements from any of the witnesses in this showup?

Mr. SIMS. No, sir.

Mr. BALL. After this showup, what did you do?

Mr. SIMS. We brought Oswald back to the office there.

Mr. BALL. To the interrogation room?

Mr. SIMS. No, sir; back to Captain Fritz' office at 4:20.

Mr. BALL. At 4:20?

Mr. SIMS. Yes.

Mr. BALL. Who was present in Captain Fritz' office at that time?

Mr. SIMS. The FBI agents and Secret Service agents talked to Oswald some more.

Mr. BALL. What were their names?

Mr. SIMS. I don't know their names.

Mr. BALL. You didn't record the names of the Secret Service officers?

Mr. SIMS. No, sir.

Mr. BALL. Now, do you remember how long this interrogation of Oswald took place?

Mr. SIMS. Well, sir, we took him back to the second showup at 6:20, so that would be a matter of 2 hours. Now, whether he was in Captain Fritz' office all this time or in the interrogation room some of the time or Captain Fritz' office all the time, I don't remember.

Mr. BALL. Now, at this second interrogation at Captain Fritz' office beginning at 4:20, was Oswald handcuffed?

Mr. SIMS. Well, now, I can't tell you—I don't remember if he were handcuffed or not.

Mr. BALL. Did you make any notes of what was said at that time?

Mr. SIMS. No, sir; I never did make any notes of any of the interrogation.

Mr. BALL. Do you remember anything that was said at 4:20?

Mr. SIMS. No, sir; I couldn't.

Mr. BALL. Do you have any memory at all?

Mr. SIMS. No.

Mr. BALL. Could you make any kind of an attempt to testify to what you heard there?

Mr. SIMS. No, sir; I couldn't say for sure what was said or what he told Captain Fritz or the agents either.

Mr. BALL. Did you ask any questions?

Mr. SIMS. No, sir; the only time I would talk to him would be when Captain Fritz would be out of the office and then Boyd and I, or whoever was in the office with him would talk to him.

Mr. BALL. But at this time when the Secret Service and the FBI were in Captain Fritz' office, did you ask any questions at that time?

Mr. SIMS. No.

Mr. BALL. Did anyone—any Secret Service man or any FBI man ask him questions at that time?

Mr. SIMS. Yes; they asked him questions.

Mr. BALL. Did you know those men?

Mr. SIMS. Well, I know a good many of them here—I didn't have their names—I don't remember who it was.

Mr. BALL. You don't remember who was in there at the time?

Mr. SIMS. No, sir.

Mr. BALL. Now, at 6:20 there was another showup, was there?

Mr. SIMS. Yes, sir.

Mr. BALL. And where was Oswald before you took him to that showup?

Mr. SIMS. He would be there in Captain Fritz' office there in the city hall.

Mr. BALL. And you took him where?

Mr. SIMS. Back down to the same stage—on the stage there.

Mr. BALL. Who was in this second showup?

Mr. SIMS. The same officers and the jail clerk that was with him on the first one.

Mr. BALL. Mention their names again.

Mr. SIMS. All right, the second showup was at 6:20, approximately, and there was W. E. Perry, police officer, Richard Clark, police department, and Don Ables, jail civilian clerk.

Mr. BALL. Were these men handcuffed at this time?

Mr. SIMS. Yes, sir; they were handcuffed.

Mr. BALL. Were they dressed the same?

Mr. SIMS. I believe so; yes, sir.

Mr. BALL. Were they dressed differently than Oswald?

Mr. SIMS. Yes; I know they didn't have the color of clothes on or things like that.

Mr. BALL. Did they have ties on?

Mr. SIMS. I don't recall if they did or not.

Mr. BALL. Oswald had a T-shirt on, didn't he?

Mr. SIMS. He had on a brown shirt, some kind of a brown shirt, and he had a white T-shirt on underneath that.

Mr. BALL. Underneath that?

Mr. SIMS. Yes; underneath that.

Mr. BALL. His clothes were rougher looking than the other men?

Mr. SIMS. Well, I don't imagine that he would be dressed as nice as the officers were, as far as their clothes.

Mr. BALL. Well, the other three men that were in the showup, did they have coats on—did anyone have a coat on?

Mr. SIMS. Well, I don't believe—Mr. Ables—I'm pretty sure he didn't have a coat on and don't believe any of the officers had them on—I don't remember how they was dressed as far as their coats go.

Mr. BALL. Do you remember whether or not they had ties on?

Mr. SIMS. No, sir; I don't.

Mr. BALL. Who conducted the showup?

Mr. SIMS. Well, the second showup, I'm not positive, but I believe I conducted the second showup.

Mr. BALL. How did you conduct it?

Mr. SIMS. Well, they are all under a number and I would have them—one, two, three, and four, and No. 1 stand on that center black square there and give their names and age and address and if they own a car, where they went to school, where they were born, where they were raised.

Mr. BALL. Did you know who was out in the audience with the witnesses?

Mr. SIMS. No, sir; I didn't.

Mr. BALL. Do you know the names of any of the witnesses?

Mr. SIMS. No, sir; I didn't.

Mr. BALL. Did you hear any conversation that came from the audience side of the showup?

Mr. SIMS. None that I can recall.

Mr. BALL. Now, did you give us in your first showup the numbers assigned to these people?

Mr. SIMS. Yes, sir.

Mr. BALL. Nos. 1, 2, 3, and 4?

Mr. SIMS. Yes, sir.

Mr. BALL. All right.

Mr. SIMS. I'm sure I did.

Mr. BALL. Well, I wasn't sure you did, but give us the numbers assigned to the second showup.

Mr. SIMS. The first showup at 4:05 was No. 1, Bill Perry, Lee Oswald, R. L. Clark, and Don Ables.

Mr. BALL. That was the order—one, two, three, four?

Mr. SIMS. Yes, sir; one, two, three, four.

Mr. BALL. Now, give us the order of the second showup?

Mr. SIMS. Numbered the same for the second showup.

Mr. BALL. The same numbers?

Mr. SIMS. Yes, sir.

Mr. BALL. The same men?

Mr. SIMS. Same men and same numbers.

Mr. BALL. After that showup, what did you do?

Mr. SIMS. We went back to Captain Fritz' office, and let me see, at 6:37, we left the showup and went back to Captain Fritz' office.

Mr. BALL. And what did you do then?

Mr. SIMS. We stayed with Oswald.

Mr. BALL. Now, in your report, you mentioned that a murder complaint was signed by Fritz that evening?

Mr. SIMS. Yes, sir.

Mr. BALL. Were you present when that happened?

Mr. SIMS. Yes.

Mr. BALL. Was Oswald present also?

Mr. SIMS. Yes, sir.
Mr. BALL. He was present when the murder complaint was signed?
Mr. SIMS. Yes, sir.
Mr. BALL. Where did this take place?
Mr. SIMS. In Captain Fritz' office.
Mr. BALL. And who was present?
Mr. SIMS. Well, let me see—Justice of the Peace Dave Johnston, and Assistant District Attorney Bill Alexander, and I don't know who else was there—I don't know who else was present.
Mr. BALL. Was the judge there—the justice judge—the J.P., Dave Johnston?
Mr. SIMS. Yes, sir.
Mr. BALL. And Bill Alexander and Fritz?
Mr. SIMS. Yes.
Mr. BALL. And you? And Boyd?
Mr. SIMS. Yes, sir.
Mr. BALL. And Oswald was there?
Mr. SIMS. Yes, sir.
Mr. BALL. Was anything said to Oswald about the signing of a murder complaint?
Mr. SIMS. Yes, sir.
Mr. BALL. What was said, and who said it?
Mr. SIMS. I don't remember what was said—I know Judge Johnston talked to him and Captain Fritz talked to him.
Mr. BALL. And did Alexander talk to him?
Mr. SIMS. I believe he did, but I'm not positive about that.
Mr. BALL. Do you remember what Judge Johnston said?
Mr. SIMS. No, sir; I don't.
Mr. BALL. Do you remember what Oswald said?
Mr. SIMS. No, sir.
Mr. BALL. Did anyone tell him that a murder complaint was being filed against him?
Mr. SIMS. I believe so; yes, sir.
Mr. BALL. For what murder?
Mr. SIMS. For Officer Tippit.
Mr. BALL. Do you remember what Oswald said?
Mr. SIMS. No, sir; I don't.
Mr. BALL. Then what did you do with Oswald after that?
Mr. SIMS. At 7:40 we entered the third showup.
Mr. BALL. Now, at 7:30 an FBI agent came in, didn't he, according to your records?
Mr. SIMS. Yes, sir; at 7:30—we sat in the office with Oswald and Mr. Clements of the FBI came in and interrogated Oswald.
Mr. BALL. You and Boyd were there?
Mr. SIMS. Yes, sir.
Mr. BALL. What did Clements ask him?
Mr. SIMS. I don't remember the questions he asked him.
Mr. BALL. Did you hear what Oswald said?
Mr. SIMS. Yes, sir; but I don't remember what the answers were.
Mr. BALL. Then, when was the next showup?
Mr. SIMS. At 7:40.
Mr. BALL. And who were the men in the third showup?
Mr. SIMS. Well, the third showup was No. 1—a Richard Walker [spelling] B-o-r-c-h-g-a-r-d-t.
Mr. BALL. Borchgardt—what is his address; do you have that?
Mr. SIMS. No, sir; I don't have his address. He was a city prisoner.
Mr. BALL. Do you know what he was charged with at that time?
Mr. SIMS. No, sir—I have his arrest number and his I.D. number.
Mr. BALL. And then was he No. 1?
Mr. SIMS. No. 1—
Mr. BALL. And who else?
Mr. SIMS. No. 2 was Lee Harvey Oswald.
Mr. BALL. Who was three?

Mr. SIMS. Ellis Carl Brazel.
Mr. BALL. Who was he?
Mr. SIMS. He was a city prisoner.
Mr. BALL. Do you know what he was charged with?
Mr. SIMS. No, sir; I didn't.
Mr. BALL. Do you know his address?
Mr. SIMS. No, sir.
Mr. BALL. Do you know what happened to him?
Mr. SIMS. I believe he's in the penitentiary.
Mr. BALL. Brazel is in the penitentiary?
Mr. SIMS. I believe so—I'm not positive.
Mr. BALL. Who was No. 4?
Mr. SIMS. No. 4 was Don Ables.
Mr. BALL. That's the jail clerk?
Mr. SIMS. Yes, sir.
Mr. BALL. Do you remember how these men were dressed?
Mr. SIMS. No, sir; I don't, I don't remember how they were dressed.
Mr. BALL. Did they have coats on?
Mr. SIMS. I don't remember if they had coats on or not.
Mr. BALL. Were they all handcuffed?
Mr. SIMS. Yes.
Mr. BALL. Together?
Mr. SIMS. Yes, sir.
Mr. BALL. Who conducted this showup?
Mr. SIMS. I don't remember who actually had the suspects to talk or who was out in front.
Mr. BALL. You were on the stage side?
Mr. SIMS. Still on the stage side; yes, sir.
Mr. BALL. And did someone from the audience side conduct the showup and ask the questions?
Mr. SIMS. Yes.
Mr. BALL. Did Oswald answer the questions?
Mr. SIMS. Yes.
Mr. BALL. Was he dressed differently than the other three at that time?
Mr. SIMS. Well, he was dressed differently but I don't know—how differently he was dressed.
Mr. BALL. What did he have on?
Mr. SIMS. He still had on the same clothes he was arrested in, so far as I know.
Mr. BALL. In all three showups he had on the same clothes you described before?
Mr. SIMS. I believe he did.
Mr. BALL. Here is Commission No. 150, is that the shirt he had on?
Mr. SIMS. Yes; that's the color shirt he had on.
Mr. BALL. And then he had on a T-shirt?
Mr. SIMS. Yes, sir.
Mr. BALL. Is that the shirt he had on?
Mr. SIMS. Well—one that color—yes, sir.
Mr. BALL. Now, in this showup, did you know any of the witnesses that were in the audience side?
Mr. SIMS. Well, I knew about them, but I didn't know who was out there—no, sir.
Mr. BALL. Did you talk to them?
Mr. SIMS. No, sir.
Mr. BALL. Did you ever take a witness' statement from any of the witnesses at either of the three showups?
Mr. SIMS. Never did—
Mr. BALL. After that showup, what did you do?
Mr. SIMS. Well, we took him back up to Captain Fritz' office.
Mr. BALL. About what time was this?
Mr. SIMS. 7:55.
Mr. BALL. And who was there at that time?

Mr. SIMS. Mr. Clements, and he continued his interrogation of Oswald for about another half hour.

Mr. BALL. And were you present?

Mr. SIMS. I probably was; yes, sir.

Mr. BALL. Who was present besides you?

Mr. SIMS. I couldn't say—I know Boyd was and I was present, but I don't know if he was in there all the time or not.

Mr. BALL. Now, during this time, or sometime during this period—sometime between these three showups, you searched Oswald, didn't you?

Mr. SIMS. The first one; yes, sir.

Mr. BALL. And that was what time?

Mr. SIMS. It was 4:05, I believe, but I will have to check my record here and see [checking his record referred to].

Mr. BALL. That was after the second showup?

Mr. SIMS. No, sir; the first one.

Mr. BALL. After the first showup?

Mr. SIMS. It was before the first showup.

Mr. BALL. It was before the first showup—the 4:05?

Mr. SIMS. Yes, sir.

Mr. BALL. And that was after the first interrogation?

Mr. SIMS. Yes, sir.

Mr. BALL. And where were you when you first searched him?

Mr. SIMS. We was in the holdover, in other words, the showup room.

Mr. BALL. When you took Oswald down for the first showup and waited in the room outside, the showup room, you searched him?

Mr. SIMS. Yes; Boyd and I.

Mr. BALL. What did you find?

Mr. SIMS. I found a bus transfer slip in his shirt pocket.

Mr. BALL. And what else?

Mr. SIMS. Well, Boyd found some .38 cartridges in his pocket.

Mr. BALL. How many?

Mr. SIMS. I don't know—I have it here—I believe it's five rounds of .38 caliber pistol shells in his left front pocket.

Mr. BALL. Left-front shirt pocket?

Mr. SIMS. No, sir; they were in his pants pocket.

Mr. BALL. Left front?

Mr. SIMS. Yes, sir.

Mr. BALL. Where was the transfer?

Mr. SIMS. The transfer was in his shirt pocket.

Mr. BALL. Would that be on the left side, I suppose?

Mr. SIMS. I don't know if he's got two pockets or not.

Mr. BALL. Let's take a look at it.

Mr. SIMS. (Examined Exhibit hereinafter referred to).

Mr. BALL. Commission Exhibit 150 is being exhibited for the witness' examination.

Mr. SIMS. Well, he's got two pockets in here and let's see if I have it on here—what pocket it was—I didn't say—I don't remember what pocket he had that in.

Mr. BALL. What did you do with the transfer?

Mr. SIMS. I went back up to the office and I believe initialed it and placed it in an envelope for identification.

Mr. BALL. Who did you turn it over to?

Mr. SIMS. I don't remember.

Mr. BALL. You don't remember?

Mr. SIMS. No, sir; it was either in the lieutenant's desk or Captain Fritz' desk.

Mr. BALL. Lieutenant who?

Mr. SIMS. We have two in there—Lieutenant Wells and Lieutenant Bohart.

Mr. BALL. And what about the five rounds of live ammunition, what did you do with those?

Mr. SIMS. It was also placed in the envelope.

Mr. BALL. And turned over to whom—Fritz?

Mr. SIMS. I don't know who that was turned over to.

Mr. BALL. Did you ever talk to a busdriver named McWatters?

Mr. SIMS. No, sir; I remember a busdriver coming up there but I don't think I talked with him.

Mr. BALL. Did you ever examine the transfer for the punchmark date?

Mr. SIMS. The busdriver did. He identified that as coming from his punchcard.

Mr. BALL. I know, but I want to know about you—did you look at the transfer?

Mr. SIMS. Yes, sir; I looked at it.

Mr. BALL. Did you look at the date and the time that it was punched on the transfer?

Mr. SIMS. I don't remember if I did or not. I'm sure I looked at it but I don't remember.

Mr. BALL. You say it was shown to a busdriver and he made some remarks about it; were you there when it was shown to the busdriver?

Mr. SIMS. No, sir.

Mr. BALL. So, you are just telling me what some other officer told you?

Mr. SIMS. Yes, sir.

Mr. BALL. All right.

Mr. SIMS. I didn't see actually the busdriver, I don't believe, identify his transfer.

Mr. BALL. Do you know the officer that showed the transfer to the busdriver?

Mr. SIMS. No, sir; I don't.

Mr. BALL. Did you see any identification bracelet on Oswald?

Mr. SIMS. Yes, sir; he had an identification bracelet.

Mr. BALL. Did he have that on at the time of the showup?

Mr. SIMS. Yes.

Mr. BALL. Did you ever remove that?

Mr. SIMS. Yes, sir; when they were getting his paraffin cast on his hands.

Mr. BALL. And what did you do with that identification bracelet?

Mr. SIMS. I placed it in the property room cardsheet.

Mr. BALL. Did you examine that identification bracelet?

Mr. SIMS. Yes, sir.

Mr. BALL. What did it have on it, if you remember?

Mr. SIMS. It had his name on it.

Mr. BALL. And what was it made out of? What material?

Mr. SIMS. It was, I guess, sterling silver. It was a regular G.I. identification bracelet with a chain and then his nameplate across the top.

Mr. BALL. Now, we are up to the time after the last showup when Mr. Clements interrogated Oswald for about half an hour; what happened after the interrogation by Mr. Clements?

Mr. SIMS. At 8:55 Detective Johnny Hicks and R. L. Studebaker of the crime lab came to Captain Fritz' office.

Mr. BALL. What did they do?

Mr. SIMS. Hicks fingerprinted Oswald and then Sgt. Pete Barnes came in.

Mr. BALL. What is his name?

Mr. SIMS. Pete Barnes. He is working with the crime lab also.

Mr. BALL. And what did Barnes do?

Mr. SIMS. Well, he may have assisted in the fingerprinting—I don't know for sure.

Mr. BALL. Is he a crime lab man also?

Mr. SIMS. Yes, sir, and then shortly later, Capt. George Doughty came in, he's in charge of the crime lab.

Mr. BALL. And what did he do?

Mr. SIMS. He just stayed a few minutes.

Mr. BALL. How do you spell his name?

Mr. SIMS. (spelling). D-o-u-g-h-t-y—George Doughty.

Mr. BALL. Now, did they make paraffin tests?

Mr. SIMS. Yes, sir.

Mr. BALL. They made casts at that time?

Mr. SIMS. Yes, sir.

Mr. BALL. Of what?

Mr. SIMS. (reading from instrument in his possession). "He and Barnes made paraffin casts of both hands and also the right side of his face."

Mr. BALL. That "he and Barnes"—who is "he"?

Mr. SIMS. That would be Johnny Hicks, I think.

Mr. BALL. That was Johnny Hicks and Lieutenant Barnes?

Mr. SIMS. Yes, sir; and Barnes is a sergeant.

Mr. BALL. Sergeant Barnes and Johnny Hicks made the paraffin casts?

Mr. SIMS. Yes, sir.

Mr. BALL. Of both hands and what side of his face?

Mr. SIMS. And also the right side of his face.

Mr. BALL. Of whose face?

Mr. SIMS. Oswald's face.

Mr. BALL. Were you there when they were made?

Mr. SIMS. I was in the room—most of the time I was.

Mr. BALL. What time were these paraffin casts made?

Mr. SIMS. We started the fingerprinting at 8:55, I believe, they lasted a good long while—I don't know how long.

Mr. BALL. What time were the paraffin casts made?

Mr. SIMS. I don't have any idea—it was sometime after 8:55.

Mr. BALL. Can you give me an outside limit on it?

Mr. SIMS. Well, sir, they started the fingerprinting at 8:55, I guess—that would take—just a rough guess, 10 or 15 minutes to do that, and they had to heat their wax first and make the preparations then for the paraffin tests.

Mr. BALL. Would you say that the paraffin tests were made not later than 10 o'clock that day?

Mr. SIMS. Not later than 10?

Mr. BALL. Yes, sir.

Mr. SIMS. No, sir; I couldn't say. I know that they were in the office there all this time making these paraffin casts of his hands and his face.

Mr. BALL. Then what happened?

Mr. SIMS. Well, at 11:30 p.m., Barratt and I made out the arrest sheets on Oswald.

Mr. BALL. Where was Oswald then?

Mr. SIMS. He was there and he was still in the office there.

Mr. BALL. Did you make the arrest sheets out in front of him while he was there in the office?

Mr. SIMS. I don't know if he was present when we did it or not.

Mr. BALL. But he was still in the interrogation room of Captain Fritz' office?

Mr. SIMS. Yes, sir; he was in one or the other; yes, sir.

Mr. BALL. Who had charge of him when you made out the arrest sheets?

Mr. SIMS. I don't know who that would be.

Mr. BALL. What did you do after that?

Mr. SIMS. We made out the arrest sheets on Oswald and shortly afterwards Chief Curry and Captain Fritz came into the office there, came back to the office, and told us to take Oswald down out in front of the stage at the showup room.

Mr. BALL. Why did you do that?

Mr. SIMS. Because we were told to.

Mr. BALL. Was that usual to do that?

Mr. SIMS. Is it usual?

Mr. BALL. Yes.

Mr. SIMS. Yes; it's unusual.

Mr. BALL. Unusual to do it?

Mr. SIMS. Yes.

Mr. BALL. He didn't tell you why he did it?

Mr. SIMS. No, sir.

Mr. BALL. What did you do it for?

Mr. SIMS. Just for the press, I believe.

Mr. BALL. For the press?

Mr. SIMS. Yes, sir.

Mr. BALL. What did you do?

Mr. SIMS. We—shortly before midnight—we took him down to the—they

call it—it's where the officers meet there, where the showup room is—the assembly room.

Mr. BALL. And was he on the stage?

Mr. SIMS. No, sir.

Mr. BALL. Where was he?

Mr. SIMS. He was in front of the stage.

Mr. BALL. And—in front of the stage?

Mr. SIMS. Yes.

Mr. BALL. And what happened?

Mr. SIMS. Well, he had—the room was full of newspapermen.

Mr. BALL. And what did they do?

Mr. SIMS. Well, I believe they had a little short interview there with him.

Mr. BALL. Did they ask him questions?

Mr. SIMS. Yes.

Mr. BALL. Did he answer?

Mr. SIMS. He answered; yes, sir.

Mr. BALL. Were the television cameras in there also?

Mr. SIMS. Yes, sir.

Mr. BALL. And this was about what time?

Mr. SIMS. Well, it would be about 12—we kept him in there about 5 minutes and went to the jail office about 12:20, so that would have been about, I guess, about 12:15.

Mr. BALL. Tell me exactly what Chief Curry told you before you took him down there—what were his exact instructions?

Mr. SIMS. I don't believe Chief Curry said anything to me.

Mr. BALL. Captain Fritz told you to take him down there?

Mr. SIMS. We were told to take him down to the press—to the police assembly room.

Mr. BALL. Who gave you those specific orders?

Mr. SIMS. Well, I couldn't say who gave me those specific orders.

Mr. BALL. Do you think it was Fritz?

Mr. SIMS. I just don't remember who it was.

Mr. BALL. You have stated in your notes that Chief Curry came to Fritz' office and told you to take Oswald down in front of the stage at the showup room?

Mr. SIMS. Let's see (reading from instrument in his possession) “* * * shortly afterwards Chief Curry and Captain Fritz came to Captain Fritz' office and told us to take Oswald down out in front of the stage at the showup room.”

Mr. BALL. Does that look like it was Curry that told you that?

Mr. SIMS. I don't know which one of them told us.

Mr. BALL. Did one of the two tell you?

Mr. SIMS. Yes; evidently they did.

Mr. BALL. And what else did they tell you?

Mr. SIMS. (Reading from instrument in his hand.) “Chief Curry gave us instructions not to let anyone touch Oswald, and if they attempted to do so, for us to take him to jail immediately.”

Mr. BALL. This was in connection with the press interview with Oswald, wasn't it?

Mr. SIMS. Yes, sir.

Mr. BALL. Do you remember what questions were asked Oswald?

Mr. SIMS. No, sir; I don't.

Mr. BALL. Did they ask him whether or not he had shot the President?

Mr. SIMS. I believe that was asked—yes, sir.

Mr. BALL. What did he tell them?

Mr. SIMS. He told them “no.”

Mr. BALL. Did they ask him if he had killed Tippit or shot Tippit?

Mr. SIMS. I don't remember if they did or not—it was just a bunch of them hollering at him—that's all I remember.

Mr. BALL. A bunch of them doing what?

Mr. SIMS. A bunch of them hollering at him—talking to him.

Mr. BALL. Were they talking loud?

Mr. SIMS. Yes, sir; it was pretty noisy.

Mr. BALL. Now, you took him back to the jail office at 12 :20?

Mr. SIMS. Yes; we took him back to the jail office at 12 :20 a.m. on November the 23d.

Mr. BALL. And you turned him over to the jailer?

Mr. SIMS. No, sir; we took him up to the fourth floor.

Mr. BALL. And what did you do then?

Mr. SIMS. We turned him over to the jailers there.

Mr. BALL. You turned him over to the jailers on the fourth floor?

Mr. SIMS. Yes, sir.

Mr. BALL. Now, the next day, did you see him?

Mr. SIMS. Yes, sir.

Mr. BALL. What time did you go to work?

Mr. SIMS. Well, let's see, I arrived for work at 9 :30 a.m.

Mr. BALL. And when did you first see Oswald?

Mr. SIMS. We checked at 10 :25 a.m.—we checked—Boyd and I checked Lee Harvey Oswald out of jail and brought him to Captain Fritz' office for questioning.

Mr. BALL. Who was present at that time?

Mr. SIMS. Let's see, Mr. Bookhout of the FBI and Robert Nash who is the U.S. marshal, Mr. Kelley of the Secret Service.

Mr. BALL. And who else?

Mr. SIMS. And that was all.

Mr. BALL. And yourself?

Mr. SIMS. No, sir; I believe it says here—"Boyd and Hall stayed in the office during the interrogation."

Mr. BALL. You weren't in there?

Mr. SIMS. No, sir.

Mr. BALL. Do you know why you left—did you have something else to do?

Mr. SIMS. No, sir; I don't know if I was called out or what.

Mr. BALL. And how long did that interrogation take?

Mr. SIMS. We returned him back to the jail at 11 :30 a.m.

Mr. BALL. What did you do after that?

Mr. SIMS. Then, shortly afterward, myself and Boyd and Hall and Detective C. N. Dhority, (spelling) D-h-o-r-i-t-y—we went to Oswald's room at 1026 North Beckley.

Mr. BALL. Who told you to do that?

Mr. SIMS. Captain Fritz.

Mr. BALL. And what did you do out there?

Mr. SIMS. We made another search of his room.

Mr. BALL. What do you mean by "search"—did you have a search warrant?

Mr. SIMS. I don't remember if we had a search warrant or not.

Mr. BALL. You went in the house, did you?

Mr. SIMS. Yes; we went in the house.

Mr. BALL. Did you talk to the owner, Mrs. Johnson?

Mr. SIMS. Yes; we talked to him.

Mr. BALL. Mr. or Mrs.—which one?

Mr. SIMS. I believe both of them was there; I'm not positive about that.

Mr. BALL. And you went into Oswald's room, didn't you?

Mr. SIMS. Yes, sir.

Mr. BALL. And what did you see?

Mr. SIMS. I think all we found in there was a paper clip or something of that nature. I don't remember what it was.

Mr. BALL. A paper clip?

Mr. SIMS. We didn't find anything.

Mr. BALL. Did you take anything away with you?

Mr. SIMS. Yes, sir; we took the paper clip and a rubber band or something—I don't know what it was—it wasn't anything to speak of, I know, the room was clean.

Mr. BALL. What time did you arrive and what time did you leave?

Mr. SIMS. Well, shortly after 11 :30 we left—we arrived at 11 :59 and left at 12 :30.

Mr. BALL. What did you do after that?

Mr. SIMS. Well—

Mr. BALL. In the afternoon, did you work on this case? On the Oswald case?

Mr. SIMS. Yes; I'm sure we did.

Mr. BALL. Do you remember what you did?

Mr. SIMS. No, sir; I don't.

Mr. BALL. Did you talk to any witnesses?

Mr. SIMS. No, sir; I didn't talk to any.

Mr. BALL. Did you take any statements?

Mr. SIMS. No.

Mr. BALL. When was the next time you saw Oswald?

Mr. SIMS. At 6 o'clock.

Mr. BALL. What did you do then?

Mr. SIMS. We brought him back to Captain Fritz' office.

Mr. BALL. Who are "we"?

Mr. SIMS. Myself, M. G. Hall, and Detective L. C. Graves.

Mr. BALL. Where was Boyd when you did that?

Mr. SIMS. I don't know.

Mr. BALL. He wasn't with you at that time?

Mr. SIMS. No, sir.

Mr. BALL. Where did you get Oswald?

Mr. SIMS. From the jail.

Mr. BALL. You took him to Fritz' office?

Mr. SIMS. Yes, sir.

Mr. BALL. How long did you stay there?

Mr. SIMS. We returned him at—myself, Hall, and Graves—returned him at 7:15 to the jail.

Mr. BALL. Now, were you in Captain Fritz' office during that interrogation?

Mr. SIMS. No; I don't believe I was.

Mr. BALL. Do you know what you did after that?

Mr. SIMS. No, sir; I don't know what I did after that.

Mr. BALL. Did you ever see Oswald again?

Mr. SIMS. No, sir; I never did see him again.

Mr. BALL. Were you on duty on the 24th?

Mr. SIMS. No, sir; I was off that day.

Mr. BALL. And you heard of Oswald's death over the radio; is that right?

Mr. SIMS. Over the television.

Mr. BALL. You watched it over television, did you?

Mr. SIMS. Yes, sir.

Mr. BALL. Do you fellows have any suggestions for questions—you might go ahead and ask him any questions if you have any?

Mr. STERN. Yes; I have a few things I would like to ask him with reference to this—I'm not sure that we identified his notes and I believe we ought to do that.

You were reading from or referring to a memorandum that you made when, Mr. Sims?

Mr. SIMS. In regards to the President's assassination and the killing of Officer Tippit.

Mr. STERN. When did you make the memorandum?

Mr. SIMS. I don't know—it was shortly after the 24th.

Mr. STERN. Within 3 or 4 days?

Mr. SIMS. The same week—yes, sir.

Mr. STERN. And you made it with your partner, Officer Boyd, the two of you?

Mr. SIMS. Yes, sir.

Mr. STERN. You worked it out together?

Mr. SIMS. Yes, sir.

Mr. STERN. Let the record show that this is a memorandum that appears as Commission Document 81-B, at pages 234 through 240. Was this memorandum made from notes that you noted at various times as the things occurred?

Mr. SIMS. Notes and memory.

Mr. STERN. They were made from your notes and memory?

Mr. SIMS. From my notes and memory.

Mr. STERN. And those notes were destroyed when the memorandum was prepared?

Mr. SIMS. Mr. Boyd may have his—I don't have mine.

Mr. STERN. You don't have your notes?

Mr. SIMS. No, sir; I don't have mine.

Mr. STERN. The memorandum quotes a number of times—a very specific figure—is this because you had some record of these times?

Mr. SIMS. We keep records of the time that things happen.

Mr. STERN. To the nearest minutes?

Mr. SIMS. Yes.

Mr. STERN. And that's why you can be so precise in your memorandum?

Mr. SIMS. That's right.

Mr. STERN. The information you gave us a little earlier describing the two police and the jail clerk that were in the first two lineups, your statement there was based upon notes that you brought here with you; is that right?

Mr. SIMS. You mean their descriptions?

Mr. STERN. Yes; their descriptions.

Mr. SIMS. Yes, sir; I got the descriptions after I was notified to be over here.

Mr. STERN. Do you know these individuals?

Mr. SIMS. Yes; I know them.

Mr. STERN. And these descriptions are accurate?

Mr. SIMS. Well, I don't know about the weight. I got this off of their descriptions we have up there in the ID bureau in the personnel file—that weight, I believe, Perry's—I just guessed at the weight.

Mr. STERN. Do you have the same descriptions available for the two city prisoners?

Mr. SIMS. Yes, sir; I have those.

Mr. STERN. Would you tell us what those are?

Mr. SIMS. Yes, sir. Richard Walter Borchardt, he is 23 years of age, 5' 9", 161 pounds, blue eyes, blond hair, and ruddy complexion.

Ellis Carl Brazel [spelling] B-r-a-z-e-l, he's 22 years of age, 5' 10", 169 pounds. Now, this weight could be one way or the other because this was at the time that they were arrested when they got this description.

Mr. STERN. This information was obtained from police records?

Mr. SIMS. Yes, sir. He has green eyes, blond hair, and ruddy complexion.

Mr. STERN. As far as you now remember, does it accurately describe the two?

Mr. SIMS. I couldn't say. I know it was what we had in our identification jacket—these are their descriptions.

Mr. STERN. But you have no independent recollection now of their description?

Mr. SIMS. No, sir.

Mr. STERN. At page 3 of your memorandum, in describing events at the School Book Depository, the memorandum states, and this occurred just after Lieutenant Day picked up the rifle and dusted it for fingerprints—the memorandum states: "Some man then called Captain Fritz, and he walked over to where the man was. This man gave Captain Fritz the name of Lee Harvey Oswald and his home address in Irving, Tex."

Would you give me something more about that—how Oswald's name came up and in what context the name was given?

Mr. SIMS. Yes, sir; this man, I believe, was some supervisor there at the store, and he gave Captain Fritz Oswald's name and address.

Mr. STERN. Do you know why he gave it to him? In what connection he gave it to him?

Mr. SIMS. I'm not positive about this, but I believe that Oswald was missing.

Mr. STERN. I see.

Mr. SIMS. In other words, most of the employees returned back to their jobs after the assassination.

Mr. STERN. Do you know whether any other employees were missing?

Mr. SIMS. No; I don't.

Mr. STERN. But as far as you know, that was the only name mentioned? Mentioned by the supervisor at the Book Depository?

Mr. SIMS. As far as I know; yes.

Mr. STERN. Now, the search in which you participated of Oswald at 4:05 on Friday, just before the first showup—you have told us that either you or Mr. Boyd found five live rounds of .38 caliber pistol shells, and a bus transfer slip, and an identification bracelet, according to your memorandum—Oswald took his ring off and gave it to you?

Mr. SIMS. That's right.

Mr. STERN. Do you recall that?

Mr. SIMS. Yes, sir.

Mr. STERN. Do you remember anything else that was found on Oswald at that time?

Mr. SIMS. No, sir; I don't remember anything else.

Mr. STERN. A wallet or identification card?

Mr. SIMS. No, sir; that had been taken off of him.

Mr. STERN. That had been taken off of him upon his arrest at the time of his arrest?

Mr. SIMS. Well, I don't know when, but he didn't have it on.

Mr. STERN. Did you say anything to him at that time about the ownership of these things, about the ownership of the pistol shells—cartridges—did you comment on that?

Mr. SIMS. No, sir.

Mr. STERN. Did he say anything about it?

Mr. SIMS. No, sir; there was no comment at all.

Mr. STERN. Or on the bus transfer slip?

Mr. SIMS. No, sir; he was asked something about it—I don't remember what I asked or what he said.

Mr. STERN. Mr. Sims, what was your impression of Oswald during Friday and Saturday, what kind of man did he seem to you—what was his demeanor like, what impression did you get about him and the way he was conducting himself?

Mr. SIMS. Well, he conducted himself, I believe, better than anyone I have ever seen during interrogation. He was calm and wasn't nervous.

Mr. STERN. He knew what questions he wanted to answer and what questions he didn't?

Mr. SIMS. He had the answers ready when you got through with the questions.

Mr. STERN. Did he complain at any point about his treatment during the course of the day?

Mr. SIMS. No, sir; I asked him if he wanted a cigarette, and I asked him if he wanted a drink of water or to go to the rest room and things of that nature, and I don't believe he ever accepted any of them.

Mr. STERN. But he was never complaining about his treatment?

Mr. SIMS. Oh, he complained two or three times—I don't know what it was about—about not having a lawyer or something. He said he wanted a lawyer, and things of that nature.

Mr. STERN. But not about his physical treatment?

Mr. SIMS. No; I believe he told us that—he was talking about his eye, and he told us that he deserved to get hit in the eye—I believe he said he deserved being hit in the eye.

Mr. STERN. Why was that?

Mr. SIMS. Because the officer had a right to do that—I believe that's what he told us.

Mr. STERN. What about obtaining a lawyer, what did he say about that?

Mr. SIMS. He said he wanted to obtain a lawyer. He named some lawyer up in New York.

Mr. STERN. He said that to you or to Captain Fritz in your presence?

Mr. SIMS. Well, I heard it—I don't know whether he said it to me—whether he told it to Captain Fritz or he may have told it to me.

Mr. STERN. What was the response from the police officer in charge at any time he mentioned getting a lawyer?

Mr. SIMS. I don't know what it was. I believe he used the telephone.

Mr. STERN. Did he seem tired to you in the course of the interrogations? Or showups?

Mr. SIMS. No, sir.

Mr. STERN. By the time of your last contact with him, a little after 12 that night, was he still in possession of his—have all his wits about him?

Mr. SIMS. Yes, sir.

Mr. STERN. Would you still describe him the way you did before?

Mr. SIMS. Yes, sir; he was still alert—quick.

Mr. STERN. Calm?

Mr. SIMS. Yes, sir.

Mr. STERN. Could you describe the conditions in the corridor and other areas around Captain Fritz' office and the room in which the interrogations were taking place? During the day Friday and Saturday.

Mr. SIMS. Well, of course, our office—Captain Fritz' office was crowded.

Mr. STERN. With officials?

Mr. SIMS. Official FBI, Secret Service, and Government officials and city officials—Texas Rangers and State officials.

Mr. STERN. Was this making interrogation more difficult?

Mr. SIMS. Well, I don't know if it would or not. A number was in Captain Fritz' office during the interrogation—I believe during all of the interrogations.

Mr. STERN. Were the interrogations conducted so that one person asked all the questions, or were several people asking questions during the course of the same interrogation?

Mr. SIMS. Several people conducted the interrogation. Of course, there wasn't two or three speaking at one time—one of them would speak to him and more or less ask him questions.

Mr. STERN. How about the conditions outside the offices, in the corridor, as to people who were not officials?

Mr. SIMS. Well, it was a problem getting through. It was crowded.

Mr. STERN. Because of the—

Mr. SIMS. Photographers and newsmen.

Mr. STERN. Were there television cameras in the corridor at that time?

Mr. SIMS. Yes.

Mr. STERN. Do you know when they were brought in, were you present when they were installed?

Mr. SIMS. No; I don't know when they were installed.

Mr. STERN. As I understand it, you had to bring Oswald through part of this crowd of newspapermen to get him to the interrogation room, when you brought him to and from?

Mr. SIMS. No, sir; the interrogation room was all in room 317, but when we would have to go through the crowd would be to take him to a showup, and the next day when we would bring him from the jail to Captain Fritz' office, it would be a matter of 20 or 30 feet there in the hall.

Mr. STERN. And in the course of those trips through the crowd, would people try to ask him questions?

Mr. SIMS. Yes, sir.

Mr. STERN. And tried to get him to make statements on the microphone?

Mr. SIMS. Yes; they would.

Mr. STERN. Would he respond—do you recall—ever?

Mr. SIMS. Sometimes he would and sometimes he wouldn't.

Mr. STERN. Did this have any effect on him, did it seem to irritate him in any way, or did he also take this calmly?

Mr. SIMS. Well, I didn't notice anything different.

Mr. STERN. No noticeable difference?

Mr. SIMS. No, sir.

Mr. STERN. Would you describe his demeanor on Saturday as being the same as it was on Friday, was he still calm and in complete self-control?

Mr. SIMS. I was not around him a lot Saturday, I don't believe, but he still was calm and alert and everything.

Mr. STERN. How about his demeanor at the press conference Friday night when he was taken down to the showup room to meet the press?

Mr. SIMS. Well, he was—during the press interview—he was pretty snappy. He made some quick answers—I don't know what all it involved—he denied knowledge of the President's assassination, I believe, and he denied knowledge of killing Officer Tippit.

Mr. STERN. And he was snappy and arrogant and hostile?

Mr. SIMS. Yes; a form of arrogance, yes, sir.

Mr. STERN. But was he harassed by this or was he still calm and in control?

Mr. SIMS. Well, he had control of himself; yes, sir.

Mr. STERN. So that his snappiness was, would you say, his way of expressing his feelings?

Mr. SIMS. Well, I don't know—I don't know, but he was snappy at that time—at that press interview.

Mr. STERN. That's all. Thank you.

That's all I have, Mr. Ball.

I believe Mr. Ely has a question or two.

Mr. ELY. There's one thing maybe you can help us clear up now. You took—I'm referring to late Friday night or let's say early Saturday morning.

Mr. SIMS. Yes, sir.

Mr. ELY. You took Oswald up to the jail office on the fourth floor—about what time?

Mr. SIMS. I took him up to the jail office approximately 12:20.

Mr. ELY. And is that the last time you saw him before going home?

Mr. SIMS. Yes; and we turned him over to the jailers up there on the fourth floor at 12:23.

Mr. ELY. And about what time did you leave to go home for the night?

Mr. SIMS. Well, I believe—I'm not positive about this, but I believe that night Boyd and I worked later than the other officers did.

Mr. ELY. Would you have any knowledge as to whether Oswald was checked out of the jail again after 12:23?

Mr. SIMS. Not to my knowledge. He was checked out later on in the day.

Mr. ELY. Right, but I'm speaking of now of sometime around 12:30 again—a quarter of 1 or something like that—you wouldn't know anything about that?

Mr. SIMS. No, sir; I didn't know about that, but I checked him out later on that day. I don't know what time it was. I checked him out at 12:25 a.m.—I believe that's 10:25 a.m. is when I checked him out on the 23d.

Mr. ELY. That's all I have, Mr. Ball.

Mr. BALL. We have been attaching these as exhibits just for illustration, and do you mind if we mark it and make it part of your deposition?

Mr. SIMS. No, sir; that will be fine.

Mr. BALL. All right. That will be Exhibit A of this deposition.
(Instrument marked by the reporter as "Sims Exhibit A," for identification.)

Mr. BALL. That is the written report you made to the police department of the events of the investigation on Friday, November 22, and Saturday, November 23?

Mr. SIMS. Yes, sir; and the day of Oswald's murder on the 24th.

Mr. BALL. That was the 24th?

Mr. SIMS. Yes, sir.

Mr. BALL. This will be written up by the shorthand reporter and you can read it if you wish and make any changes you wish and sign it, or you can waive your signature and we will send it on to the Commission as you have here testified as she has taken it down.

Do you have any preference on that?

Mr. SIMS. No, sir.

Mr. BALL. Do you want to waive your signature?

Mr. SIMS. Yes, sir.

Mr. BALL. Fine. That will be all right. Thanks a lot.

Mr. SIMS. Yes, sir.

TESTIMONY OF RICHARD M. SIMS RESUMED

The testimony of Richard M. Sims was taken at 10 a.m., on April 8, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. David W. Belin, assistant counsel of the President's Commission.

Mr. BELIN. Will you stand and raise your right hand. 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. SIMS. I do.

Mr. BELIN. You are Detective Richard M. Sims?

Mr. SIMS. Yes, sir.

Mr. BELIN. Of the Dallas Police Department?

Mr. SIMS. Yes, sir.

Mr. BELIN. Detective Sims, the day before yesterday you gave testimony in front of or before Joseph A. Ball?

Mr. SIMS. Yes.

Mr. BELIN. At that time the matter came up concerning cartridge case hulls that were found on the southeast corner of the sixth floor of the Texas School Book Depository Building on November 22, 1963. Do you remember that he asked about those?

Mr. SIMS. Yes, sir.

Mr. BELIN. Just for continuity of the record, would you tell us just how you came to see those hulls?

Mr. SIMS. Yes, sir; Captain Fritz, Boyd, and I, my partner, were on the seventh floor, and someone called us to the sixth floor and said the hulls had been found.

So we took the freight elevator, I believe, or the stairs, and went to the sixth floor. Went to the southeast corner and three hulls were laying there by the window on the floor.

Mr. BELIN. Did you pick up the hulls at that time?

Mr. SIMS. No, sir.

Mr. BELIN. What did you do?

Mr. SIMS. Waited for the arrival of Lieutenant Day with the crime lab to take pictures of the scene.

Mr. BELIN. Do you know who came with Lieutenant Day, if you can remember?

Mr. SIMS. Yes, sir. I believe it was Studebaker. I am not positive about that.

Mr. BELIN. Did you watch that area up until the time the pictures were taken?

Mr. SIMS. No, sir; I didn't stay there all the time.

Mr. BELIN. After the pictures were taken, what did you do?

Mr. SIMS. I was over there, I believe, when they finished up with the pictures, and I picked the three hulls up and laid them on what I believed to be a box of books there near the window, and Lieutenant Day dusted them for fingerprints.

Mr. BELIN. Then when your testimony was taken, did you specifically remember what you did with those hulls?

Mr. SIMS. I didn't remember who brought the hulls to the city hall.

Mr. BELIN. Since that time have you had an opportunity to refresh your recollection as to what happened to the hulls?

Mr. SIMS. Yes, sir; I talked to Captain Fritz and E. L. Boyd, my partner, and refreshed my memory.

Mr. BELIN. What was said, and what do you now say happened?

Mr. SIMS. Captain Fritz told me to get the hulls after Lieutenant Day finished with them and to take possession of them.

Mr. BELIN. What did you do?

Mr. SIMS. I did that.

Mr. BELIN. How did you take possession of them?

Mr. SIMS. I placed them in an envelope and put them in my coat pocket.

Mr. BELIN. Do you remember which pocket?

Mr. SIMS. No, sir.

Mr. BELIN. Then what did you do with them?

Mr. SIMS. When we got to the city hall, I gave them to Captain Fritz in his office.

Mr. BELIN. Do you remember what time that was, possibly?

Mr. SIMS. No, sir; they took my notes the other day. I couldn't say. Whenever we arrived back at the city hall, they have what time that was.

Mr. BELIN. Do you remember what the occasion was of your going down to the city hall there? Is that why you happened to go down to the city hall that afternoon?

Mr. SIMS. Yes, sir; we were going to get started on Oswald.

Mr. BELIN. Were you on your way down there to investigate whether or not he had any record?

Mr. SIMS. I didn't know what he had at the time. I don't remember. I was driving, and captain, we stopped at the sheriff's office for a few minutes, and then went directly from there to the city hall.

Mr. BELIN. Why were you going to get started on Oswald?

Mr. SIMS. I don't know. Captain Fritz said go to the city hall.

Mr. BELIN. Did he tell you that they were going to get started on Oswald?

Mr. SIMS. No. He said go to the city hall.

Mr. BELIN. And that is what you did?

Mr. SIMS. Yes.

Mr. BELIN. When you got to the city hall, did you go directly to Captain Fritz' office?

Mr. SIMS. Yes, sir.

Mr. BELIN. When you got there, was anyone inside?

Mr. SIMS. Yes, sir.

Mr. BELIN. Who was there?

Mr. SIMS. His office was full of people.

Mr. BELIN. Was Lee Oswald one of them?

Mr. SIMS. Yes.

Mr. BELIN. In Captain Fritz' office?

Mr. SIMS. No. He was, I believe, now in the interrogation room. I am not positive. He wasn't in Captain Fritz' office.

Mr. BELIN. What did you do with that envelope when you got to Captain Fritz' office?

Mr. SIMS. I laid it on his desk and told him there was the hulls, or either gave it to him.

Mr. BELIN. You don't remember which one?

Mr. SIMS. No.

Mr. BELIN. Now what caused you to remember now what you actually did with the hulls? I mean, what refreshed your recollection as to that?

Mr. SIMS. Talked to Captain Fritz, and I remember we was going over to where the rifle, someone had found the rifle in the meantime, and we was walking over to where the rifle was found, and he told me to be sure and get the hulls.

Mr. BELIN. What did you do then?

Mr. SIMS. Well, I went over to where the rifle was found, and went back later to where the hulls were.

Mr. BELIN. Were the hulls still in the location you left them for being dusted for fingerprints?

Mr. SIMS. Yes, sir; they were still taking pictures.

Mr. BELIN. Were they still taking pictures, or dusting them?

Mr. SIMS. I hadn't picked them up. They were still, as far as I can remember, taking pictures, because Captain Fritz left two officers to preserve the scene.

Mr. BELIN. When you got back, what did you do after they got through with the pictures?

Mr. SIMS. When he got through with the scenery I picked the hulls up.

Mr. BELIN. Was it then that he dusted them, or what?

Mrs. SIMS. Yes, sir.

Mr. BELIN. Now, did Captain Fritz tell you that this is what you did, or Boyd tell you?

Mr. SIMS. No, I remembered the other day when I testified I wasn't too sure who brought them down, and then after I talked to Captain Fritz and Boyd, I remembered definitely we were walking over to where the rifle was found, and he told me to be sure and get the hulls, so I did that.

Mr. BELIN. Did Captain Fritz tell you, or the other, Day, that you were the one that brought the hulls, or did you independently remember?

Mr. SIMS. I remembered putting them in my coat pocket.

Mr. BELIN. Now, Detective Sims, just so that I can have a complete understanding of the process by which you refreshed your recollection, you talked to Captain Fritz about this after you testified here on Monday?

Mr. SIMS. Yes, sir.

Mr. BELIN. What did he say and what did you say, if you remember?

Mr. SIMS. I told him I couldn't remember for sure about who brought the hulls up there to his office or what happened to the hulls, and then I talked to him.

Mr. BELIN. What did he say?

Mr. SIMS. He said, "Well, remember I told you to get the hulls and bring them to the office."

And I talked to Boyd, my partner, and he said that Captain Fritz had said that, too, so I remembered exactly about where I was when he told me this.

Mr. BELIN. In other words, Captain Fritz told you on Monday, that back on November 22, he had told you to get the hulls? Is that what Captain Fritz told you on this past Monday?

Mr. SIMS. No, not the past Monday. Now this was——

Mr. BELIN. Well, today is Wednesday. Could it have been on Tuesday, or Monday?

Mr. SIMS. I don't know if it was yesterday or Monday.

Mr. BELIN. Was it either late Monday, April 6, or Tuesday, April 7?

Mr. SIMS. Yes, sir.

Mr. BELIN. That Captain Fritz told you that back on November 22, he had told you to get the hulls and bring them down?

Mr. SIMS. Yes, sir.

Mr. BELIN. And you also discussed this with Detective Boyd either on April 6 or 7?

Mr. SIMS. Yes.

Mr. BELIN. You are nodding your head yes?

Mr. SIMS. Yes.

Mr. BELIN. All right. Now, after they told you this, what is the fact as to whether you then do or do not independently remember actually putting these shells in an envelope?

Mr. SIMS. I do, yes, sir; I remember putting them in an envelope.

Mr. BELIN. What is the fact as to whether or not you now independently remember putting that envelope in your pocket?

Mr. SIMS. I do, yes, sir.

Mr. BELIN. Did Captain Fritz tell you that he saw you put them in your pocket?

Mr. SIMS. No; he didn't say anything about the envelope or pocket. I remember he told me to be sure and get the hulls.

Mr. BELIN. What about Boyd, did he say anything about an envelope? Or pocket?

Mr. SIMS. I don't believe he did, no, sir.

Mr. BELIN. Do you remember what color envelope it was?

Mr. SIMS. I believe it was a brown, something brown envelope.

Mr. BELIN. You are pointing to a brown manilla envelope on top of the desk here?

Mr. SIMS. Yes, sir.

Mr. BELIN. Do you remember how big an envelope it was?

Mr. SIMS. No, sir; I don't. We have two different sizes, and I don't remember what size.

Mr. BELIN. Do you remember from whom you got the envelope?

Mr. SIMS. Lieutenant Day had it. When he goes to a scene, he has envelopes.

Mr. BELIN. Did Lieutenant Day or anyone else see you put that envelope in your pocket?

Mr. SIMS. I don't know if he saw me put the envelope in my pocket, but he was there when I took possession of the hulls.

Mr. BELIN. He was?

Mr. SIMS. Yes, sir; I am not sure, I don't know if the other crime lab officer was present or not. That would be Studebaker, I believe.

Mr. BELIN. Where were these hulls when you last saw them, or saw the envelope in which they were?

Mr. SIMS. In Captain Fritz' office, I believe.

Mr. BELIN. Were they just laying on his desk, or in his physical possession?

Mr. SIMS. In this envelope.

Mr. BELIN. Was the envelope on his desk?

Mr. SIMS. I don't remember if I actually gave them to him or put them there on the desk in front of him.

Mr. BELIN. But he was there when you left there?

Mr. SIMS. Yes.

Mr. BELIN. And that is the last time you saw them?

Mr. SIMS. Yes.

Mr. BELIN. Do you remember whether or not you ever initialed the hulls?

Mr. SIMS. I don't know if I initialed the hulls or not.

Mr. BELIN. If you would have initialed the hulls, what initials would you have used?

Mr. SIMS. As a rule, RMS.

Mr. BELIN. RMS?

Mr. SIMS. Yes, sir; but I believe I initialed the hulls or the envelope that I put them in.

Mr. BELIN. Would you have initialed the outside or the inside of the hull? By that, do you understand what I mean?

Mr. SIMS. Yes, sir; it all depends. I would initial the outside of the hulls, I imagine, or put a mark directly inside of the hull.

Mr. BELIN. Either on the outside or directly inside the top part of the hull?

Mr. SIMS. No, sir; the end.

Mr. BELIN. On the end of the hull?

Mr. SIMS. Yes, the spent end.

Mr. BELIN. The spent end?

Mr. SIMS. Yes, sir.

Mr. BELIN. Anything else you can think of that might be relevant?

Mr. SIMS. No, sir; but I do definitely remember him telling me about be sure and get the hulls.

Mr. BELIN. You definitely remember getting the hulls?

Mr. SIMS. Yes, sir; sure do.

Mr. BELIN. Have you and I ever talked before you walked through the door?

Mr. SIMS. No.

Mr. BELIN. As soon as you walked through the door, I had you raise your right hand and you started testifying, is that correct?

Mr. SIMS. Yes.

Mr. BELIN. Do you want to read this deposition, or are you going to sign the other deposition?

Mr. SIMS. No, sir; just go ahead.

Mr. BELIN. Ship it on in?

Mr. SIMS. Yes.

Mr. BELIN. All right, thank you, sir.

TESTIMONY OF RICHARD S. STOVALL

The testimony of Richard S. Stovall was taken at 11 a.m., on April 3, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Would you please stand up, Mr. Stovall, and be sworn.

Do you solemnly 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. STOVALL. I do.

Mr. BALL. Will you please state your name for the record?

Mr. STOVALL. Richard S. Stovall.

Mr. BALL. And what is your address, please?

Mr. STOVALL. 3211 Grayson Drive, Dallas.

Mr. BALL. And what is your occupation?

Mr. STOVALL. Detective with the Homicide Bureau, City Police Department.

Mr. BALL. How long have you been with the Dallas Police Department?

Mr. STOVALL. Approximately 10 years—it will be 10 years this May.

Mr. BALL. Now, the Commission has asked us to ask every witness to tell us about where he was born and his education and what he has done, because they are unable to see you and they would like to know something about you.

Can you tell me that, please?

Mr. STOVALL. Yes, I was born here in Dallas in 1928. I was born in a frame house over here on West Page—329 West Page. I went to grade school at Winnetka Elementary School and I attended W. E. Greiner Junior High School over here on South Edgefield. I went to high school at Sunset High out on Jefferson Boulevard. After I left high school, I went to the Navy for 2 years, which was just after World War II and I quit high school, by the way, and after I got out of the Navy I came back to summer school Tech and finished.

After that, I went to work for the post office. After a few other jobs I had been with for just a short period of time—I went to work at the post office and I worked there for them for approximately 5 years, I believe; I think it was from 1949 to 1954, and in 1954 I quit the post office and went to the Police Department and I have been there since then.

Mr. BALL. You are a detective, are you?

Mr. STOVALL. Yes, sir.

Mr. BALL. You work in plain clothes?

Mr. STOVALL. Yes, sir.

Mr. BALL. How long have you been in this particular department?

Mr. STOVALL. I have been in this department since approximately August 15, 1962—about 18 months, I guess.

Mr. BALL. What do you call your department of the Detective Bureau?

Mr. STOVALL. It's Homicide-Robbery Bureau.

Mr. BALL. Do you work under Captain Fritz?

Mr. STOVALL. Yes, sir.

Mr. BALL. On November 22, 1963, had you been assigned a special duty, in view of the President's visit to Dallas?

Mr. STOVALL. Yes, sir; I had—after I got to work.

Mr. BALL. At what time was that?

Mr. STOVALL. It was around 2 o'clock—I was watching television that morning and heard the deal on television.

Mr. BALL. You were not on duty at the time the President was shot?

Mr. STOVALL. No, sir.

Mr. BALL. You went to work at 2 o'clock?

Mr. STOVALL. Well, I was scheduled to go to work at 4 that day, I believe, but as soon as I heard that I got cleaned up and got ready for work and went on in.

Mr. BALL. Were you given an assignment as soon as you got down there?

Mr. STOVALL. No, sir; I wasn't—as soon as I got there.

I got there and one of my partners, G. F. Rose, got there about the same time. We were talking to a witness that had seen all the people standing out there—he didn't actually see anything, so we didn't even take an affidavit from him because he didn't see anything.

While talking to him, the officers brought Lee Harvey Oswald into the Homicide Bureau and put him into an interrogation room we have there at the bureau. After we finished talking to this witness, we went back there and talked to him briefly.

Mr. BALL. Do you remember what was said to him and what he said to you?

Mr. STOVALL. I don't recall exactly—I went in and asked him for his identification, asked him who he was and he said his name was Lee Oswald, as well as I remember. Rose and I were both in there at the time. He had his billfold and in it he had the identification of "A. Hidell," which was on a selective service card, as well as I remember.

Mr. BALL. That's [spelling] H-i-d-e-l-l, isn't it?

Mr. STOVALL. I'm not positive on that—I believe it was [spelling] H-i-d-e-l-l, I'm not sure.

And he also had identification of Lee Harvey Oswald, and I believe that was on a Social Security card and at that time Captain Fritz opened the door to the office there and sent Rose and I to go out to this address in Irving at 2515 West Fifth Street in Irving.

That was—I don't know where the Captain got the address, but it was an address where he was supposed to be staying part of the time.

Mr. BALL. The captain had you get another man to go with you?

Mr. STOVALL. Yes; we got J. P. Adamcik to go with us.

Mr. BALL. Is he a detective?

Mr. STOVALL. Yes; he is.

Mr. BALL. And you did that, did you, you drove out there to Irving?

Mr. STOVALL. Yes, sir.

Mr. BALL. The three of you?

Mr. STOVALL. Yes; the three of us—we went out to the location and parked, oh, a block or half block from the house. We were supposed to meet some county officers out there.

Mr. BALL. Why were you to meet the county officers out there?

Mr. STOVALL. Well, Irving is out of our jurisdiction, actually, we had to either have the Irving police or the county officers with us.

Mr. BALL. Would that be within the jurisdiction of the sheriff's office?

Mr. STOVALL. Yes, sir.

Mr. BALL. And did you meet some county officers there?

Mr. STOVALL. Yes, sir; they arrived about 30 to 45 minutes after we did—after we got out there; yes.

Mr. BALL. Did you wait for them?

Mr. STOVALL. Yes, sir.

Mr. BALL. Where did you wait for them?

Mr. STOVALL. This was about one-half a block or a block from the house address.

Mr. BALL. Had you arranged to meet the county officers at this spot?

Mr. STOVALL. Yes, yes, no, sir; we hadn't. We told them we were down the street about half a block. Of course when they came out there they could see us parked in the car down the street.

Mr. BALL. And what county officers did you meet out there?

Mr. STOVALL. Well, there was Harry Weatherford and the other two—one name was Oxford, and I don't recall the other one's name.

Mr. BALL. How about Walthers—does Buddy Walthers sound like it?

Mr. STOVALL. Yes, sir.

Mr. BALL. He was the third one.

Mr. STOVALL. Yes, sir.

Mr. BALL. And then after you met them, what did you do?

Mr. STOVALL. We went on down to them and drove up in front of the house and parked and got out and walked up to the front door and Adamcik and two of the officers went to the back and Rose and I went, and the other officers went to the front door and we knocked on the door, we could see some people inside the house and we could see through the front door, the door was open and the television was playing and Ruth Paine came to the door and identified herself to us. She said, "Yes; you are here about this mess that's on television."

Mr. BALL. What did you tell her about that?

Mr. STOVALL. At that time we told her that we wanted to search the house. We explained to her that we did not have a search warrant but if she wanted us to get one we would, and she said, "That won't be necessary"—for us to come right on in, so we went on in the house and started to search out the house, and the part of the house that I searched was the front bedroom where Marina Oswald was staying. There are quite a few items on the list of property I have—I believe you have a copy of it. There are two that were taken out of that bedroom there—a bunch of camera equipment, for one thing.

Mr. BALL. Now, I want to go backward at the moment—have you identified that property from your list, and can you tell me what was the division of labor

there between you officers when you were permitted to search the house, you went into the bedroom; who went with you?

Mr. STOVALL. I don't believe there was anybody went with me at the time I went in. I heard—I think Rose started to the back bedroom, which would be Ruth Paine's bedroom and Ruth Paine was standing there talking to him—I could hear her talking to him and she told him that Marina suggested that he look out into the garage and so they looked and they were out of my sight then.

Mr. BALL. You heard Ruth say to Rose that Marina had suggested he look in the garage?

Mr. STOVALL. Yes.

Mr. BALL. Did you hear Ruth Paine tell him why Marina had made that suggestion—what her reasons for it were?

Mr. STOVALL. No, sir; I didn't.

Mr. BALL. So, you think that Rose went to the garage?

Mr. STOVALL. Yes, sir.

Mr. BALL. What did Adamcik do?

Mr. STOVALL. Well, Adamcik was out in the back. Now, before I went into the bedroom, I went to the back door and opened it and Adamcik and the two county officers came inside, but where Adamcik went, I couldn't tell you for sure. I know that he looked through some of the stuff in what I would call the den, which is adjoining the kitchen there.

Mr. BALL. Off the record.

(Discussion between Counsel Ball and the Witness Stovall off the record.)

Mr. BALL. Getting back on the record.

Mr. STOVALL. Shortly after that, Rose came back in carrying this blanket, as well as I remember, it was tied at one end and the other end was open.

Mr. BALL. It was tied with what kind of material?

Mr. STOVALL. It was tied with a white cord, as well as I remember.

Mr. BALL. A white what?

Mr. STOVALL. A white twine—it was thicker than a kite twine that you see or use on kites—more like this they use for wrapping large packages and tying them and he showed me that end, of course, he told me—

Mr. BALL. What did he tell you?

Mr. STOVALL. He told me that when he went to the garage, Marina had pointed to the blanket there and she said something to Ruth Paine and Ruth Paine told him that that was where Lee kept his rifle.

Mr. BALL. And the search that you made was in Marina's bedroom?

Mr. STOVALL. Yes, sir.

Mr. BALL. Now, do you have a list of the articles that were taken from Marina's bedroom?

Mr. STOVALL. Yes, I do. I've got a list of all the articles we took from the house.

Mr. BALL. Give me that list first.

Mr. STOVALL. [Witness handed list to Counsel Ball.]

Mr. BALL. This list was made up by you men on the site or after you got back into the squad car?

Mr. STOVALL. No, this list was made the next day after we came back to work. This stuff was all put in boxes and put in the trunk of the car and put back in one of our interrogation rooms there.

Mr. BALL. And the next day you made a list of it, did you?

Mr. STOVALL. Yes, Rose and I and there were two FBI agents that went over the property at the same time. We initialed the property, that is, we went over it—this list here.

Mr. BALL. This list here?

Mr. STOVALL. Yes, this list here is a list of the property taken.

Mr. BALL. A list of the property taken from Ruth Paine's home at 2515 West Fifth Street, Irving, Tex.?

Mr. STOVALL. That was on the 22d.

Mr. BALL. On the 22d at about 3:30 p.m.?

Mr. STOVALL. 3:30 or 4—somewhere in there.

Mr. BALL. I'll go into that later, and this was the list that was made up by you and Rose and two FBI agents the next day at the police department?

Mr. STOVALL. Yes.

Mr. BALL. I'd like to have this marked as "Stovall Exhibit A," and it consists of page 1 and page 2 for the deposition.

(Instrument referred to marked as "Stovall Exhibit No. A," for identification.)

Mr. STOVALL. As well as I remember, Detective Senkel, S-e-n-k-e-l [spelling] and Detective Potts were both there too.

Mr. BALL. Now, look at Exhibits A-1 and A-2 for the purpose of refreshing your memory, will you mark on that those items which you have found in Marina's bedroom—do you think you remember those?

Mr. STOVALL. [Marked instruments referred to.]

Mr. BALL. All right, after you check them, we will go over them and you can make an explanation for the record.

Mr. STOVALL. All right, fine.

Mr. BALL. Now, since we have gone back on the record—Exhibit A-1 and A-2 have been marked—have you marked those things which were taken from Marina's room?

Mr. STOVALL. Yes, sir.

Mr. BALL. You have an explanation to make as to certain of those, haven't you?

Mr. STOVALL. Yes, sir.

Mr. BALL. What is that?

Mr. STOVALL. On this list here—where it has 1963 Kodachrome transparent slides, you have it coded at the top, I have one brown pasteboard box filled with camera film slides. One of those, I believe, came out of the back room, which would be Ruth Paine's bedroom, and the other came out of the chest of drawers in Marina Oswald's bedroom, but I'm not sure which came from which place.

Mr. BALL. Do you know where the other articles that were on that list that have not been checked, were found?

Mr. STOVALL. Some of them I do, and some of them I'm not positive on.

Mr. BALL. Did you find them, or did some other officer find those other items—those other articles?

Mr. STOVALL. Well, it's hard to say. I don't remember for sure where these came from. I know that I went through the front bedroom there and when we started—I went to the back bedroom and looked at some of the stuff in there and Rose was also in there and Adamcik came in there too.

Mr. BALL. Give us, from your memory, then, the other articles that are not checked there? Take a look at them, and then tell us, if you can, from your memory, just where you found those articles.

Mr. STOVALL. There was one box of Kodasides in the single name of Ruth Hyde, another yellow box of Kodasides, single—I'm not sure where they came from. I believe they came out of Ruth Paine's bedroom. I have listed one book from Sears Tower slide projector.

Mr. BALL. You don't make a check on it if you didn't find it in Marina's bedroom.

Mr. STOVALL. No, sir; I missed one up there when we checked them.

Mr. BALL. All right, very well.

Mr. STOVALL. That one, I'm not sure which bedroom it came from—I know it came from one of the bedrooms, but I don't know which one. I've got listed "one grey metal file box, which is 12 inches by 6 inches; youth pictures and literature." I've got, "One black and gray metal box 10 inches by 4 inches, letters, etc., one box brown Keystone projector." Let's stop just a minute and let me tell you about this.

These two metal boxes came out of Ruth Paine's bedroom. This Keystone projector came out of the closet in the hall. Then, I have listed, "Three brown metal boxes 12 inches by 4 inches containing phonograph records." They came out of Ruth Paine's bedroom.

I've got listed, "One Blue Check telephone index book (addresses)"—I'm not sure which bedroom that came from. And, I've got listed "One bracket (in-

struction for mounting)" and I believe that came out of Marina's bedroom—I'm not sure. The next is not checked and I'm not sure, but it is "1963 Kodachrome transparency slides," which I explained a while ago. The next one I don't have checked is "One envelope with women's book entitled 'Simplicity'". I'm not sure which bedroom that came out of. Then I've got "One Russian book."

We took several books from Marina's bedroom and I don't recall taking any books from Ruth Paine's bedroom, but I don't remember the particular ones—it's very possible I did, I can't be sure, but that's the last one I don't have checked.

Mr. BALL. Did you search any other part of the house besides Marina's bedroom?

Mr. STOVALL. I assisted in searching the back bedroom. I searched the hall closet and I also looked at several things in the living room and the kitchen and the den.

Mr. BALL. Did you search the garage?

Mr. STOVALL. No, sir; not that day, I did the next day.

Mr. BALL. Rose searched the garage that day?

Mr. STOVALL. Yes, sir; he was out in the garage. We were going over the stuff pretty hastily at that time—that day.

Mr. BALL. How long were you there that day—how long were you there?

Mr. STOVALL. I would say for approximately 2 to 2½ hours, if that long.

Mr. BALL. Now, when you first went in, did Ruth Paine say anything to you about expecting you, or something of that sort?

Mr. STOVALL. Yes, sir; when we first came to the door and knocked on the door, she came to the door and she says, and we identified ourselves, she said "I have been expecting you. You are here about this mess that's on television," and the "mess that's on television" at the time she was talking about was when they were talking about the President's murder.

Mr. BALL. And Oswald had been apprehended at that time?

Mr. STOVALL. Yes, he had, but he had been apprehended before we got there.

Mr. BALL. Before you got there Oswald had been arrested and brought into the office?

Mr. STOVALL. They had brought him into the office after I was there.

Mr. BALL. Later on, did her husband come in there—come in the house?

Mr. STOVALL. Yes, I guess we had been there approximately 15 minutes when Michael Paine came out and said he had taken off from work and he said he heard about the President's murder on television and he thought he would come right on out and see if he could be of any help.

Mr. BALL. Did he say whether or not he had heard about it on radio or television?

Mr. STOVALL. No, sir; I don't recall him saying where he said he heard about it—I don't recall him saying that.

Mr. BALL. Did you ask him any questions at that time?

Mr. STOVALL. No, sir; I can't recall asking him anything at that time. However, I did talk to him but I don't remember what the conversation was.

Mr. BALL. Did a Mrs. Randle come in the house also?

Mr. STOVALL. No, sir; she didn't. While we were loading this stuff into our car and into the sheriff's deputy's car, we were on the outside, and you know, going in and out, and she had stopped Adamcik and was talking to him and he came over and talked to me and went on back and talked to her and she said that her brother had taken Oswald to work that morning and she said that she had seen him put some kind of a package in the back seat of her brother's car. She told us it could have been a rifle—is what she said. She said it was either in a brown paper box or wrapped in brown paper.

Mr. BALL. What time did you leave there that day?

Mr. STOVALL. It must have been around 5:30, because it was—I believe it was 6 when we got back to the office.

Mr. BALL. Did you bring somebody back with you?

Mr. STOVALL. Yes, we brought Michael Paine—he rode with the sheriff's deputies and we brought Ruth Paine and Marina Oswald and Marina's two children.

Mr. BALL. And did you take them into the offices of the police?

Mr. STOVALL. Yes, we did. We took them into the Homicide and Robbery Bureau.

Mr. BALL. Did you talk to them after that?

Mr. STOVALL. No, sir; not that day—I didn't. We took them from there into the Forgery Bureau because there was so many people in our office up there.

Mr. BALL. Into which bureau?

Mr. STOVALL. Into the Forgery Bureau—we took them from the Homicide Bureau into the Forgery Bureau because they had room in there where we could leave them.

Mr. BALL. What did you do the rest of that day?

Mr. STOVALL. After that we went—we called on the phone—Rose did—trying to find this Wesley Frazier, who was this Mrs. Randle's brother to talk to him about this package that his sister said Oswald had put in his car that morning. Rose checked around and finally located him at a clinic in Irving. He called and found out where Wesley Frazier was—he called the Irving Police Department and talked to Detective McCabe out there and told him what the situation was and McCabe told us to call him back later and he would see if he couldn't get ahold of him out there and so we called him back in 15 or 20 minutes, I guess, and he said that he had the boy at the Police Department out there.

Mr. BALL. You went out there and talked to him?

Mr. STOVALL. Yes, sir.

Mr. BALL. And you also searched their home, didn't you?

Mr. STOVALL. Yes, we did.

Mr. BALL. And then you brought Linnie Randle and Wesley Frazier into Dallas and took statements from them?

Mr. STOVALL. Yes, sir; we didn't take the affidavits from them, but I don't recall who did, but after the affidavits were taken, we started back to Irving with them, they also had a minister from their church with them, I believe. We started back to Irving and we got about halfway, I guess, and they called us on the radio to return to the station with the witnesses and we came back and Rose called the captain from the basement phone down there and he said he wanted to take Wesley Frazier up and run him on the polygraph, and he agreed to this and so we took him up there, and we didn't have a man on the polygraph at that time. I think he left around 9 o'clock and so we called him on the phone and he came back down and got there around 11:15 or 11:30.

Mr. BALL. And it was about 12:10 when you ran the polygraph on Frazier, wasn't it?

Mr. STOVALL. No, sir; it was about 12:10 when we finished, I think, when he finished running it.

Mr. BALL. About 12:10 when you finished the polygraph on Frazier?

Mr. STOVALL. Yes, sir.

Mr. BALL. Then, what did you do?

Mr. STOVALL. Then, we went back down to the basement. We had left Frazier's sister and the minister down in the basement, as well as I remember. And we took him back down there and then we went on back out to Irving and left them.

Mr. BALL. When you took the polygraph, you were present during the polygraph examination of Frazier, were you?

Mr. STOVALL. Yes, sir.

Mr. BALL. And during this examination, did you have before you the affidavit which Frazier had made?

Mr. STOVALL. No, sir; I didn't.

Mr. BALL. You didn't at that time?

Mr. STOVALL. No, sir.

Mr. BALL. Who did the questioning?

Mr. STOVALL. R. D. Lewis, he's the polygraph operator.

I might explain that to you—in our polygraph room we've got a two-way mirror there and in another room behind it, so that the officer that is investigating the case, if he wants to, can watch the examination being given, and you can hear the questions and the answers.

Mr. BALL. Did you go home, then, after that?

Mr. STOVALL. Yes, sir; after we took them back to Irving we went home.

Mr. BALL. The next day, you made another search of the Paine home, didn't you?

Mr. STOVALL. Yes, we did.

Mr. BALL. About what time?

Mr. STOVALL. Must have been around 1 o'clock, just past noon, 1:00 p.m.

Mr. BALL. And did you obtain a search warrant first this day?

Mr. STOVALL. Yes, we did.

Mr. BALL. From what judge?

Mr. STOVALL. From J. B. Brown, Jr.

Mr. BALL. Who went out on the search party?

Mr. STOVALL. Detectives Moore, Rose, Adamcik and myself. We went by the Irving Police Department and picked up Detective McCabe and he went with us.

Mr. BALL. Moore is also a detective attached to the Dallas Police Department?

Mr. STOVALL. Yes, Homicide Bureau.

Mr. BALL. And that day you arrived at the Paine home about what time?

Mr. STOVALL. I would judge roughly around 1:30 or 2 o'clock.

Mr. BALL. And did you knock on the door?

Mr. STOVALL. Yes, we did, and Ruth Paine, I believe was the only one there at the time.

Mr. BALL. And what did you say and what did she say to you?

Mr. STOVALL. We told her that we returned, we wanted to, to make a further search of the house and we showed her the search warrant at the time, and I believe she said we didn't need that, to come on in and that we could search the house anytime we wanted to.

Mr. BALL. And did you search the house?

Mr. STOVALL. Yes, we did. We mainly concentrated our search of the garage this time, because the first search of the garage had been a rather quick one, and not having been in the garage on the first search at all, and I know Rose hadn't spent much time out there because he didn't have time to on the length of time we spent at the house. So, we searched the garage and concentrated our search there.

Ruth Paine came out into the garage and I told you Ruth Paine was the only one there awhile ago—I remember Michael Paine was in the garage. I think he came up after we got there—I'm not sure—it's possible that he got there after we got there, but I don't recall, but both of them came out in this garage and showed us the stuff that belonged to Lee Oswald and Marina Oswald and showed us the stuff that belonged to them and they left.

Mr. BALL. Do you mean they left you in the garage?

Mr. STOVALL. Yes, they got in the car and drove off. They left their house.

Mr. BALL. You have made a report of what you did that day?

Mr. STOVALL. Yes, sir.

Mr. BALL. And you have that before you, Mr. Stovall?

Mr. STOVALL. Yes, sir.

Mr. BALL. Have you refreshed your memory from the report?

Mr. STOVALL. I glanced over this—I've read this first and I haven't read this one.

Mr. BALL. Do you want to take some time to look over that report of your search on the 23d of November 1963?

Mr. STOVALL. Yes, sir.

Mr. BALL. You stayed in the garage how long?

Mr. STOVALL. It seems like we were in that garage about 1½ or 2 hours. We might have been there longer than that. We made a thorough search of the garage.

Mr. BALL. Was there some reason you went out there the second time?

Mr. STOVALL. To the garage?

Mr. BALL. No, to the Paine home on the Irving Street address?

Mr. STOVALL. Yes, sir; the main reason we went out there—we wanted to make a more thorough search of the place. The first search that—we didn't actually have time to stay as long as we needed to, to check the whole house.

Mr. BALL. Were you given any specific instructions by anyone from your department as to what to look for?

Mr. STOVALL. No, sir; not that I recall.

Mr. BALL. Now, did you make a list of what you had found and took with you on that day?

Mr. STOVALL. Yes, we did.

Mr. BALL. Is this the list?

Mr. STOVALL. Yes, it is.

Mr. BALL. And where was that made?

Mr. STOVALL. That was made down at the city hall in the Homicide Bureau.

Mr. BALL. I would like to mark this as "Stovall Exhibit B."

(Instrument referred to marked as "Stovall Exhibit B," for identification.)

Mr. BALL. Now, at that time did you find any snapshots that appeared to be Oswald in the photograph?

Mr. STOVALL. Yes, sir; Rose did, and when he looked at them, he said, "Look at this." At the time he said that—he showed us the snapshots and the negatives to me.

Mr. BALL. Did they show you what appeared to be Oswald in the snapshots?

Mr. STOVALL. Yes.

Mr. BALL. He had the negatives and snapshots?

Mr. STOVALL. Yes.

Mr. BALL. And he showed Oswald—what was significant about the photograph?

Mr. STOVALL. He was in a standing position just outside of the house holding a rifle in one hand and he was wearing a pistol in a holster on his right hip and he was holding two papers in the other hand.

Mr. BALL. Did you take the snapshots?

Mr. STOVALL. Yes, we took the snapshots.

Mr. BALL. And the negatives?

Mr. STOVALL. Yes.

Mr. BALL. Where are they listed on this exhibit—this Exhibit B?

Mr. STOVALL. I believe we listed them where we've got "Miscellaneous photographs and maps." There were several other photographs that we took when we were there.

Mr. BALL. They were in the garage, were they?

Mr. STOVALL. Yes, sir.

Mr. BALL. And where were they in the garage that you saw?

Mr. STOVALL. As well as I remember, they were in a brown cardboard box about, I guess, 2 feet by a foot and a half or something like that.

Mr. BALL. What was in the box with them?

Mr. STOVALL. There were, as well as I remember, a few books in there and letters and papers and photographs.

Mr. BALL. Now, you also found some bags, didn't you?

Mr. STOVALL. Yes, sir; there were some seabags.

Mr. BALL. What color?

Mr. STOVALL. One of them was—I think both of them were a kind of an Army color—olive drab, whatever you call it.

Mr. BALL. And suitcases?

Mr. STOVALL. Yes, sir; there were some blue suitcases and I think a brown one.

Mr. BALL. Made out of what kind of material?

Mr. STOVALL. It appeared to be a leather material.

Mr. BALL. You said there were three—you've mentioned blue and brown, is there any other color?

Mr. STOVALL. There was, as well as I remember—one of the brown ones was a leather appearing suitcase and the other was more of a—some kind of a paper or cardboard suitcase, as well as I remember that thing. It was partially torn, I mean, it had been well used and was coming apart.

Mr. BALL. And were there three?

Mr. STOVALL. Yes, sir.

Mr. BALL. And what was the color of the third one?

Mr. STOVALL. I believe it was brown also.

Mr. BALL. Leather or paper or cardboard?

Mr. STOVALL. No; this was paper—it was some kind of a paper deal or cardboard.

Mr. BALL. Now, you also found a magazine advertisement from Klein's Department Store, Klein's in Chicago?

Mr. STOVALL. Yes, sir; that was in the same box with the photographs.

Mr. BALL. Just for illustration of your testimony, I would like to have marked as an exhibit to the deposition your report of the search of November 22, 1963, as your Exhibit No. C, and your report of the search of November 23, 1963, of the Paine residence as Exhibit No. D.

(Instruments referred to marked by the reporter as "Stovall Exhibits C and D," for identification.)

Mr. BALL. You mention in there a map—what kind of map or maps did you find there?

Mr. STOVALL. I don't recall just what kind of maps they were.

Mr. BALL. What time did you leave there that day?

Mr. STOVALL. Must have been around 4:30 or 5, I believe.

Mr. BALL. Did Mrs. Paine or Mr. Paine say anything more to you than you have already told us?

Mr. STOVALL. No, sir; as well as I recall, Mr. and Mrs. Paine were both gone from the house when we left there.

Mr. BALL. You took these materials with you that you have on this list?

Mr. STOVALL. Yes.

Mr. BALL. You took them down to where?

Mr. STOVALL. We took them down to our office.

Mr. BALL. And you made a list of them that day, did you?

Mr. STOVALL. Yes, sir.

Mr. BALL. Now, did you do anything else on this investigation?

Mr. STOVALL. No, sir; that's all I can recall that I did on the investigation. I might add, there was—well, you have that on the list—some property.

Mr. BALL. What is that?

Mr. STOVALL. When we took this identification off of Lee Oswald that had this selective service card, the name Hidell, and he also had his own identification—at the time we were in the garage we found some negatives out there that appeared that he had made a snapshot of a selective service card, and on the back of the negatives it was where the name would have been typed in—there was some stuff on the back of the negatives to block out the name when it was reprinted, and there were some selective service cards that he had printed himself out there from a negative that were blank and which appeared to be the same that he had on him at the time, on the 22d of November, that had the name of "A. Hidell" typed in on it.

Mr. BALL. Did you appear at any showups of Oswald?

Mr. STOVALL. No, sir.

Mr. BALL. Were you at any of the interrogations of Oswald?

Mr. STOVALL. No, sir.

Mr. BALL. Well, I think that's all, Mr. Stovall. Thank you very much for coming over here.

Mr. STOVALL. Okay, thank you.

Mr. DAVIS. Thank you so much, Mr. Stovall, we appreciate your coming by.

Mr. STOVALL. I hope it was of some help to you.

TESTIMONY OF WALTER EUGENE POTTS

The testimony of Walter Eugene Potts was taken at 11:45 a.m., on April 3, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Will you hold up your right hand and be sworn, please?

Mr. POTTS. Yes, sir.

Mr. BALL. Do you solemnly swear that the testimony you are about to give

before the Commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. POTTS. I do.

Mr. BALL. Will you state your name, please?

Mr. POTTS. Walter Eugene Potts.

Mr. BALL. What business or occupation are you in?

Mr. POTTS. I am a detective with the police department, homicide, Dallas.

Mr. BALL. How long have you been with the police department in Dallas?

Mr. POTTS. Since October 21, 1947.

Mr. BALL. And how long have you been with the homicide department?

Mr. POTTS. June 6, 1956.

Mr. BALL. Can you tell me something about where you were born and where you were educated and what you have done since then?

Mr. POTTS. I was born at Sherman, Tex., April 28, 1922, and I came to Dallas in 1924 and was raised here in Dallas, attended public schools in Dallas, graduated from this Dallas—it's Crozier Tech now, but it was Dallas Technical High School right here on Bryan Street in 1941, and when I graduated I went to work for Southwest Airmotive at Love Field, and I worked for Taycee Badgett Aviation in 1942 and 1943, in Shreveport, La., and I took an aviation cadet mental and physical down there and came back to Dallas to be inducted into the service, and I worked for Lockheed at Love Field before I went in the service, and I went in the service in July 1945. I was discharged in January 1947. I was in the 796th Military Police Battalion in Vienna, Austria, and also the 505th there.

I came back and went to work for the Taylor Publishing Co. just before I went to work for the police department. My mother and father, they still live here out on Brookfield and my sister lives here. I am one of the very few native boys in this police department down here—that's raised right here.

Mr. BALL. And on November 22, 1963, you had the day off, didn't you?

Mr. POTTS. Yes, sir; that was my day off.

Mr. BALL. And did you hear on the radio the President had been shot?

Mr. POTTS. Well, my wife and I had gone to the cleaners up there at Jim Miller and Military, and I suppose it was around 12:30 or a quarter to 1—around 1 o'clock and we pulled up in front of the cleaners there and Mr. Wright at the barbershop came out to the car and he said, "Have you heard about the President getting shot?"

You know, I thought he was joking and I thought he was kidding and I turned on my car radio and there it was.

We went on back home and I called the office immediately and talked to Detective Baker, he's a lieutenant now, and he said he was calling all the men back and I started to get dressed—get ready, and I told him I would be there as soon as I could, and I got dressed and got there within the hour, which was around 2 or before.

Mr. BALL. What did you do when you first got there?

Mr. POTTS. When I was walking across the street there, I parked my car over at the Scottish Rite parking lot there and it's the Masonic lot and when I come across the street there at Commerce and Harwood this officer on the corner there said, "Did you hear about Tippit getting killed?" I said, "No; I didn't hear about that." He said, "Yes; I understand he got killed on a disturbance call over in Oak Cliff." That's the first I had heard about Tippit and when I got to the office, I walked in and Baker told me, "We have some people here from the Texas School Book Depository—there are four or five of them back there," and he said, "Would you go back there and take some affidavits from them?" And I said, "Sure," and I went back there and took one from this Arce, and I was in the process of taking one from this Jack Dougherty when I heard some officers coming in the door there, and I heard one of them say, "We've got the man that killed Tippit."

So, they brought him on back in while we were sitting back in the squadroom and I was sitting back there with Dougherty and Arce, and they came by and put him in the side interrogation room back there. As you walk in the door, there is an interrogation room right straight ahead and then you turn right to

go back in the squadroom and you go on back in the squadroom, and this Mr. Dougherty looked at me and he said, "I know that man."

He said, "He works down there in that building—the Texas School Book Depository Building." He said, "I don't know his name, but I know him." So did Arce—he said, "Yes, he works down there."

So, I went ahead and took those affidavits from them—from those people and we got them notarized.

Mr. BALL. You mean Arce and Dougherty?

Mr. POTTS. Arce and Dougherty. There were some more officers back there taking affidavits from some of the others—some of those other people—I don't know—you know, time and all the confusion around there, you don't exactly know what time, but my partner, Bill Senkel, and F. M. Turner—we work a three-man squad, and Bill came around and he talked to Captain Fritz, and he said "Come on, let's go. We are going out to 1026 North Beckley."

He came around and told me, he said—he asked me if I had finished taking the affidavits, and I told him, "Yes," and he said, "Captain Fritz wants you and I to go out to Oswald's or Hidell's or Oswald's room."

On his person—he must have had—he did have identification with the name Alex Hidell and Oswald—Lee Harvey Oswald, but Lt. E. L. Cunningham of the forgery bureau, who used to be a member of the homicide and robbery bureau before he made lieutenant, he went with us and we went out there.

Mr. BALL. Before you went out there, did you get a search warrant?

Mr. POTTS. No; we didn't—we didn't get a search warrant at that time. We went to the location and talked to the people there.

Mr. BALL. That's Lt. E. L. Cunningham?

Mr. POTTS. Yes, sir.

Mr. BALL. And who else?

Mr. POTTS. B. L. Senkel.

Mr. BALL. And yourself?

Mr. POTTS. And myself.

Mr. BALL. And you went out to where?

Mr. POTTS. 1026 North Beckley.

Mr. BALL. What happened when you got there?

Mr. POTTS. We got there and we talked to this Mrs.—I believe her name was Johnson.

Mr. BALL. Mrs. A. C. Johnson?

Mr. POTTS. Mrs. Johnson and Mrs. Roberts.

Mr. BALL. Earlene Roberts?

Mr. POTTS. Yes; and they didn't know a Lee Harvey Oswald or an Alex Hidell either one and they couldn't—they just didn't have any idea who we were talking about, so the television—it is a rooming house, and there was a television—

Mr. BALL. Did you check their registration books?

Mr. POTTS. Yes, sir; we looked at the registration book—Senkel, I think, or Cunningham—well, we all looked through the registration book and there wasn't anyone by that name, and the television was on in the living room. There's an area there where the roomers sit, I guess it's the living quarters—it flashed Oswald's picture on there and one of the women, either Mrs. Roberts or Mrs. Johnson said, "That's the man that lives here. That's Mr. Lee—O. H. Lee." She said, "His room is right here right off of the living room."

Senkel or Cunningham, one of them, called the office and they said that Turner was en route with a search warrant and we waited there until 4:30 or 5 that afternoon. We got out there about 3.

Mr. BALL. You waited there in the home?

Mr. POTTS. We waited there in the living quarters.

Mr. BALL. You did not go into the small room that had been rented by Lee?

Mr. POTTS. No; we didn't—we didn't search the room at all until we got the warrant.

Mr. BALL. Who brought the warrant out?

Mr. POTTS. Judge David Johnston.

Mr. BALL. The judge issued it, but who brought it out?

Mr. POTTS. Well, F. M. Turner and H. M. Moore was with him, and Judge David Johnston was there, and also Assistant District Attorney Bill Alexander.

Mr. BALL. Did David L. Johnston go too, the justice of the peace?

Mr. POTTS. Yes, the judge was there in person.

Mr. BALL. He was?

Mr. POTTS. Yes; and also Assistant District Attorney Bill Alexander—they all came in the same car.

Mr. BALL. What did you do then?

Mr. POTTS. Well, after we showed Johnson the search warrant, I think it was Johnson, we went on in the room and continued to search the room, and we took everything in there that we could find.

Mr. BALL. Would you describe the room, the appearance of the room?

Mr. POTTS. Well, the room was off—as you walk into the house, the living area, the room was right there at the front door, and it was off to the left of the living room. It was a real small room. It was, oh, I don't suppose it was 6 to 8 feet wide, and maybe 10 feet long. It was a real small room. It had a half bed in there and back in the back there it had a shelf—some shelves and stuff that he had some food and stuff back there in.

Mr. BALL. How was it furnished?

Mr. POTTS. Well, it just had the bed in there, and I believe, if remember, it might have had a chair—I'm not sure. So, Moore, Senkel, Cunningham and all of us—we searched that room—we took everything in there all but—there was some food on the shelf we didn't take and we went through the trash can and there was some banana peelings and stuff, but everything in there—we took everything in there we could find. We even took the pillow cases off of one of the pillows and put stuff in it. He had one of those little zipper-type bags and he had a lot of stuff in it.

Mr. BALL. What color was the bag?

Mr. POTTS. I don't recall the color of that bag.

Mr. BALL. Did you bring it with you—you picked it up too, and brought it in, too?

Mr. POTTS. Yes, sir; we brought everything out of the room we could find.

Mr. BALL. Were there curtains on the windows?

Mr. POTTS. Yes, sir; I think so.

Mr. BALL. Hanging on rods?

Mr. POTTS. If I remember correctly, I think there was curtains on the walls, but we looked behind the curtains and everything—and looked behind the blinds and everything.

Mr. BALL. Now, did you see anything of a leather holster?

Mr. POTTS. A .38 leather holster—I have a list there of all the stuff we brought out of there.

Mr. BALL. Could I see that, please?

Mr. POTTS. Yes, sir; you sure can. This is a list Mr. Turner and Mr. Moore and myself compiled after we brought it into the office.

Mr. BALL. You brought the stuff into the office?

Mr. POTTS. Yes, sir.

Mr. BALL. We'll mark this as "Potts Exhibit A."

(Instrument referred to marked by the reporter as "Potts Exhibit A," for identification.)

Mr. POTTS. You can have that if you would like.

Mr. BALL. This will be two exhibits—A-1 and A-2.

(The instruments referred to marked by the reporter as "Potts Exhibits A-1 and A-2," for identification.)

Mr. BALL. Did you ask Mrs. Johnson whether or not she had ever seen the holster before?

Mr. POTTS. I don't recall asking her that.

Mr. BALL. Did you ever ask Mrs. Earlene Roberts if she had seen the holster before?

Mr. POTTS. I don't recall talking to her about that. They weren't too familiar with what was in that room. I didn't talk to them too much about it.

Mr. BALL. You recovered a Dallas city map, too, didn't you?

Mr. POTTS. Yes, sir; that had some markings on it in pencil.

Mr. BALL. All right, go ahead.

Mr. POTTS. There was a red notebook there that had a lot of names in it and addresses in it and a lot of Russian writing—and it had a diagram of the Red Square in there, I suppose, that's what it looked like to me. I suppose that's what it was, but, of course, it was all written in Russian and about half of that book I didn't understand.

Mr. BALL. You brought all of this property to the city hall?

Mr. POTTS. Yes; we did.

Mr. BALL. And you made the inventory we have had marked here as "Exhibits A-1 and A-2"?

Mr. POTTS. Yes; Mr. Moore and Turner and I compiled it.

Mr. BALL. Now, on that same day, did you do anything more?

Mr. POTTS. Let me say—later on in the afternoon—we worked the rest of that night, up until—I don't recall what time I did leave there—it was pretty late.

Mr. BALL. I have here a document which has been marked as "Commission Exhibit No. 426." Did you find this document at the 1026 North Beckley address that day, do you remember?

Mr. POTTS. I recall seeing this; yes, I do. I don't know which one of the officers picked it up.

Mr. BALL. Do you remember where it was?

Mr. POTTS. No; I don't.

Mr. BALL. Do—you don't know where it was kept?

Mr. POTTS. No, sir.

Mr. BALL. But was it brought from the room?

Mr. POTTS. Yes; it was—here's my initial in the right hand corner, and here is Mr. Moore's.

Mr. BALL. What does that initial mean?

Mr. POTTS. That's my initial, "W. E. P."

Mr. BALL. And there is "11-22-63"—what does that mean?

Mr. POTTS. That means—we initial all of the evidence we bring out of there. At the time—this was going to court, and if this was brought out in court that would be my initials right there—I recovered this.

Mr. BALL. Did you initial it right there in the room?

Mr. POTTS. We initialed it after we brought it to the station.

Mr. BALL. These are the initials of the men who were there with you?

Mr. POTTS. That's H. M. Moore and I guess it's F. M. Turner—"F. M. T."—that's my partner. Yes, sir; for the purpose of identification in court, we initialed everything we could possibly write on.

Mr. BALL. Now, did you, on the 23d of November, take part in the investigation of either the death of Oswald or the shooting of the President?

Mr. POTTS. Well, I reported to work at 10 o'clock in the morning and we worked until midnight that night—it was mostly telephone conversations—they had to put extra phones in our office. We were swamped—I talked to people from England, Canada, Peru—all over was just calling in there—just a continual call—call—call—and it kept most of us real busy answering telephone calls that day.

Mr. BALL. Did you take part in any showup of Oswald?

Mr. POTTS. I believe I did—was that the 23d—at 2:15 that afternoon on the 23d, I was in on one.

Mr. BALL. Who was with you?

Mr. POTTS. Mr. Senkel and I went to the jail and stood by the jail elevator and waited until the showup came down, and I was thinking there was M. G. Hall and Charlie Brown and a jailer or two that brought that showup down. They were all handcuffed together, as I recall.

Mr. BALL. Who is M. G. Hall?

Mr. POTTS. He is a detective in our bureau.

Mr. BALL. And who is Charlie Brown?

Mr. POTTS. Charlie Brown is also an officer assigned to the bureau. Now, I might be wrong about that, but it seems to me like they were the two that showed up then, but they might not have been.

Mr. BALL. Now, did you have anything to do with the selection of the men who were to be in the showup?

Mr. POTTS. No, sir; all I did was just to go down to the jail door and walk with the showup out to the stage, and I stood out on the stage while the showup was conducted.

Mr. BALL. How was it conducted? Describe it.

Mr. POTTS. Well, there is an anteroom before you get to the showup stage. Now, the witnesses were out front behind this transparent black nylon screen. There's a light set at an angle on the stage where the person on the stage can't see the people out in the audience. They brought them out handcuffed together and this John Thurman Horne went in first—no, that's wrong—Lujan went on first, because he would be No. 4. You see, they've got numbers above the—above them higher up there.

Mr. BALL. What is his full name?

Mr. POTTS. Daniel Lujan, and then Oswald was No. 3, Knapp No. 2.

Mr. BALL. What is Knapp's full name?

Mr. POTTS. David Knapp and John Thurman Horne was No. 1.

Mr. BALL. And what happened then, after they went out on the stage?

Mr. POTTS. Well, Detective Leavelle—now, I don't know who the witness was that they were showing them to—the showup to.

Mr. BALL. Did you hear Leavelle?

Mr. POTTS. I heard Leavelle question each one of the men. There is a black square on the floor and he tells each one of them to take one step forward and they have a microphone above, and I don't recall exactly what he asked them—It was just to get them to talk and identify themselves. We conduct them different—sometimes we ask them their names and their address and their occupation.

Mr. BALL. Did you ask the questions?

Mr. POTTS. No, sir.

Mr. BALL. Did Leavelle ask the questions?

Mr. POTTS. Yes; he was up there.

Mr. BALL. And, did he direct his questions to the men on the stage?

Mr. POTTS. Yes; to the men on the stage.

Mr. BALL. Did you hear them?

Mr. POTTS. Yes; I heard them answer.

Mr. BALL. Did Oswald speak up or not?

Mr. POTTS. Well, he was complaining all during the showup. He had on a T-shirt and the rest of them didn't have on T-shirts, and he was complaining, "Well, everybody's got on a shirt and everything, and I've got a T-shirt on"—he was very belligerent about the showup. He wouldn't cooperate in any way. He was just making all kinds of commotion out there and he was doing more of the talking than anybody.

Mr. BALL. What kind of commotion was he making?

Mr. POTTS. Well, he was doing a lot of talking about him being in a T-shirt, and "nobody else has got on a T-shirt and I've got on a T-shirt, this is unfair," and all that—just generally talking and after the showup was over, we just accompanied them back from the stage out to the anteroom door and just walked along with them and the elevator—took them on the elevator, and that's all we had to do with the show.

Mr. BALL. That's all you had to do with it?

Mr. POTTS. Yes.

Mr. BALL. What were the appearances of the four men who came out?

Mr. POTTS. They were similar in size—I didn't pick them—I don't know who did, but they were generally the same size, and, of course, the ages are a little different here.

Mr. BALL. What ages were they, do you know?

Mr. POTTS. Well, Horne was 17—he was born November 6, 1945, I believe that's right.

Mr. BALL. John Thurman Horne?

Mr. POTTS. Yes; and this David Edmond Knapp, he was 18. He was born October 22, 1945, and this Daniel Lujan, he was 26, and he was born February 15, 1937.

Mr. BALL. And do you have the addresses of these three men?

Mr. POTTS. Yes; I do—now, I got the addresses off of—out of our records bureau—off of their arrest cards. I don't know whether they gave a fictitious address or not.

Mr. BALL. Yes.

Mr. POTTS. Now, Horne is 2942 Ann Arbor.

Mr. BALL. 2942 Ann Arbor?

Mr. POTTS. Yes.

Mr. BALL. And that's Dallas?

Mr. POTTS. Yes; that's in Oak Cliff.

Mr. BALL. And what was he charged with—why was he in jail?

Mr. POTTS. Traffic tickets—he had a number of traffic tickets.

Mr. BALL. Traffic tickets?

Mr. POTTS. Yes; he had a stack of them—all on the same arrest date.

Mr. BALL. He did?

Mr. POTTS. Yes—red lights and so on.

Mr. BALL. And what about David Knapp, what was he in for?

Mr. POTTS. He was in for investigation of theft and he lived at 2922 Alabama.

That's in Oak Cliff.

Mr. BALL. And he was in for investigation?

Mr. POTTS. Investigation of burglary and theft.

Mr. BALL. Was he convicted?

Mr. POTTS. Well, I don't know anything about that.

Mr. BALL. You don't know where he is now?

Mr. POTTS. No, sir; I have never seen those men since.

Mr. BALL. You don't know whether he was convicted or not?

Mr. POTTS. No, sir; I don't.

Mr. BALL. What about Lujan?

Mr. POTTS. Daniel Lujan—[spelling] L-u-j-a-n, I guess that's the way you pronounce it. He was born February 15, 1937, and gave the address of 1804 Lear [spelling] L-e-a-r Street, and he was in for investigation of violation of State narcotic laws.

Mr. BALL. And was he convicted, or do you know?

Mr. POTTS. I don't know.

Mr. BALL. Do you know if any one of these men has ever been convicted of a felony?

Mr. POTTS. No, sir; I don't.

Mr. BALL. You know nothing about that?

Mr. POTTS. I know nothing about them at all. In fact, that's the first time I have ever seen them and I suppose the last time.

Mr. BALL. Now, did you take any further part in the investigation?

Mr. POTTS. That Presidential assassination—I think that's about all I done on that.

Mr. BALL. I think that one day you went out and talked to Mr. Fischer?

Mr. POTTS. Yes; I talked to a boy named Fischer—on the 25th of November. Of course, you know I was off duty on the Ruby thing.

Mr. BALL. Yes; I know that.

Mr. POTTS. I was at home then and I was sitting there and my wife said, "They are going to televise this transfer of Oswald." I said, "I've seen enough of that and I don't want to look at it." And she said, "We need milk and bread for lunch," and so I got up and got in the car and went to Safeway and was standing in line to check out there and a woman—well, it looked like a woman—came out and said, "Oswald has just been shot." Well, I thought that was a big joke, too, and went back out there and turned on the car radio and there that was. I came on back on duty that day.

Mr. BALL. When you went out to see Mr. Fischer—

Mr. POTTS. Now, Mr. Turner had this information about this Fischer man. He and Mr. Senkel—they were in the motorcade that day. In fact, they were in the lead car.

Mr. BALL. Senkel was?

Mr. POTTS. Senkel, Turner, and Chief Lumpkin were in the lead car in the motorcade, and I think Turner had gotten this information about this Fischer fellow. I had never heard about him until Turner asked me, he said, "Let's go

out and talk to this Mr. Fischer." He said, "He is supposed to have been standing down there watching the parade go by and he saw this man in this window," and he wanted to know—we took a picture of Lee Harvey Oswald out there to see if he could identify him as being the man he saw in the window, and we went out there on the 25th of November with Lee Harvey Oswald's picture to 4007 Flamingo Street in Mesquite. That's where this Ronald Fischer lives, and he works for the county auditor's office down there. He was working that day and most of the county employees stood out on the street to watch the parade, and we took his picture out there and he said, "I can't say for sure that's the man that I saw in that window up there, but it looks like him." He said he saw him up there just a few minutes before he heard the shots fired.

Mr. BALL. Now, you made written reports of these investigations you are testifying about?

Mr. POTTS. Yes.

Mr. BALL. And you have refreshed your memory from them—from your own handwritten notes?

Mr. POTTS. That's right—I have.

Mr. BALL. I would like to have marked your report on your officer's duty on Friday, November 22, and also on the 23d and 25th of November, being two sheets, numbered 230 and 231, as the next exhibit, and page 3 of your report, being No. 232, being a report of your participation in the showup on November 23, 1963, at 2:15—as the next exhibit.

(Instrument referred to marked by the reporter as "Potts Exhibits B and C," respectively, for identification.)

Mr. BALL. I think that's all and I do want to thank you very much.

Mr. POTTS. You are certainly welcome.

Mr. BALL. This will be written up and you can come down and read it and sign it or you can waive your signature and we will send it on to the Commission. You can tell me what you want to do.

Mr. POTTS. Oh, I will sign it.

Mr. BALL. All right, then you will be notified when it is ready for you to sign.

TESTIMONY OF JOHN P. ADAMCIK

The testimony of John P. Adamcik was taken at 10 a.m., on April 3, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. David W. Belin, assistant counsel of the President's Commission.

Mr. BELIN. Would you want to stand and raise your right hand, sir?

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. ADAMCIK. I do.

Mr. BELIN. Would you please state your name?

Mr. ADAMCIK. John P. Adamcik.

Mr. BELIN. Where do you live?

Mr. ADAMCIK. I live right now at 4621 Samuell Boulevard, apartment 166.

Mr. BELIN. Where is that?

Mr. ADAMCIK. That is over in the eastern part of Dallas.

Mr. BELIN. In Dallas, Tex.?

Mr. ADAMCIK. It is in Dallas, Tex.

Mr. BELIN. How old are you, sir?

Mr. ADAMCIK. I am 26.

Mr. BELIN. What is your occupation?

Mr. ADAMCIK. I am a detective with the Dallas Police Department.

Mr. BELIN. Did you go to school in Dallas?

Mr. ADAMCIK. No, sir; I didn't.

Mr. BELIN. Where did you go to high school?

Mr. ADAMCIK. LaGrange, Tex.

Mr. BELIN. LaGrange High School?

Mr. ADAMCIK. Right.

Mr. BELIN. Then what did you do?

Mr. ADAMCIK. I worked there in LaGrange for a short period of time, and came to Dallas and worked for Temco Aircraft Co.

Mr. BELIN. What did you do for them?

Mr. ADAMCIK. I was an assembler.

Mr. BELIN. Then what did you do?

Mr. ADAMCIK. Then I went in the Marine Corps for a short period of time.

Mr. BELIN. How long were you in the Marine Corps?

Mr. ADAMCIK. I was in there approximately 2 months, got out on a hardship discharge.

Mr. BELIN. You mean family?

Mr. ADAMCIK. Yes.

Mr. BELIN. Was it an honorable discharge?

Mr. ADAMCIK. Yes; I got an honorable discharge—hardship discharge.

Mr. BELIN. Then what did you do?

Mr. ADAMCIK. I went home and assisted the family, because my father was injured. That was the reason I got the discharge.

And I don't know, I got everybody going in shape which would be, I think it was probably around a year, and I came back to Dallas and got on the police department.

Mr. BELIN. And you have been in the police department ever since?

Mr. ADAMCIK. Every since, except I took another 6-month leave of absence and I spent 6 months on active duty with the U.S. Army Reserves. After the hardship ended, I went back in the Army for 6 months.

Mr. BELIN. Your position with the Dallas Police Department is now what?

Mr. ADAMCIK. Detective in the homicide and robbery bureau.

Mr. BELIN. Are you married?

Mr. ADAMCIK. Yes.

Mr. BELIN. Family?

Mr. ADAMCIK. One-month-old baby.

Mr. BELIN. A month old baby. Boy or girl?

Mr. ADAMCIK. Boy.

Mr. BELIN. You must be pretty proud?

Mr. ADAMCIK. Yes.

Mr. BELIN. What is his name?

Mr. ADAMCIK. Mark Allen.

Mr. BELIN. Your wife taking good care of that baby?

Mr. ADAMCIK. Oh, yes.

Mr. BELIN. Officer, first I want to talk about November 22, 1963. Were you on duty on that date?

Mr. ADAMCIK. No, sir; I wasn't, not at the time pertaining to this.

Mr. BELIN. Not at the time of the assassination?

Mr. ADAMCIK. No; I wasn't.

Mr. BELIN. You were off duty?

Mr. ADAMCIK. I was at home, off duty.

Mr. BELIN. When did you get on duty that day?

Mr. ADAMCIK. I was supposed to go on at 3. However, when I heard of the assassination—I was supposed to go to court at 2 o'clock, and I reported down to the courts and the courts were closed, so I immediately reported to my office, which was about 2 or so.

Mr. BELIN. You were at the office the rest of the afternoon?

Mr. ADAMCIK. No, sir. I stayed at the office a short period of time. I wasn't there over an hour when Oswald was brought in by the arresting officers and we were asked—Detectives Stovall and Rose and myself were asked by Captain Fritz and the supervisor to go to his residence in Irving, to the Paine residence.

Mr. BELIN. Did Oswald give them that address?

Mr. ADAMCIK. I don't know. I don't recall whether he gave them the address or they found it on his person in evidence as identification.

Mr. BELIN. What was the address?

Mr. ADAMCIK. 2515 West Fifth Street, Irving. I don't have any idea how

that came about at all. All I remember is that we were told to go to this address. I don't even remember whether we had a name, a definite name. We were told to go to this address, that this was the address he had on his person, or something similar to that, and we did what we were told.

Mr. BELIN. About what time was this?

Mr. ADAMCIK. This was approximately 2:30. Could I use my report?

Mr. BELIN. Sure. You take your report out and refresh your recollection.

Mr. ADAMCIK. I have it on here, the times mainly. This would be approximately 2:30.

Mr. BELIN. All right, did you have a search warrant when you went out there?

Mr. ADAMCIK. No, sir; we did not.

Mr. BELIN. Any particular reason why you didn't?

Mr. ADAMCIK. Well, at the time, we didn't know what we would find. We didn't have any idea what this address meant to us, and we were mainly going over to see who was there.

We decided if we were not allowed in the house, invited in, that we could get a search warrant later to go in, whereas at the time we didn't have any idea that that address actually had any connection with these people or with Oswald.

Mr. BELIN. Who did you go with?

Mr. ADAMCIK. I went with Detectives Rose and Stovall, and we were met by three county officers there at the scene before we went up, because being out of the city limits of Dallas, we had three county officers go along with us, because it was in their jurisdiction.

Mr. BELIN. What time did you get there?

Mr. ADAMCIK. I would say that it didn't take us over, it probably took us half an hour to get there. I would say it would be approximately 3 o'clock.

Mr. BELIN. What did you do when you got there?

Mr. ADAMCIK. We waited a few minutes for the county officers to get there, and when they got there we came outside, and I went with one of the county officers or two of the county officers to the back door, and one of the county officers and Detectives Rose and Stovall went to the front door.

Mr. BELIN. Then what did you do?

Mr. ADAMCIK. We waited until Detectives Rose and Stovall and the county officers got inside the house, which was a period of time of maybe 3 or 4 minutes when they were invited in, and they came to the back door and opened it up and asked us to come in.

Mr. BELIN. Who asked you to come in?

Mr. ADAMCIK. Detectives Rose and Stovall, plus—because Mrs. Paine was in the house at the time standing next to them.

Mr. BELIN. Then what did you do?

Mr. ADAMCIK. Well, we started looking around the house. I think Detectives Rose and Stovall handled most of the interrogation. They asked the questions of Mrs. Paine, and Mrs. Oswald, after we found out who they were—and I didn't do any interrogating at the time at all, I just sort of stood and listened, and we started looking around.

We asked them where Mr. Oswald was, and various things, and we looked around.

Mr. BELIN. What did Mrs. Oswald say about whether or not you could see her room?

Mr. ADAMCIK. She never did say anything at all. In fact, she showed us where the room was and showed us several things in the room.

Mr. BELIN. What did Mrs. Paine do?

Mr. ADAMCIK. She didn't object at all. They were really very cooperative.

Mr. BELIN. Do you remember what the interrogation was? Who said what?

Mr. ADAMCIK. No; I don't recall. I assume it was, you know, they asked her who she was.

Mr. BELIN. Did anyone ask when was the last time they saw Lee Harvey Oswald?

Mr. ADAMCIK. Oh, yes; I heard it asked.

Mr. BELIN. What was the answer given, if you remember?

Mr. ADAMCIK. I don't recall.

Mr. BELIN. Well, did they take you out to the garage?

Mr. ADAMCIK. Not me. They took two of—some of the officers. I think it was Detectives Stovall and Rose, to the garage. I think it was through Mrs. Oswald that she went ahead and told Mrs. Paine something, and Mrs. Paine drew their attention to the garage.

Mr. BELIN. Did anyone say anything about a rifle?

Mr. ADAMCIK. I didn't hear it. I wasn't present when they went in the garage at all.

Mr. BELIN. All right, what did you do?

Mr. ADAMCIK. Well, we stayed in the house for a good while, and we called, or one of our men called in the office, I didn't, and asked them what they should do. And of course they told them to bring the people in, that they wanted to talk to them at the office. And we told them about it and they agreed that they would go. And of course our problem was the children. There was some children, both of Mrs. Oswald's children were there, and I don't remember, I believe Mrs. Paine's were there, and we wondered where they would stay, or make some arrangements for the neighbors to keep them or not, and if I remember correctly, after we were there a while, Michael Paine, Mrs. Paine's husband came in. We have it here someplace what time it was.

Mr. BELIN. Did you hear what Michael Paine said when he came in?

Mr. ADAMCIK. Yes. He came in about 3:45 and told his wife that he heard the President was shot and he came over to see whether he could help, and they were surprised.

Mr. BELIN. When he said he heard the President was shot and he came over to see if he could help, why would he help her if the President was shot?

Mr. ADAMCIK. I don't know. Apparently in the affidavit, I was present.

Later on he said that his first idea when he heard that the President was shot was that Oswald could have been the one that done it, when he found out about the location, so apparently he figured that somebody would be over there questioning them.

Mr. BELIN. All right, then what happened?

Mr. ADAMCIK. Well, we went through the house, if I remember correctly, and I believe the other detectives found some property. I know they found this blanket that was rolled up in the garage.

Mr. BELIN. Were you there when they saw the blanket?

Mr. ADAMCIK. No; I wasn't there. I saw the blanket later.

Mr. BELIN. Where was it when you first saw it?

Mr. ADAMCIK. I believe they took it in the house. I am pretty sure.

Mr. BELIN. Had they unrolled the blanket when they took it in the house?

Mr. ADAMCIK. No; they had a string still tied around it. Apparently had two strings, and just one of the strings were cut.

Mr. BELIN. One of the strings was cut?

Mr. ADAMCIK. Yes.

Mr. BELIN. Who cut it, do you know?

Mr. ADAMCIK. I don't have any idea.

Mr. BELIN. Had it been cut by an officer of the Dallas Police Department?

Mr. ADAMCIK. No; it definitely wasn't.

Mr. BELIN. Pardon?

Mr. ADAMCIK. Definitely wasn't. As far as I know, it wasn't.

Mr. BELIN. How was the blanket rolled, do you know, offhand, approximately?

Mr. ADAMCIK. It appeared to be 4 or 5 feet, maybe.

Mr. BELIN. Was there anything in the blanket?

Mr. ADAMCIK. Not that I could see.

Mr. BELIN. Was the blanket stiff or limp?

Mr. ADAMCIK. It was a regular wool blanket, and it wasn't fairly stiff. Just from being rolled that way, it didn't appear like it was real stiff. Just normal.

Mr. BELIN. Did you see anyone carrying the blanket?

Mr. ADAMCIK. No; I didn't.

Mr. BELIN. Did you lift the blanket up?

Mr. ADAMCIK. No; I never did lift the blanket up.

Mr. BELIN. What happened after it was brought inside?

Mr. ADAMCIK. I don't recall then at all. I left the house after awhile and went with, I believe it was, Mrs. Paine. I went with her to one of the neighbor houses to see about the children, leaving the children there. I left and went with her.

Mr. BELIN. Then what did you do?

Mr. ADAMCIK. Coming back, Mrs. Frazier, I believe it was, drove up to the house as I was coming back with—no, it was Mrs. Bill Randle. She (Mrs. Randle) was a neighbor there and she was driving up to the house, so I asked her whether she knew anything about what had happened, and whether she had seen Lee Oswald, and she did tell me that Lee Oswald rode to work with her brother, which is Wesley Frazier, who was staying with her, and he rode to work with him that morning.

She told me that she saw—she was up early in the morning and was drinking coffee, and saw Lee Harvey Oswald go across the front yard, across the yard carrying like a long package wrapped in something, carrying it from the Paine house to Wesley's car.

Mr. BELIN. Did she say how he was carrying the package?

Mr. ADAMCIK. No; she didn't. I think we got an affidavit. In fact, I know we did, but I didn't take it.

Mr. BELIN. Did she say about how long the package was?

Mr. ADAMCIK. No; she said it was long and wrapped in a paper or a box. That is all I remember her saying.

Mr. BELIN. Anything else on there? Did she say anything that it was unusual for Oswald to be home at all during the week?

Mr. ADAMCIK. Yes; she did say that. That Oswald usually spent the week-ends over there, and it was unusual for him to be there on a Thursday night and go to work with him on Friday.

Mr. BELIN. Anything else you remember offhand?

Mr. ADAMCIK. No; I don't believe I do.

Mr. BELIN. Then what did you do?

Mr. ADAMCIK. By then we went ahead and took these people and put them in a car. I think Mrs. Oswald took both the children. Mrs. Paine got a neighbor to keep her children, and Mrs. Oswald and her two children were put in our car, the city police car, and Mrs. Paine also went with us, and Michael Paine, Mrs. Paine's husband, went with the county officer, and we proceeded to go to the city police station.

Mr. BELIN. Then what?

Mr. ADAMCIK. We took them up to the homicide and robbery bureau office and conditions were very crowded there, so we moved up to the forgery bureau next door, and we put them in the interrogation room and waited a pretty good while.

By this time it was approximately 6 p.m., and I think they were trying to get an interpreter and question Mrs. Oswald. That was the reason for the wait.

Mr. BELIN. All right.

Mr. ADAMCIK. Oh, yes, after talking to this Mrs. Randle, we wanted to talk to Wesley Frazier, and she said that he was at Parkland visiting his sick daddy.

So when we got back to the station, we checked with Parkland and couldn't find anybody by that name over there, so we checked with the clinic there in Irving, I believe it was, Irving Professional Center, and found out that he was there. The nurse checked the room, and he was there at the time, so some of the detectives called out there and had him placed in custody at that time so we could get an affidavit from him or question him.

Mr. BELIN. All right.

Mr. ADAMCIK. However, I didn't go back over there and get him.

Mr. BELIN. When you got down to the station, you were with Mrs. Paine?

Mr. ADAMCIK. Right. When we got to the station, there was Mrs. Paine, Mrs. Oswald and her two children, and Michael Paine.

Mr. BELIN. Was Mrs. Oswald questioned at all or not?

Mr. ADAMCIK. Mrs. Oswald, yes; she was. She was questioned that same evening.

Mr. BELIN. What did she say?

Mr. ADAMCICK. Well, she was questioned through an interpreter, and an affidavit was gotten from her also. I know she was showed the rifle in my presence.

I was there with Captain Fritz and myself and Detective Senkel, and the rifle was showed to her then, and she looked at it, and I remember her saying through an interpreter that it did look like the rifle, but she didn't say, but it did look like the rifle that Lee Oswald, that was in the garage previous to finding the blanket eventually.

Mr. BELIN. When you say finding the blanket eventually, did she say the blanket was there?

Was it simply that when you showed the blanket to the officers, apparently she made some remark that about a week or so previous to that her husband's rifle had been wrapped in a blanket?

Mr. ADAMCICK. I can't remember exactly how long. I don't remember when she said the last time was she saw it.

Mr. BELIN. Did Mrs. Paine indicate she ever saw the rifle there?

Mr. ADAMCICK. I can't remember. I took an affidavit, and I know I questioned her about the rifle, and I can't remember whether she ever said.

I would have to see the affidavit. I don't have a copy. I don't believe she said she seen the rifle. I believe that she said she saw the blanket there, but I am sure that that would be in the affidavit. That would be in the affidavit, though.

Mr. BELIN. Now anything else happen there?

Mr. ADAMCICK. No; after Mrs. Oswald was questioned, I took an affidavit from Mrs. Paine.

Mr. BELIN. Then what did you do?

Mr. ADAMCICK. I think this other detective, I think Senkel, probably took one from Mrs. Oswald.

Mr. BELIN. You mean Marina, Lee Oswald's wife?

Mr. ADAMCICK. That's right, the wife.

Mr. BELIN. Then what?

Mr. ADAMCICK. Shortly after we got through with him, with this, I believe Lee Oswald's mother came in. I don't remember whether she had been in previous and was in some other office, but I know they brought her in the same office we were in at that time, and after we got through, they were all sitting in the same room together, Mrs. Oswald, Lee's mother, and the wife, and the children, and Mrs. Paine, and Michael Paine.

Mr. BELIN. Did Lee Oswald's mother say anything?

Mr. ADAMCICK. No; she kind of didn't say anything definite. She kind of had the feeling—I don't know how to explain it—just like this, well, she didn't realize what really happened and just couldn't quite understand it, or something. She didn't say.

Mr. BELIN. What about Lee Oswald's brother?

Mr. ADAMCICK. To me, he was in there, too. I didn't break that up. He seemed rather calm to me. He was real calm and real collected.

Mr. BELIN. Did he say anything at all?

Mr. ADAMCICK. Not to me, not in my presence.

Mr. BELIN. All right, then, what did you do?

Mr. ADAMCICK. I was asked by Captain Fritz to take these people home, and he wanted me to take someone with me, and I took Lieutenant McKinney, who was one of the lieutenants in the forgery bureau. I used his car, and he went along with me to take these people home.

Mr. BELIN. Then what did you do? First of all, did they say anything more on the way home about the incident or not?

Mr. ADAMCICK. No; I believe the only thing I definitely remember is that Marina Oswald kept saying, telling Mrs. Oswald that this was her home, and she still decided she would like to stay here. She didn't want to go back to Russia. I remember her saying that.

Mr. BELIN. Do you remember someone saying that through an interpreter?

Mr. ADAMCICK. Right. Mrs. Paine was there, and she could interpret.

Mr. BELIN. All right.

Mr. ADAMCICK. She wasn't real good, but she could speak enough Russian to interpret a little bit.

Mr. BELIN. Then what did you do?

Mr. ADAMCIK. We took them to Irving, to the Paine house. At this time I believe Mrs. Oswald was the only other person that we took back there to the Paine house that didn't come down to the station with us originally.

Mr. BELIN. You mean the mother?

Mr. ADAMCIK. Yes; the mother, she went back with us.

Mr. BELIN. Then what did you do?

Mr. ADAMCIK. Well, this was fairly late. I guess it was around 10 o'clock when we got back, so apparently it was around 9 when we started taking them to Irving, and got back about 10.

We just dropped them off at the house and went on back to the office.

Mr. BELIN. What did you do when you got back to the office?

Mr. ADAMCIK. Went to the office and I stayed there a while, and I guess it was around 11 o'clock, I mean the interrogation room in the captain's office, and spent about 15 minutes.

Mr. BELIN. Why did you go in the interrogation room?

Mr. ADAMCIK. Well, at that time I think somebody else just finished talking to him, and I think the captain had to go see somebody or something, and nobody was in the room at the time, and he told us to go on in there for a little while and see whether we could talk to Oswald.

I think Detective Montgomery went in there with me, I am not sure.

Mr. BELIN. Were you the only two in there at that time?

Mr. ADAMCIK. Yes; I think so. The ID Bureau came in there and either fingerprinted him or done something. When they came in there, I left. It was just a short period of time.

Mr. BELIN. Do you remember any conversation that took place there?

Mr. ADAMCIK. No; except I asked him whether he drove a car. I did ask him that. And I remember him saying something that he didn't.

Mr. BELIN. That he did or did not?

Mr. ADAMCIK. That he did not. And I asked him how long he was in Russia and whether he liked it there, and I remember him telling me how long he was there. I think it was two years, or something like that.

Mr. BELIN. Well——

Mr. ADAMCIK. I don't remember exactly what he said, and he liked it okay, and that is just about it.

Mr. BELIN. Did you talk about the assassination at all?

Mr. ADAMCIK. No; it wasn't anything at all concerned with the assassination.

Mr. BELIN. Did you ask him any questions?

Mr. ADAMCIK. We did.

Mr. BELIN. Like what kind of questions?

Mr. ADAMCIK. Like where were you at the time this assassination occurred; and he just wouldn't say anything.

Mr. BELIN. Did he just keep quiet?

Mr. ADAMCIK. He just sat there and stared straight ahead.

Mr. BELIN. Didn't talk at all?

Mr. ADAMCIK. No.

Mr. BELIN. Did he ask for an attorney while you were there?

Mr. ADAMCIK. Not in my presence.

Mr. BELIN. Did you ask him any questions about Officer Tippit's murder?

Mr. ADAMCIK. No; I don't believe that I did.

Mr. BELIN. Anyone else there that did?

Mr. ADAMCIK. I didn't hear anybody.

Mr. BELIN. All right, then what happened?

Mr. ADAMCIK. Well, I just stayed at the office until about 2 o'clock in the morning.

Mr. BELIN. Ever see Oswald again?

Mr. ADAMCIK. I seen him being led out of the office from the interview, I believe. I didn't go down there.

Mr. BELIN. What interview?

Mr. ADAMCIK. I think they had—I don't know whether it was an interview or some kind of press conference down in the assembly room.

Mr. BELIN. When would that have been?

Mr. ADAMCICK. It would have been about midnight.

Mr. BELIN. Do you know if Oswald requested it or if someone else did?

Mr. ADAMCICK. I don't recall.

Mr. BELIN. Then what happened?

Mr. ADAMCICK. I stayed in the office after Captain Fritz and the other men came back. He told us to go on home and come back the next morning about 10 o'clock.

Mr. BELIN. Then what happened?

Mr. ADAMCICK. Well, I went home, and about 10 or shortly before 10, I came in, and Captain Fritz asked Detectives Rose and Stovall; and Detective Moore—at this time he was a regular partner of Rose and Stovall—asked me, since I was there the previous day, to go along back to Mrs. Paine's house for a little more complete search.

Mr. BELIN. Did you have a search warrant at this time?

Mr. ADAMCICK. Yes; we stopped by and got a search warrant from Judge Joe B. Brown, Jr., over in Oak Cliff, and came by his house and picked up the search warrant.

Mr. BELIN. What did you do when you got to the house?

Mr. ADAMCICK. We got out to the house. I didn't have a search warrant. One of the other detectives did. They told us to come on in, and they were there.

I remember at the time we came in, that they were going grocery shopping, and they left and just told us to look at anything we wanted to.

Mr. BELIN. The previous day had you taken anything out of the house?

Mr. ADAMCICK. I didn't.

Mr. BELIN. Did any of the officers take anything out of the house?

Mr. ADAMCICK. Yes; some of the other officers did.

Mr. BELIN. What did they take?

Mr. ADAMCICK. I don't recall. I believe they took some camera equipment. It might have been a movie camera or projector. I didn't take anything. I know they took some items.

Mr. BELIN. Anything else that you remember?

Mr. ADAMCICK. No; there weren't too many items the first day.

Mr. BELIN. What about the second day?

Mr. ADAMCICK. The second day we made a pretty complete search. We went mainly in the garage. We had also an Irving police officer. It was, I think, Detective McCabe from the Irving police department. And we went through the house and garage.

Mr. BELIN. What did you take with you?

Mr. ADAMCICK. Well, we picked up—I got a list of it, also, which we turned over to the FBI, but we picked up items such as letters and pictures and oh, just a whole bunch of items.

Mr. BELIN. Did you find the picture of Oswald with the rifle?

Mr. ADAMCICK. I didn't find it. It was found while I was back in the garage.

Mr. BELIN. That was found in the garage?

Mr. ADAMCICK. Right.

Mr. BELIN. Any comments about that at all?

Mr. ADAMCICK. Naturally, when somebody found it, we all looked at it, and everybody said, "That looks like the rifle that was used in the assassination."

Mr. BELIN. Was Mrs. Paine or Mrs. Oswald there?

Mr. ADAMCICK. No. At that time they weren't there. They were grocery shopping.

Mr. BELIN. Did you show the picture to them later on?

Mr. ADAMCICK. The picture was shown to them, but it wasn't there at the scene, and it was shown at the office, I understand.

Mr. BELIN. You weren't there when it was done?

Mr. ADAMCICK. No; I wasn't.

Mr. BELIN. Anything else?

Mr. ADAMCICK. Well, no other than—I didn't even begin to tell you what all we found. It was books and pictures and they found some of his stuff from the Marine Corps when he was in the Marine Corps, and a lot of Russian, I think

they were books on the Russian language, and some vaccination certificates and stuff like that.

A lot of stuff was written in Russian, and we didn't have any idea what it said. Even the letters, a lot of them were written in Russian.

Mr. BELIN. Anything else?

Mr. ADAMCIK. No; I don't recall anything pertaining to the search at all. I know that everything we—at the time, that we felt it was important, as far as investigation of the murder of the President and Officer Tippit was concerned, we took with us. There might have been some things we didn't take, but at the time the search was conducted, it was conducted more or less for each person at the same time, for the murder.

Mr. BELIN. Was an inventory made of the items taken?

Mr. ADAMCIK. There was. Yes; there was, definitely.

Mr. BELIN. You put that on file with the Dallas Police Department?

Mr. ADAMCIK. There was an inventory made, and there was receipts for all the property, and it is itemized. Everything is itemized.

Mr. BELIN. Anything else that you can think of?

Mr. ADAMCIK. No; I know the search took a pretty good while. We didn't get back to the office until about 4 p.m., so I assume we got there probably around 11 or 11 :30, and we stayed there 3 or 4 hours.

Mr. BELIN. Anything else at all that you can think of that is important?

Mr. ADAMCIK. I don't know who found it. It was either Stovall or Rose.

Mr. BELIN. Officer Adamcik, I will hand you what appears to be a document from the Dallas Police Department entitled, "Property clerk's invoice or receipt." It is an inventory. It commences with page No. 11177G through 11193G, and ask you to state if this appears to be a copy of the inventory that you picked up out on your search there?

Mr. ADAMCIK. Let me see if I can see all these. Yes; it is.

Mr. BELIN. All right, rather than offer it in this deposition, I believe you said that—who was the senior officer out there among you, or wasn't there any?

Mr. ADAMCIK. Yes; there was. I was not the senior officer conducting the search. Probably Detective Rose, although I believe Detective Moore might have been previous, but since Detective Rose was there the previous day, he was spokesman for the group.

Mr. BELIN. Did Stovall work more with you or with Rose?

Mr. ADAMCIK. With Rose.

Mr. BELIN. I believe Mr. Ball is about to take the deposition of R. S. Stovall, and I think what we will do is give this inventory to Mr. Ball and let him introduce it in that deposition.

Mr. ADAMCIK. That first day I couldn't tell you anything because I was out of the house trying to take care of the kids.

Mr. BELIN. Is there anything else you can think of, officer, that we haven't discussed here?

Mr. ADAMCIK. No. The only thing is, after we finished conducting the search and got back to the office, I remember the previous day we didn't take an affidavit from Michael Paine, so Detective Moore and myself went back to Irving—should be around 5 o'clock, and picked up Mr. Paine and brought him back to the office for somebody to take an affidavit from him.

Mr. BELIN. Did he say anything, that you remember, when you were taking the affidavit, about the rifle or the blanket?

Mr. ADAMCIK. He did. I was present when he said it, and it is in the affidavit, about seeing the blanket in which the rifle was wrapped in, or he assumed it was the blanket in which the rifle was wrapped.

Mr. BELIN. Did he know that it contained a rifle?

Mr. ADAMCIK. I don't think so. But he said he had seen it several times previous to the assassination.

Mr. BELIN. Did he say anything about why he came to his wife's residence that day of the assassination?

Mr. ADAMCIK. Yes, sir; he did. I brought that out in the affidavit, and I remember something about him saying when he heard that the President got killed, well, knowing where it occurred and where Lee Oswald worked, and

knowing his background, well, he said that Oswald's name came into his mind immediately.

Mr. BELIN. Did he say it came into his mind?

Mr. ADAMCIK. He said, knowing about his background and all—I remember just about what he said—that he knew that he would be asked to be considered a suspect, and—or that we would consider him a suspect, something. He didn't say who, but the way the situation was.

Mr. BELIN. Did he say what it was in his background that would make him considered to be a suspect?

Mr. ADAMCIK. It is in the affidavit, and I can't remember what he said. Whether he said it was because he was in Russia at one time, or something about him being a Russian citizen, or whether it was because for some other reason.

Anyway, it is in the affidavit. I can't think exactly what he said. It is worded pretty well, because he signed the affidavit and it is in his words. I can look at it.

Mr. BELIN. Here is an affidavit that appears to be signed by Michael Paine. He says that he felt concern for his wife, is that correct?

Mr. ADAMCIK. Right; he did say that.

Mr. BELIN. He says that he saw a heavy pipelike object wrapped in a blanket, tied with a string. Is that what he said?

Mr. ADAMCIK. That is what he said.

Mr. BELIN. He said, "I picked it up to get it out of the way of the powersaw."

Mr. ADAMCIK. That is what he said.

Mr. BELIN. Did he say he had a lot of tools, and he mentioned he picked up this object and put it out of the way of his powersaw?

Mr. ADAMCIK. That's right.

Mr. BELIN. And it says in the affidavit he thought it was tenting equipment. Is that what he said?

Mr. ADAMCIK. That's right.

Mr. BELIN. He says later in the affidavit that he heard the President was shot while he was at work, is that correct?

Mr. ADAMCIK. That's correct.

Mr. BELIN. He said he heard the shots were from the Texas School Book Depository, and he said that he knew that Oswald worked there, and immediately thought of him, and wondered if he might have shot the President?

Mr. ADAMCIK. That is what he said.

Mr. BELIN. He says he wondered if he should call the FBI. Is that what he says in the affidavit?

Mr. ADAMCIK. That's right, exactly.

Mr. BELIN. He says he thought it unlikely that he shot the President. Did he say that he thought it was unlikely that Oswald shot the President?

Mr. ADAMCIK. Yes; he said that. And then he explained why he didn't call the FBI. He said he figured that—he did mention that the FBI knew about Oswald and that they would probably have contacted him and would consider him a suspect without him having to call them.

Mr. BELIN. Did he say why the FBI knew about Oswald?

Mr. ADAMCIK. No; he didn't.

Mr. BELIN. Anything else you can think of, sir?

Mr. ADAMCIK. No; I believe that is it. After we picked him up and took this affidavit just shortly after, I went on home and that was the end of it, until Sunday. Sunday I was off, and everything happened down there, luckily.

Mr. BELIN. Luckily you were off?

Mr. ADAMCIK. Yes.

Mr. BELIN. Sir; we want to thank you for your cooperation for coming down here. You have an opportunity to either let the deposition go directly to Washington, or you can come back and read it and sign it. You can waive the signing, or come back and read it and sign it, whatever you want to do.

Mr. ADAMCIK. About how long would it be before it is ready?

Mr. BELIN. Several days. You want to sign, or just let her send it on to us?

Mr. ADAMCIK. I would kind of like to look at it.

Mr. BELIN. All right, this lady will get in touch with you and you can take a look at it.

Mr. ADAMCIK. Okay.

TESTIMONY OF HENRY M. MOORE

The testimony of Henry M. Moore was taken at 11 a.m., on April 3, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. David W. Belin, assistant counsel of the President's Commission.

Mr. BELIN. Would you stand and raise your right hand and I will swear you here.

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. MOORE. I do.

Mr. BELIN. Mr. Moore, would you please state your name for the reporter.

Mr. MOORE. Henry M. Moore.

Mr. BELIN. What is your occupation, Mr. Moore?

Mr. MOORE. Police officer, city of Dallas.

Mr. BELIN. You were raised in Texas?

Mr. MOORE. Yes.

Mr. BELIN. How old are you?

Mr. MOORE. I am 39.

Mr. BELIN. Married?

Mr. MOORE. Yes.

Mr. BELIN. Family?

Mr. MOORE. Five children.

Mr. BELIN. Your wife has her hands full with them?

Mr. MOORE. Sure does.

Mr. BELIN. Did you go to high school here in Dallas?

Mr. MOORE. No; Ennis, Ennis High School.

Mr. BELIN. Where is that located?

Mr. MOORE. That is south of Dallas about 35 miles.

Mr. BELIN. Were you a graduate from high school?

Mr. MOORE. No, I didn't graduate.

Mr. BELIN. How far did you get through high school?

Mr. MOORE. Eighth.

Mr. BELIN. Then what did you do?

Mr. MOORE. Went in the Service.

Mr. BELIN. Into the Armed Services?

Mr. MOORE. Yes.

Mr. BELIN. Army or Navy?

Mr. MOORE. Paratroopers; Army.

Mr. BELIN. How long were you in the Paratroopers?

Mr. MOORE. Three years.

Mr. BELIN. When did you get out?

Mr. MOORE. January 11, 1946.

Mr. BELIN. Do you remember that day?

Mr. MOORE. Very well.

Mr. BELIN. Honorably discharged?

Mr. MOORE. Yes.

Mr. BELIN. Then what did you do after that?

Mr. MOORE. Oh, I fooled around on the farm about 3 years, and then I came to Dallas.

Mr. BELIN. Had you worked on the farm before you went into the Service?

Mr. MOORE. Yes.

Mr. BELIN. Between the time you got out of school and the time you went into the Service?

Mr. MOORE. No.

Mr. BELIN. You went direct from school to the Service?

Mr. MOORE. Shortly afterward.

Mr. BELIN. You were on the farm for a while, and then what did you do?

Mr. MOORE. Came to Dallas Police Department.

Mr. BELIN. What year was that?

Mr. MOORE. January 31, 1949.

Mr. BELIN. And you have been there ever since?

Mr. MOORE. Yes.

Mr. BELIN. What is your position there right now?

Mr. MOORE. Detective.

Mr. BELIN. Were you on duty on November 22 around noon?

Mr. MOORE. No.

Mr. BELIN. When were you to report to work that day?

Mr. MOORE. Four; 4:00 p.m.

Mr. BELIN. When did you report for work that day?

Mr. MOORE. Shortly after the assassination, soon as I could get to town.

Mr. BELIN. How shortly after?

Mr. MOORE. 1 or 1:30, somewhere around there. Maybe 2.

Mr. BELIN. You reported down at the main police station?

Mr. MOORE. Yes, sir.

Mr. BELIN. What did you do when you got there?

Mr. MOORE. Well, I helped answer telephones mostly for, oh, I don't know, until the time I went out to North Beckley to search Oswald's room.

Mr. BELIN. At 1026 North Beckley?

Mr. MOORE. Yes; I believe that is right.

Mr. BELIN. About when was that?

Mr. MOORE. I am going to guess around 6 or so in the evening. The notes may show a little closer time.

Mr. BELIN. Did you have a search warrant?

Mr. MOORE. Yes.

Mr. BELIN. Do you know who got it?

Mr. MOORE. The Judge issued it. Judge David Johnston.

Mr. BELIN. Did he go with you there, too?

Mr. MOORE. Yes.

Mr. BELIN. Who else went?

Mr. MOORE. District Attorney Bill Alexander and Detective F. M. Turner.

Mr. BELIN. You went to that address, and did the landlady—let me ask you this. You got to the door at 1026 North Beckley?

Mr. MOORE. Yes; we met some other officers there. They were already inside.

Mr. BELIN. At that time they found out that Lee Harvey Oswald lived there?

Mr. MOORE. I believe they had; yes.

Mr. BELIN. What did you do when you got there?

Mr. MOORE. We searched his room.

Mr. BELIN. Then what did you do?

Mr. MOORE. Brought everything in the room to the city hall.

Mr. BELIN. You made a list of what you found there?

Mr. MOORE. Yes.

Mr. BELIN. Anything in particular that you found there?

Mr. MOORE. Yes; one map, city of Dallas map, and it had several marks located on it.

Mr. BELIN. Anything else?

Mr. MOORE. Personal effects, clothing, radio, and gun scabbard.

Mr. BELIN. What do you mean by that?

Mr. MOORE. A holster.

Mr. BELIN. What kind of gun?

Mr. MOORE. .38 pistol, I believe it was.

Mr. BELIN. Did you find the gun itself, or just the holster?

Mr. MOORE. No; just the holster. I believe they had recovered the gun from him earlier in the day.

Mr. BELIN. Anything else there that you can establish?

Mr. MOORE. I believe I mentioned his clothing, personal effects?

Mr. BELIN. Some letters?

Mr. MOORE. Yes; I'm sure there were some letters and papers.

Mr. BELIN. Pamphlets?

Mr. MOORE. I am not sure. I believe there was some. I am not sure, though.

Mr. BELIN. I am going to hand you a copy which appears to be a photostatic copy of a property clerk's invoice or receipt. By the way, how many times did you go to 1026 North Beckley?

Mr. MOORE. I only went one time.

Mr. BELIN. Did anyone else search the room next day, or do you know?

Mr. MOORE. I don't know. I don't remember. I can't see any point. We brought everything that was in the room.

Mr. BELIN. You brought everything there? I am handing you pages marked on this police department, "City of Dallas property clerk's invoice or receipt No. 11194G through 11199G." Does this appear to be a copy of the inventory here?

Mr. MOORE. Yes; I believe it is.

Mr. BELIN. We will call that Moore Deposition Exhibit No. 1. I might state for the record that this appears to be—what was the last number I gave there—it looks like 11200G, and I might state for the record that these appear also in the Dallas police report file which is known in the President's Commission files as document 81B, pages 280-286, inclusive.

I note then on this list it states that the search warrant is dated November 23, 1963, which is 1 day later than the date that you made the search. Do you have any explanation for that?

Mr. MOORE. No; I wouldn't.

Mr. BELIN. Did you see the original search warrant at all, or not?

Mr. MOORE. I don't know.

Mr. BELIN. I also notice there appears to be included in these articles a driver's handbook of the State of Texas. Do you remember whether or not that was there?

Mr. MOORE. It would be hard to say any one personal item of that nature.

Mr. BELIN. In other words, you couldn't remember anything specifically there except you do know that you put down on the list, or participated in putting down on the list everything that was picked up there?

Mr. MOORE. Yes.

Mr. BELIN. Is there anything on this list, to the best of your knowledge, that was not picked up out at 1026 North Beckley?

Mr. MOORE. No.

Mr. BELIN. I noticed that there is an envelope which is marked "Envelope containing receipt for post office box 6225, Dallas, Tex., dated November 11, 1963, for the period ending December 31, 1963." Do you have any independent recollection of that being there?

Mr. MOORE. No.

Mr. BELIN. By that, you mean you cannot specifically recall now except you do know that someone put it down on the list as being obtained from there?

Mr. MOORE. Right.

Mr. BELIN. I also note that one of the items appears to be a World Health Organization vaccination card, bearing the name of Lee Oswald, with the name of the vaccinator as A. J. Hidell, post office box 30016, New Orleans, La., with the date stamped June 8, 1963.

Do you remember anything like that, one of those health cards?

Mr. MOORE. Not specifically no.

Mr. BELIN. And it says that there is a passport there. Do you remember that at all?

Mr. MOORE. Yes.

Mr. BELIN. You remember specifically the passport?

Mr. MOORE. Yes.

Mr. BELIN. Then there is an application for a Texas driver's license, which appears as No. 450. Do you remember that at all?

Mr. MOORE. Yes; I do, since I have read the list. I remember the driver's license application.

Mr. BELIN. I hand you Commission Exhibit 426, and ask you to state if you know what that is?

Mr. MOORE. Yes.

Mr. BELIN. What is that?

Mr. MOORE. Application for Texas driver's license.

Mr. BELIN. You picked it up there or someone with you picked it up on that day that you searched the residence at Beckley?

Mr. MOORE. Yes; you find my initials on the back of it, I believe.

Mr. BELIN. Your initials, it says, HMM, 11-22-63. Those are your initials?

Mr. MOORE. Yes; and date.

Mr. BELIN. Do you know who FMT is, or are those initials there?

Mr. MOORE. I believe that will be F. M. Turner.

Mr. BELIN. F. M. Turner?

Mr. MOORE. I believe. That is the only one I could think of it would be.

Mr. BELIN. All right. About how long did you stay out there?

Mr. MOORE. Hour and a half, possibly.

Mr. BELIN. Then what did you do?

Mr. MOORE. We drove back to the city hall.

Mr. BELIN. Now I assume then that you went through the property and marked it, and what have you. This took a little bit of time?

Mr. MOORE. Yes; it did.

Mr. BELIN. Anything else on that day that has anything else to do with the assassination of the President or the Tippit murder that you can think of offhand?

Mr. MOORE. No.

Mr. BELIN. The next day you reported for work about when?

Mr. MOORE. As soon after the Oswald shooting in the basement, as soon as I could get there. I live out of town.

Mr. BELIN. Wait, that is when Oswald was shot. I am not talking about Sunday. I am talking about Saturday. When did you search the Beckley premises? On Friday, Saturday, or Sunday?

Mr. MOORE. Saturday. No; we searched it on Friday. Irving on Saturday.

Mr. BELIN. Irving on Saturday. When did you get to work on Saturday?

Mr. MOORE. I believe I came in around 10 that morning.

Mr. BELIN. All right, you worked in the office for a while?

Mr. MOORE. Yes.

Mr. BELIN. Do you remember what you did offhand?

Mr. MOORE. Answered the phone.

Mr. BELIN. Then what did you do?

Mr. MOORE. I went out with Stovall and Rose and Adamcik to Irving later in the day to search the residence at Irving.

Mr. BELIN. Would that be 2515 West Fifth Street in Irving?

Mr. MOORE. Right.

Mr. BELIN. Had a search warrant for that?

Mr. MOORE. Yes.

Mr. BELIN. You found several items there?

Mr. MOORE. Yes.

Mr. BELIN. Made a list of those similar to this other list?

Mr. MOORE. Yes.

Mr. BELIN. Anything else? Do you remember any conversation you had out there with Mrs. Paine or Mrs. Oswald, Marina Oswald, or anyone else?

Mr. MOORE. When we arrived, they were preparing to leave and did leave. We had an Irving officer with us.

Mr. BELIN. Did they tell you to go ahead?

Mr. MOORE. Yes, they did; just go ahead and help ourselves. They said they would be back later, and I am not sure that they even returned before we left.

Mr. BELIN. Do you remember anything particularly you found out there that stands out in your mind?

Mr. MOORE. Rose found the picture of Oswald holding the rifle.

Mr. BELIN. Did Rose show it to you out there?

Mr. MOORE. Yes, he did; at the time he found it.

Mr. BELIN. Were you near him when he found it.

Mr. MOORE. Yes.

Mr. BELIN. How far away was he from you?

Mr. MOORE. This was a one-car garage, and it would have to be close. Four men searching in that garage. I would say a matter of 3 or 4 feet.

Mr. BELIN. What did Rose say to you when he found it?

Mr. MOORE. He said, "Look at this." Of course we all looked and commented on it.

Mr. BELIN. Then what did you do?

Mr. MOORE. Well, we continued our search, and after we had completed it, we again brought everything that we had picked up to our office.

Mr. BELIN. You made another list of it?

Mr. MOORE. Yes.

Mr. BELIN. Anything else that you did that day?

Mr. MOORE. No.

Mr. BELIN. Did you bring in Michael Paine for taking an affidavit from him, do you remember?

Mr. MOORE. Yes, I did. Mr. Adamcik and I went out and brought—we went back to the residence and brought him in later that day.

Mr. BELIN. You talked to him for a while?

Mr. MOORE. Yes, I did.

Mr. BELIN. Then you took the affidavit?

Mr. MOORE. Yes.

Mr. BELIN. Then the next day was the 24th of November, Sunday. Were you on duty Sunday morning?

Mr. MOORE. No.

Mr. BELIN. When did you get to work on Sunday?

Mr. MOORE. Approximately 1 o'clock.

Mr. BELIN. What did you do when you got there?

Mr. MOORE. I am sure I worked around the office until the time that Rose and I went to Ruby's apartment.

Mr. BELIN. Did you have a search warrant for that?

Mr. MOORE. Yes. We went to Judge Joe B. Brown's residence and got the search warrant.

Mr. BELIN. Is it pretty much standard procedure at the Dallas Police Department to have a search warrant whenever you go to a person's premises?

Mr. MOORE. More or less.

Mr. BELIN. If you don't have a search warrant, what is your procedure when you come to the door? Just what do you do?

Mr. MOORE. If we do not have a search warrant?

Mr. BELIN. Yes.

Mr. MOORE. Well, it would all depend on why we were going, really. If we got a search warrant, if we were looking for stolen property, or things of that nature, we would most probably have one. If we did not have one, if people invited us in, it would be legal to be in the house anyway. And if they don't invite us in, or tell us we can't enter, then in all probability we will get a search warrant and go in anyway.

Mr. BELIN. Anything else you can think of that is important in any way that bears on this investigation?

Mr. MOORE. No.

Mr. BELIN. Officer Moore, do we call you officer or detective or mister?

Mr. MOORE. Either way.

Mr. BELIN. You have an opportunity, if you like, to come back and read this deposition and sign it before it comes to us in Washington, or you can just waive signing and let the court reporter send it to us directly in Washington. Do you have any preference or not?

Mr. MOORE. No.

Mr. BELIN. You want to sign, or do you want to waive signing it?

Mr. MOORE. What is the procedure?

Mr. BELIN. Well, if you sign it, you come back and read it and then you sign it if it is accurate; otherwise, you leave it and we assume the court reporter is accurate, and she will send it to us as the record of your testimony here.

Mr. MOORE. I believe I would rather read it. No reflection on the reporter.

Mr. BELIN. Well, she is too nice a reporter. If you would like to read it, why you certainly have that right, and the reporter will be getting in touch with you. Do we have your address, or can she contact you at the Dallas Police Department?

Mr. MOORE. Yes; she can.

Mr. BELIN. You can come in and read it and she will send it to us.
Mr. MOORE. Yes.
Mr. BELIN. We thank you very much for your splendid cooperation. Good-bye.

TESTIMONY OF F. M. TURNER

The testimony of F. M. Turner was taken at 2:30 p.m., on April 3, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. David W. Belin, assistant counsel of the President's Commission.

Mr. BELIN. Do you want to stand and raise your right hand. 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. TURNER. I do.

Mr. BELIN. Would you please state your name.

Mr. TURNER. F. M. Turner.

Mr. BELIN. Where do you live, Mr. Turner?

Mr. TURNER. I live at Garland, Tex.

Mr. BELIN. That is a suburb of Dallas?

Mr. TURNER. Right.

Mr. BELIN. What is your occupation?

Mr. TURNER. Detective of the Dallas Police Department.

Mr. BELIN. How long have you been with the Dallas Police Department?

Mr. TURNER. About 13 years this September.

Mr. BELIN. How old are you?

Mr. TURNER. Thirty-five.

Mr. BELIN. Married?

Mr. TURNER. Right.

Mr. BELIN. Family?

Mr. TURNER. Right.

Mr. BELIN. Where were you born?

Mr. TURNER. Murphy, Tex.

Mr. BELIN. Spent all your life in Texas?

Mr. TURNER. Except for a couple of years in the service.

Mr. BELIN. Was that after you got out of high school?

Mr. TURNER. Yes.

Mr. BELIN. How far did you go in high school?

Mr. TURNER. Finished.

Mr. BELIN. You finished high school?

Mr. TURNER. Yes.

Mr. BELIN. Then what did you do?

Mr. TURNER. Went in the service.

Mr. BELIN. Was that high school in Murphy?

Mr. TURNER. No; it was Plano, Tex.

Mr. BELIN. Then you went in the service?

Mr. TURNER. Right.

Mr. BELIN. In the Army or Navy?

Mr. TURNER. Coast Guard.

Mr. BELIN. Coast Guard?

Mr. TURNER. Yes, sir.

Mr. BELIN. What did you do there?

Mr. TURNER. I was a storekeeper.

Mr. BELIN. Did you have a discharge from the Coast Guard, too?

Mr. TURNER. Yes.

Mr. BELIN. Did you get an honorable discharge?

Mr. TURNER. Right.

Mr. BELIN. Then what did you do?

Mr. TURNER. When I first came out, I went to work as a carpenter's helper up

around Plano there. I worked at that a short while. And then I worked for the Plano Lumber Yard in Richardson, Tex., and I worked there until I came to work for the police department.

Mr. BELIN. Were you on duty on November 22, 1963?

Mr. TURNER. I was.

Mr. BELIN. Did you have anything to do with the motorcade?

Mr. TURNER. I did; yes, sir.

Mr. BELIN. What was your position?

Mr. TURNER. I was riding in the pilot car of the motorcade, possibly 3 minutes in front of the motorcade.

Mr. BELIN. Who else was with your car?

Mr. TURNER. Chief Lumpkin from our department.

Mr. BELIN. Is he an assistant chief of police?

Mr. TURNER. Deputy chief of police.

Mr. BELIN. Anyone else?

Mr. TURNER. My partner, Detective B. L. Senkel, and an Army major whose name I do not remember.

Mr. BELIN. You went to Love Field to meet the President?

Mr. TURNER. In the car also was a Secret Service man, whose name I do not remember. Yes, sir; I did go to Love Field to meet the President.

Mr. BELIN. You saw the plane arrive?

Mr. TURNER. Yes, sir.

Mr. BELIN. You got prepared to leave a little bit ahead of time of the motorcade?

Mr. TURNER. We did. We drove to a gate on the outward edge of Love Field and waited until we got some radio contact from the chief. They were about ready to leave, and we had a running start.

Mr. BELIN. How many channels did you have on your radio?

Mr. TURNER. Two.

Mr. BELIN. Which channel were you on?

Mr. TURNER. Channel 2.

Mr. BELIN. Was the entire motorcade on channel 2?

Mr. TURNER. The entire motorcade was on channel 2, and I believe there was a dispatcher at the central station on channel 2, that relayed some of the changes, and some of the messages were car to car, back and forth.

Mr. BELIN. Other police business would be on channel 1, at the time, or also on channel 2?

Mr. TURNER. Other police business was on channel 1.

Mr. BELIN. All right, you went through the city ahead of the actual motorcade, is that correct?

Mr. TURNER. Yes, sir.

Mr. BELIN. Did you keep track of where the motorcade was?

Mr. TURNER. Yes, sir; by radio.

Mr. BELIN. By radio did you keep track of how fast the motorcade was going?

Mr. TURNER. Yes, sir; by radio.

Mr. BELIN. Do you remember whether or not there was any radio conversation as to how fast the motorcade was going at the time it got to Main and Houston?

Mr. TURNER. I don't recall.

Mr. BELIN. Who did you keep your primary radio contact with?

Mr. TURNER. Chief Curry.

Mr. BELIN. Now where were you when you first heard any signs of anything out of the ordinary?

Mr. TURNER. We were on Stemmons Freeway. I don't recall approximately, at the Oak Lawn exit, or somewhere right in that vicinity.

Mr. BELIN. What did you hear on the police radio?

Mr. TURNER. Well, I heard some conversation, either sounded like Curry's voice or Sheriff Decker's voice, who was riding in the car with him. I believe it said, sounded like Sheriff Decker said notify all men to get over there and cover off the area around this building there until some investigators could get there.

Mr. BELIN. Did you return to the Texas School Book Depository Building?

Mr. TURNER. Well, yes; but I don't believe he mentioned that building. I believe he just mentioned the overpass over the Elm Street. He said cover off that area around the overpass, I believe.

Mr. BELIN. Did you see the President's car come by your car?

Mr. TURNER. Out on the expressway, I did; yes.

Mr. BELIN. Where was the President's car headed?

Mr. TURNER. Parkland Hospital.

Mr. BELIN. What did you do then?

Mr. TURNER. We fell in behind it in our car.

Mr. BELIN. You went over to Parkland Hospital?

Mr. TURNER. Yes, sir.

Mr. BELIN. What did you do when you got there?

Mr. TURNER. We went up by the exit there and helped sort of control the crowd, and I never did go in. They unloaded the President's car.

Mr. BELIN. Did you watch them unload the President's car?

Mr. TURNER. Off and on, I mean, I was more or less mingling in the crowd, trying to restrain the crowd where they could have room to work.

Mr. BELIN. Did you see how they unloaded Governor Connally?

Mr. TURNER. No, sir; I didn't.

Mr. BELIN. Did you see how they unloaded the President?

Mr. TURNER. No, sir.

Mr. BELIN. Then what did you do?

Mr. TURNER. We got back in Chief Lumpkin's car along with him, and we come back to the Texas School Book Depository Building.

Mr. BELIN. When did you get back there, approximately?

Mr. TURNER. In relation to time, I don't know. But it was just about a short while. I would say, I don't know, 10 or 15 minutes after it happened. We just started out there in a matter of minutes, and we drove code 3, with the sirens on, and we came back down here.

Mr. BELIN. Then what did you do?

Mr. TURNER. Chief Lumpkin told me to search out a caboose to a train that was parked at the rear of the building. I went in and searched this boxcar out, and come out of there, and by that time they were already in the building, I supposed. I went in the building and that is when I ran across this Mr. Campbell and Truly.

Mr. BELIN. Now let me ask you this. Did you find anything in the boxcar?

Mr. TURNER. No, sir.

Mr. BELIN. Did you see any railroad employee over there?

Mr. TURNER. At the boxcar?

Mr. BELIN. Or in this area, did you talk to anybody?

Mr. TURNER. No sir; this was a caboose of a boxcar, that is what it was, sitting there.

Mr. BELIN. Did you talk to anyone over there that indicated where they heard the shots came from?

Mr. TURNER. Talked to these people from the School Book Depository.

Mr. BELIN. Prior to the time you got to the School Book Depository, did you talk to anyone?

Mr. TURNER. No, sir.

Mr. BELIN. All right, now, you say you saw Mr. Campbell and Mr. Truly, and who else?

Mr. TURNER. Mr. Molina.

Mr. BELIN. They all worked there?

Mr. TURNER. Yes; they said they did.

Mr. BELIN. Where did you talk to them?

Mr. TURNER. Down on the first floor of this building, back sort of a warehouse like.

Mr. BELIN. Did they say where they heard the shots come from?

Mr. TURNER. Yes, sir; they did.

Mr. BELIN. What did they say?

Mr. TURNER. Well, I believe they said they thought they all came from west of the building at that time.

Mr. BELIN. Did they say where they were when they heard the shots, when the shots came?

Mr. TURNER. Well, according to my notes, Mr. Truly stated that he was at the front of the store watching the parade in the front of the building, and Mr. Campbell had walked across the street, and this Joe Molina, I don't have on here where he was. He just said he worked in the warehouse.

Mr. BELIN. That is all your notes show on him?

Mr. TURNER. Said they all thought the sound came from west of their building.

Mr. BELIN. Can I take a look at that book of yours? It might cut down the questioning?

Mr. TURNER. Yes; this is more or less some notes.

Mr. BELIN. You are handing me kind of a spiral notebook that you have. I notice here, well, let me ask you this. Then what did you do after that?

Mr. TURNER. About that time there was a deputy sheriff, Mr. Sweatt, come over and told me they sent a witness over to their office, which was located diagonally across the street, and said this witness might be able to shed light on the description of a suspect, so I went to the sheriff's office and I stayed there for quite some spell talking to witnesses.

Mr. BELIN. Who did you talk to?

Mr. TURNER. Several of them. I would have to look up their names.

Mr. BELIN. Well, looking at your index in your little notebook, I see you have something about an Arnold Rowland there?

Mr. TURNER. Yes; I talked to Rowland.

Mr. BELIN. What do your notes say you talked to Rowland about? What did Rowland say, according to your notes?

Mr. TURNER. Said he was standing. I don't know whether he was with his wife or his girl friend, I don't know what connection, they were standing on Houston between Main and Elm, approximately 15 minutes before the President arrived. They saw a man standing back in the background of an open window two floors from the top.

Mr. BELIN. Two floors from the top?

Mr. TURNER. That is what he said. The man appeared to have a rifle with scope on it in his hand and he noticed another thing that he said about this, he said the man was standing on the west side of the building.

Mr. BELIN. The west side of the south side of the building?

Mr. TURNER. Yes.

Mr. BELIN. What else did he say?

Mr. TURNER. He thought it was a security man, is the reason that he made no issue of it. I am unable to give a description except a white man, and that he heard three shots.

Mr. BELIN. Did he say how much of the man he saw, or not; do you remember?

Mr. TURNER. No, sir; I don't remember any further. There was a court reporter there and so forth, and they took an affidavit of him at the time.

Mr. BELIN. Did he say anything about seeing any other man in the window in any other windows there?

Mr. TURNER. Not that I recall.

Mr. BELIN. All right, did you interview any Ronald Fischer or a Robert Edwards?

Mr. TURNER. I got a Ronald Fischer and Bob Edwards.

Mr. BELIN. What do you have about them?

Mr. TURNER. They said they saw a white man in his twenties standing on the fifth floor of the Book Building in the east window. Had on an open-necked sports shirt and had sandy-colored hair. And said the hair was longer than a crewcut.

Mr. BELIN. What else did they say?

Mr. TURNER. That is all the notes I have. Like I said, there was an affidavit taken from them at the time, too.

Mr. BELIN. Now this is with regards to the—do you have this under Fischer or under Edwards, or both?

Mr. TURNER. Under both. They were more or less together at the time.

Mr. BELIN. Did they think they could identify the man?

Mr. TURNER. Thought they said they could identify him.

Mr. BELIN. Did you ever take pictures out for either one of them?

Mr. TURNER. Yes; I have.

Mr. BELIN. Which one?

Mr. TURNER. The one that lives in Mesquite, whichever one that is.

Mr. BELIN. That is Ronald Fischer?

Mr. TURNER. Whatever that is.

Mr. BELIN. What did Fischer say about the pictures?

Mr. TURNER. He said it could be the man he saw, but he couldn't remember positive.

Mr. BELIN. Did he give you any more identification of the man?

Mr. TURNER. None other than that.

Mr. BELIN. You were at the sheriff's office then and took part in the taking of various affidavits there?

Mr. TURNER. I questioned witnesses. I didn't take any of the affidavits, but they did send court reporters and secretaries up and affidavits was taken from them.

Mr. BELIN. Do you remember, you yourself, questioning a Howard Leslie Brennan or anyone questioning a Brennan?

Mr. TURNER. Brennan, let me check. I've got a Charles F. Brehan [spelling] B-r-e-h-a-n, that I talked to.

Mr. BELIN. No; that is not the one.

Mr. TURNER. Probably I didn't. That was probably the name I was thinking of when you said Brennan.

Mr. BELIN. All right, while you were there, did you learn that an officer had been shot?

Mr. TURNER. I did; yes, sir.

Mr. BELIN. Then what happened?

Mr. TURNER. Well, I stayed down there for quite some time talking to these witnesses, and then I went back over to the School Book Depository Building to check and see if my partner was there.

Mr. Senkel hadn't seen him in quite a while and didn't locate him. There was several officers over there, Special Service, still had the building secured, and you want this mentioned that coat business in there?

Mr. BELIN. Yes.

Mr. TURNER. The coat has no bearing on the case.

Mr. BELIN. You mean in your statement I have with reference to a coat being found on Industrial Street?

Mr. TURNER. Yes, sir; as far as I know, that still has no bearing in the case, but it was placed in the property room.

Mr. BELIN. You just found a coat somewhere?

Mr. TURNER. Well, a Mr. Kaminski from the police department handed me a coat when I went back over to the building, with a note of who had turned it into him, where it was found, and he had no idea whether it had any bearing on the case or not.

Mr. BELIN. Have you investigated?

Mr. TURNER. As far as I know, the coat does not have any bearing on the case.

Mr. BELIN. All right, go ahead.

Mr. TURNER. After I left there, I went back to the sheriff's office and I talked to the one lieutenant in our office then and found out that Mr. Senkel had gone back to our office, so he in turn, he told me I might as well come on up there, looked like things, about all I could do down there.

Mr. BELIN. Then what did you do?

Mr. TURNER. I went to the city hall.

Mr. BELIN. What did you do there?

Mr. TURNER. Well, when I walked in there, one of the lieutenants was talking about finding a justice of the peace to obtain a search warrant, and I told him that I just left the sheriff's office and one of the J.P.'s was down there when I left, David Johnston, and so he said, "Well, see if you can get hold of him and get a warrant for this address on North Beckley and carry the warrant over there."

Mr. BELIN. Would that have been 1026 North Beckley?

Mr. TURNER. Yes, sir; I am sure it is. I have to look in the paper here a minute; 1026 North Beckley.

Mr. BELIN. All right, what did you do there?

Mr. TURNER. Well, Detective Moore was in the office. He and I got a car and drove down by the, back down to the sheriff's office, and when we got there, Judge Johnston and one of the assistant district attorneys, Bill Alexander, was standing on the front steps waiting for us, because someone got ahold of him by phone and told them I was on the way.

Mr. BELIN. Was that Detective H. M. Moore?

Mr. TURNER. Yes, sir.

Mr. BELIN. Then what did you do?

Mr. TURNER. We went on over, the four of us—me, Detective Moore, Judge Johnston, and Mr. Alexander—went over to 1026 North Beckley where this Lee Oswald had a room in it.

Mr. BELIN. You went over there on November 22?

Mr. TURNER. Yes, sir.

Mr. BELIN. Now according to one record that I have of a search warrant, it is dated November 23. Do you have any particular knowledge whether the search warrant was actually dated November 22 or November 23?

Mr. TURNER. I don't remember the date on it, but I know he had the warrant made out, and handed it to me when I got in the car, but I don't remember the date on the warrant.

Mr. BELIN. Then what did you do?

Mr. TURNER. We looked through this room and picked up everything in it that didn't belong with the house, you know.

Mr. BELIN. Where was W. E. Potts and Bill Senkel?

Mr. TURNER. They were along with Lieutenant Cunningham and the three were there when we got there.

Mr. BELIN. Then what did you do?

Mr. TURNER. We picked up all the articles and brought them to the homicide and robbery office of the city hall.

Mr. BELIN. You made out an inventory of them there?

Mr. TURNER. Yes, sir.

Mr. BELIN. I am handing you what has been marked "Moore Deposition Exhibit 1," and ask you to state whether this appears to be a copy of an inventory that you made?

Mr. TURNER. I think all of this—

Mr. BELIN. Just a second—

Mr. TURNER. We got stuff out of two or three different places. Here is the typed-up list of the copies that I made.

Mr. BELIN. You made a typed-up list of things that you picked up at 1026 North Beckley?

Mr. TURNER. Yes, sir.

Mr. BELIN. Are these the things that you picked up?

Mr. TURNER. That is the same that was picked up there.

Mr. BELIN. Was this a complete list, or might there have been other things?

Mr. TURNER. There is some articles of clothing that is not listed. It is just listed as miscellaneous clothing and so forth.

Mr. BELIN. This is your original?

Mr. TURNER. No, sir; that is a carbon.

Mr. BELIN. This is a carbon? Who typed the carbon?

Mr. TURNER. Well, the carbon was made at the time the original was made by one of the secretaries in the—our office.

Mr. BELIN. Who dictated it?

Mr. TURNER. Well, that is a different thing. She took it out of this notebook, and Mr. Moore wrote part of it in the notebook and I wrote part.

Mr. BELIN. In other words, these are copies [of] notebooks that you had?

Mr. TURNER. Yes, sir.

Mr. BELIN. Well, let's mark this as an exhibit. Let's mark this as "Turner Deposition Exhibit 1," which I will offer to introduce in evidence.

Do you need this back?

Mr. TURNER. No; I am sure we have other copies. That is a copy I had in

my locker. I mean, that is probably the same. They might have made a more detailed description of it down at the property room.

Mr. BELIN. All right, what did you do after you left the Beckley residence? Did you talk to the landlady there at all? Or not?

Mr. TURNER. Talked to her, but I can't recall her name. There was a Mrs. Johnson and Mr. Johnson and Earlene Roberts. There were two or three people there.

Mr. BELIN. Do you remember anything that anyone said at that time?

Mr. TURNER. No, sir; I don't. Mr. Potts and Senkel and Cunningham were waiting for us to bring the warrant, so they had been talking to them before we did.

Mr. BELIN. Do you remember finding a leather gun holster?

Mr. TURNER. Yes, sir; there was a holster found.

Mr. BELIN. Now, what did you do after that?

Mr. TURNER. After we brought this stuff to the office?

Mr. BELIN. Yes.

Mr. TURNER. Well, by that time the phones and everything else were going wild. I answered phones around there for quite a while. I believe I did take an affidavit from a sister of the boy that worked with Oswald at the Texas School Book Depository, the boy that he rode to work with that morning.

Mr. BELIN. What do you do when you take an affidavit, by the way? How do you go about doing it?

Mr. TURNER. Well, I just take the—let them tell the story, and write it down in longhand, and get the secretary to type it up, and let them sign it in front of a notary.

Mr. BELIN. Do you have an affidavit in front of you or your notes from this Linnie Mae Randle, this sister of the boy that drove him to work, or not?

Mr. TURNER. No, sir.

Mr. BELIN. Do you throw those out once the affidavit is typed up?

Mr. TURNER. I don't believe they ever gave it back to us. I guess the secretary, she might have filed it somewhere.

Mr. BELIN. Anything else you did that day?

Mr. TURNER. That is the only affidavit I can remember taking in this thing.

Mr. BELIN. All right, what happened? Anything else on that day that you think is important insofar as the assassination is concerned?

Mr. TURNER. I don't think of anything. Let me look through these notes here and see about where we are. As far as that day goes, that is about it.

Mr. BELIN. Let me ask you this. Do you remember when you were out at 1026 North Beckley finding a passport at all? Does that ring a bell with you?

Mr. TURNER. I think there was a passport, maybe one or two.

Mr. BELIN. Do you remember whether or not there was any kind of vaccination card, one of those yellow health organization vaccination cards which bears the name of Lee Oswald? Do you remember whether there was any of those there or not?

Mr. TURNER. I don't recall that.

Mr. BELIN. You don't remember whether there was or was not?

Mr. TURNER. I don't remember whether there was or was not; no, sir.

Mr. BELIN. What about the next day, Saturday, November 23?

Mr. TURNER. Just nothing of importance that I did that day, that I know of, except I came to work, like I said.

They had to put in four or five extra phones up there, and it kept lots of us busy answering the phone.

Mr. BELIN. At that time did you ever get involved in any interrogation sessions with Oswald?

Mr. TURNER. No, sir; I never was.

Mr. BELIN. Did you ever get involved in any showups of Oswald?

Mr. TURNER. No, sir. I think I might have got right in on the tail end of one down there, but I don't recall the details. I think I walked in just as they were winding up on him one night.

Mr. BELIN. Did you receive any phone calls about anyone that tried to identify the rifle as to where it might have been purchased from?

Mr. TURNER. Yes, sir; I did. On one of the phone calls, but I don't know

the man's name that called, but he did state that he had seen a picture. This was probably Saturday, the next day. He stated that he had seen this picture somewhere of this rifle, that was found, and he stated this about this Klein's Sporting Goods of Chicago had an exact replica in a magazine that he had seen, and I passed that along to Captain Fritz, and he already had the information.

Mr. BELIN. Anything—any other information come in on Saturday of any importance?

Mr. TURNER. Not that I can recall.

Mr. BELIN. All right; were you in the police station Sunday morning, November 24?

Mr. TURNER. No, sir.

Mr. BELIN. When did you come to the police station?

Mr. TURNER. I came in from church, approximately, shortly after 12, and my mother-in-law or somebody told me they had seen the incident happen, or had then heard the incident, or told me about the incident, so I called the office and they said come on to work, so I probably got to work about 1 o'clock or so.

Mr. BELIN. Then you stayed down there on Sunday?

Mr. TURNER. Yes, sir; until in the night.

Mr. BELIN. Anyone call in on Sunday about anything of importance with regard to the assassination?

Mr. TURNER. Yes, sir. I mean, I don't know whether it was in regard to the assassination. They called in about there was supposed to be a man at Irving that sighted in a rifle out there.

Mr. BELIN. Do you know who it was that called in?

Mr. TURNER. Yes, sir; it was Mr. Ray Johns, channel 8 news.

Mr. BELIN. What did he say?

Mr. TURNER. He stated he had received an anonymous call stating Oswald had the rifle sighted in on Thursday, November 21, at a gunshop at 111 or 212 Irving Boulevard.

Mr. BELIN. What did you do then?

Mr. TURNER. Well, I checked the crisscross and phone book and found there was an Irving Sports Shop at 221 East Irving Boulevard.

Mr. BELIN. Then what did you do?

Mr. TURNER. Found a man that owned it, Woody Greener, and had a man, Dial Ryder, that worked for him.

Mr. BELIN. Did you talk with either or both of them?

Mr. TURNER. Yes; I did. I don't remember that particular time, but I have talked with both of them.

Mr. BELIN. Do you remember if it was on that day or a subsequent day?

Mr. TURNER. I don't remember whether it was that day or the next day, I sure don't.

Mr. BELIN. Who did you talk to? Did you talk to Greener?

Mr. TURNER. I talked to Mr. Greener first.

Mr. BELIN. Did you later talk to Ryder or not?

Mr. TURNER. Yes, sir; I have talked to Ryder.

Mr. BELIN. What did Greener say?

Mr. TURNER. Well, they said that they had all seen pictures of Oswald in the paper, and neither of them could recall doing anything—any work for the man in the shop.

Mr. BELIN. What else did he say, if anything?

Mr. TURNER. He stated he would check his files and records for names, and would call back if he found anything and he was giving us a reason there, from looking at the photos in the picture, why they hadn't worked on it.

Mr. BELIN. What reason did he give you?

Mr. TURNER. Well, in the photos it showed that the screws that hold the clamp that holds the scope on the rifle looked like they were on top of the gun, and he thinks, he says that neither of them have ever seen a gun where the scope was mounted with the screws on top.

Mr. BELIN. Were they ever talked to again about the thing?

Mr. TURNER. Yes.

Mr. BELIN. About when was that?

Mr. TURNER. About November 28.

Mr. BELIN. Who did you talk to?

Mr. TURNER. Mr. Greener.

Mr. BELIN. What did he say?

Mr. TURNER. He stated that they found a work ticket in the rear of the shop. Said this ticket had no date on it, but the best they could figure out, his—this work probably came in around November the 4th or November the 8th of 1963.

Mr. BELIN. Well, what else did he say about the work ticket that would call attention to it?

Mr. TURNER. He said the ticket had the name Oswald on it, written on it, and the word "drill and tap, \$4.50, and bore sighting, \$1.50."

Mr. BELIN. Did he say whether or not he could remember anything about this, about the man they did the work for?

Mr. TURNER. He stated that he could not; no, sir.

Mr. BELIN. Did you ever talk to Ryder about it, or not?

Mr. TURNER. Yes, sir; I did.

Mr. BELIN. What did Ryder say?

Mr. TURNER. He couldn't remember either, anything about the man.

Mr. BELIN. Did you ever show them the gun itself?

Mr. TURNER. I didn't; no, sir.

Mr. BELIN. Do you know whether or not the gun was ever shown to these men?

Mr. TURNER. No, sir; I don't.

Mr. BELIN. Did he say who wrote the ticket?

Mr. TURNER. They said that it was Ryder's writing, I believe.

Mr. BELIN. Let me ask you this. Did you ever pick up the work ticket on—or try to pick up the work ticket?

Mr. TURNER. Yes, sir; I tried to. Went by Mr. Greener's house. He said that he had orders from a Mr. Horton of the FBI to hold this ticket and not let it get away from him.

Mr. BELIN. When did you contact Greener about this?

Mr. TURNER. Sir?

Mr. BELIN. When did you contact Greener about this, or don't you remember?

Mr. TURNER. I don't know.

Mr. BELIN. Do you know what the phrase, "Drill and tap," means, or did you discuss this with Mr. Greener?

Mr. TURNER. Yes, sir; I did. He explained it to me.

Mr. BELIN. What did he say about it?

Mr. TURNER. He said the phrase, "Drill and tap," as used by a gunsmith means to drill a hole, using a tap to put threads in the hole to attach a scope mount. Said that he charged a \$1.50 a hole to bore these holes. Said this would mean that the mount on this scope would have three screws in it.

Mr. BELIN. Let's see, that would be \$4.50. Well, as I understand it, he said that—do you know how many screws the rifle had on the top of it that was found in the School Book Depository Building?

Mr. TURNER. No, sir; I don't. I never examined it.

Mr. BELIN. But this would indicate three screws on top?

Mr. TURNER. According to his charges of a \$1.50 a hole.

Mr. BELIN. How many on top? I mean, three screws based on his \$1.50 a screw?

Mr. TURNER. A hole.

Mr. BELIN. What about the bore sight? What does that mean?

Mr. TURNER. The phrase boresight, his description means to attach to a spud to the barrel of the rifle, and then using a sight-alining tool, they attach this spud to this tool and align the crosshairs, and that is to sight a rifle in.

Mr. BELIN. Did he indicate to you whether or not he knew of any particular rifle that had three screws on the scope mount?

Mr. TURNER. Yes, sir; he named two. He said that most mounting for scopes was four screws, but he said there are two or three, the Springfield 03AM and the British 303. He said those two use three screws in their mount.

Mr. BELIN. Now do you have anywhere in your notes as to whether or not

you put down as to how many screws in a mount this rifle found in the School Book Depository Building had?

Mr. TURNER. No, sir.

Mr. BELIN. All right; did he say whether or not he sold any ammunition for a 6.5 caliber Italian rifle?

Mr. TURNER. He stated he does not sell ammunition for those caliber rifles, 6.5.

Mr. BELIN. Did he say whether or not he would try and do any further checking to see if he could determine when the order was picked up?

Mr. TURNER. Yes, sir; he said he would check his sales tickets and see if he could find perhaps by the \$6 charge approximately what date it might have been picked up.

Mr. BELIN. Did you ever go back and talk with him later to see whether or not he did this?

Mr. TURNER. We did, but he wasn't, as far as I can remember, he wasn't able to do any good. He might have had a lot of charges in that amount or nature or something.

Mr. BELIN. Any other conversations with him that you recall right now?

Mr. TURNER. None that I can recall.

Mr. BELIN. What about the other man, Mr. Ryder? Did you ever talk to him?

Mr. TURNER. Yes, sir; I did.

Mr. BELIN. What did he say and what did you say?

Mr. TURNER. Mr. Ryder said that he wrote the work ticket up with the name Oswald on it. We showed him a picture of Oswald, and he stated that he cannot identify the man as the one who left the rifle with him.

Mr. BELIN. Did he say that he was sure that Oswald's picture was not the man, or did he just say he could not give positive identification one way or the other, if you remember?

Mr. TURNER. I don't recall the exact words, but I know he didn't identify him.

Mr. BELIN. What else did he say?

Mr. TURNER. Well, he said that, I believe, that this ticket was written up with a pencil. He said he usually writes with a pen, and he could recall some days in the past month when he had forgotten his pen or something, and he was going to check around and see if he could figure out what day the rifle might have been left there.

Mr. BELIN. Did he ever do this at all, or not?

Mr. TURNER. I don't recall whether he did or not.

Mr. BELIN. You don't have another record of your going back and talking to him, do you?

Mr. TURNER. No, sir.

Mr. BELIN. You don't know if the FBI did?

Mr. TURNER. No, sir.

Mr. BELIN. Did he say whether or not he had ever seen any pictures of the rifle?

Mr. TURNER. Said he had seen pictures of it, yes, sir; probably in the paper.

Mr. BELIN. Did he say whether or not those pictures enabled him to determine that he had or had not worked on it?

Mr. TURNER. He said from the pictures he had seen of it, he did not think that he was working on it.

Mr. BELIN. Why not?

Mr. TURNER. He thinks from the photos that the scope mounting had only two screws in it, and he states that they charged for three on this ticket, and said that he also thinks that he would remember a cheap scope like was attached to this rifle, and would have tried to sell the man another one, and would remember that.

Mr. BELIN. Anything else about him?

Mr. TURNER. No, sir.

Mr. BELIN. All right, now, I believe you said you took a picture of Oswald out to this Ronald Fischer that lived in Mesquite, Tex.?

Mr. TURNER. Yes, sir.

Mr. BELIN. Do you remember anything else that Fischer might have said about this?

Mr. TURNER. No, sir; only that he said the photos of Oswald looked like the man he saw at the window that shot, and he stated he saw this man a minute or less before the motorcade arrived, and could not say definitely this was the man. He said it looked like him.

Mr. BELIN. Detective Turner, is there anything else you can think of that in any way bears upon the assassination of the President of the investigation you made that we haven't discussed here?

Mr. TURNER. No, sir.

Mr. BELIN. You have been sitting here while I put in a call to Washington to determine whether or not the rifle had two or three holes for screws for the mounting of the scope, and just so that your curiosity will be relieved, I will say that I have a report from Washington that there are only two holes for mounting the scope on this particular rifle. Well, if you have nothing further, we want to thank you very much for all the cooperation in coming down here.

One other thing on the record. You have the opportunity to read this and sign it before it goes to Washington, or you can just waive the signature and have the court reporter ship it. Do you have any preference or not?

Mr. TURNER. What have they been doing?

Mr. BELIN. Well, most of the officers have been saying they would as soon read it and sign it, but you can do it either way.

Mr. TURNER. I suppose it is all right to just let it go.

Mr. BELIN. You want to waive it?

Mr. TURNER. Well.

TESTIMONY OF GUY F. ROSE

The testimony of Guy F. Rose was taken at 3 p.m., on April 8, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Will you please hold up your right hand to be sworn?

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

Mr. ROSE. I do.

Mr. BALL. Will you state your name, now, please?

Mr. ROSE. G. F. Rose, 714 Hall Road, Seagoville.

Mr. BALL. What is your business?

Mr. ROSE. I am a police officer, a detective assigned to the homicide and robbery bureau.

Mr. BALL. How long have you been with the Dallas Police Department?

Mr. ROSE. Ten years.

Mr. BALL. Where were you born?

Mr. ROSE. I was born in Grannis, Ark.

Mr. BALL. And where did you go to school?

Mr. ROSE. I finished high school in Grand Prairie High School and attended grade school at Shady Grove Independent School District between Irving and Grand Prairie.

Mr. BALL. And what have you done since then?

Mr. ROSE. Well, after I finished high school I went to work for a construction company as a timekeeper and worked until I was 21. Then I went on the police department.

Mr. BALL. You have been on the police department ever since you were 21 years old?

Mr. ROSE. Yes, sir.

Mr. BALL. That was what year?

Mr. ROSE. It was in 1954.

Mr. BALL. On the 22d of November 1963, were you on duty?

Mr. ROSE. I went on duty shortly after the assassination. At the time of the assassination I was not on duty.

Mr. BALL. Did somebody call you and ask you to come on duty?

Mr. ROSE. No; I came in just as soon as I heard of the shooting—I came on to work.

Mr. BALL. Where did you go to work?

Mr. ROSE. I reported to the homicide office. It's room 317 at the city hall.

Mr. BALL. Where did you go then?

Mr. ROSE. There were some people in the office from the Book Depository and we talked to a few of them and then in just a few minutes they brought in Lee Oswald and I talked to him for a few minutes.

Mr. BALL. What did you say to him or did he say to you?

Mr. ROSE. Well, the first thing I asked him was what his name was and he told me it was Hidell.

Mr. BALL. Did he tell you it was Hidell?

Mr. ROSE. Yes; he did.

Mr. BALL. He didn't tell you it was Oswald?

Mr. ROSE. No; he didn't, not right then—he did later. In a minute—I found two cards—I found a card that said "A. Hidell." And I found another card that said "Lee Oswald" on it, and I asked him which of the two was his correct name. He wouldn't tell me at the time, he just said, "You find out." And then in just a few minutes Captain Fritz came in and he told me to get two men and go to Irving and search his house.

Mr. BALL. Now, when he first came in there—you said that he said his name was "Hidell"?

Mr. ROSE. Yes.

Mr. BALL. Was that before you saw the two cards?

Mr. ROSE. Yes; it was.

Mr. BALL. Before you saw the cards?

Mr. ROSE. Yes; it was.

Mr. BALL. Did he give you his first name?

Mr. ROSE. He just said "Hidell"; I remember he just gave me the last name of "Hidell".

Mr. BALL. And then you found two or three cards on him?

Mr. ROSE. Yes; we did.

Mr. BALL. Did you search him?

Mr. ROSE. He had already been searched and someone had his billfold. I don't know whether it was the patrolman who brought him in that had it or not.

Mr. BALL. And the contents of the billfold supposedly were before you?

Mr. ROSE. Yes.

Mr. BALL. Were you sitting down?

Mr. ROSE. No; I was standing in the interrogation room.

Mr. BALL. Where was he—was he standing too?

Mr. ROSE. No; he was sitting in the chair.

Mr. BALL. Was he handcuffed?

Mr. ROSE. Yes; he was.

Mr. BALL. Were the handcuffs behind or in front of him?

Mr. ROSE. I believe they were behind him—I don't remember for sure.

Mr. BALL. Who else was present at that time?

Mr. ROSE. Detective Stovall, he was my partner, and I believe both uniformed men were present—two of the uniformed men were present.

Mr. BALL. The ones who brought him in?

Mr. ROSE. Yes.

Mr. BALL. Do you know their names?

Mr. ROSE. I don't remember—I did see McDonald and I did talk to him, but I don't remember whether he was the one that was standing right there at the time or not.

Mr. BALL. After you saw the cards, you asked him which one was his true name?

Mr. ROSE. Yes; I did.

Mr. BALL. What did he say?

Mr. ROSE. He said, "You find out."

Mr. BALL. Did you ask him what his address was?

Mr. ROSE. Yes; but from there, he wouldn't tell me—he just said, "You just find out."

Mr. BALL. Now, did anybody ever tell you that his address was 1026 North Beckley?

Mr. ROSE. Later they did—right then they didn't; no, sir.

Mr. BALL. You didn't know it at that time?

Mr. ROSE. No, sir; I didn't.

Mr. BALL. How soon after that did you go out to Irving—to the Irving Street address?

Mr. ROSE. In just a few minutes Captain Fritz came in and he instructed me to get two men and go to Irving to the Ruth Paine home and so I went immediately.

Mr. BALL. Did he tell you "the Ruth Paine home," or did he tell you to go to a certain address in Irving?

Mr. ROSE. I believe he gave me the address.

Mr. BALL. What was the address?

Mr. ROSE. 2515 West Fifth in Irving.

Mr. BALL. How many men went out there?

Mr. ROSE. There was me, and Detective Adameik and Detective Stovall, and on the way, we radioed and asked for a county unit to meet us, and we were met by Detectives Harry Weatherford, E. W. Walthers, and J. L. Oxford, detectives for the county CID—we waited about 40 minutes and they came and met us.

Mr. BALL. Did you have a search warrant?

Mr. ROSE. No; we didn't.

Mr. BALL. How did you get in the house?

Mr. ROSE. We walked up to the house, me and Stovall and one of the county officers, and I could hear the TV was playing, and I could see the door was standing open—the front door was—and I could see two people sitting inside the living room on the couch, and just as soon as we walked up on the porch, Ruth Paine came to the door. She apparently recognized us—she said, "I've been expecting you all," and we identified ourselves, and she said, "Well, I've been expecting you to come out. Come right on in."

Mr. BALL. Did she say why she had been expecting you?

Mr. ROSE. She said, "Just as soon as I heard where the shooting happened, I knew there would be someone out."

Mr. BALL. You took part in the search, didn't you?

Mr. ROSE. Yes; I did.

Mr. BALL. What part did you take?

Mr. ROSE. Well, I was the senior detective that was there, and so I was sort of the spokesman for the group, I suppose, and Stovall went into the bedroom of Marina Oswald—Marina Oswald's bedroom, and I don't remember where Adameik went first, but I talked with Ruth Paine a few minutes and she told me that Marina was there and that she was Lee Oswald's wife and that she was a citizen of Russia, and so I called Captain Fritz on the phone and told him what I had found out there and asked him if there was any special instructions, and he said, "Well, ask her about her husband, ask her if her husband has a rifle."

I turned and asked Marina, but she didn't seem to understand. She said she couldn't understand, so Ruth Paine spoke in Russian to her and Ruth Paine also interpreted for me, and she said that Marina said—first she said Marina said "No," and then in a minute Marina said, "Yes, he does have."

So, then I talked to Captain Fritz for a moment and hung up the phone and I asked Marina if she would show me where his rifle was and Ruth Paine interpreted and Marina pointed to the garage and she took me to the garage and she pointed to a blanket that was rolled up and laying on the floor near the wall of the garage and Ruth Paine said, "Says that that's where his rifle is."

Well, at the time I couldn't tell whether there was one in there or not. It appeared to be—it was in sort of an outline of a rifle.

Mr. BALL. You mean the blanket had the outline of a rifle?

Mr. ROSE. Yes; it did.

Mr. BALL. Was it tied at one end?

Mr. ROSE. Yes, sir; it was sort of rolled up, but it was flattened out from laying down and tied near the middle, I would say, with a cord and so I went on and picked the blanket up, but it was empty—it didn't have the rifle in it.

Mr. BALL. You brought that in?

Mr. ROSE. Yes; I did.

Mr. BALL. What else did you see?

Mr. ROSE. I didn't make very much of a search of the garage at that time. I came back into the house and talked with Marina some more and talked with Ruth Paine some and was busy trying to make arrangements to get someone to come down and take care of Ruth Paine's children and Marina's children so I could bring them to the city hall and I did assist Stovall and Adamcik in this search, briefly—I didn't do too much.

Mr. BALL. Could I see the report there, please?

Mr. ROSE. Yes—I wrote that report shortly after the 24th—I believe it was around the 24th, but I don't remember for sure what date I wrote it. I wrote it from some notes that I had taken.

Mr. BALL. Now, after you were there for a little while, did Michael Paine come in?

Mr. ROSE. Yes; we had only been there a few minutes and we were in plain cars, so I don't know whether he knew we were there. He didn't appear to know we were there, and he walked up the sidewalk and just walked in the door without knocking, and I was standing just around the corner talking to Ruth Paine and she was standing in his view and he didn't see any of the officers—we were all out of sight at that time, and he walked in and he said, "I came to help you. Just as soon as I heard where it happened, I knew you would need some help."

Then he apparently saw us and then he spoke to us.

Mr. BALL. Did Marina Oswald tell you—point to the blanket and say something?

Mr. ROSE. She pointed to the blanket and said something in Russian and Ruth Paine was standing right there beside her and she interpreted for me—she said, "That's where her husband's rifle is."

Mr. BALL. About that time, while you were there, did a Mrs. Linnie Randle come over to you?

Mr. ROSE. She might have come up to the yard and I didn't talk with her—I saw her out in the yard—I didn't talk to her.

Mr. BALL. You didn't talk to her at all?

Mr. ROSE. At that time I didn't—I did later.

Mr. BALL. You brought Ruth Paine and Marina down to the police department, did you?

Mr. ROSE. Yes; we took Ruth Paine and Marina and Marina's two children in our car and also the blanket—I carried it.

Mr. BALL. And the rest of that day you spent in inquiring for and looking around for Wesley Frazier?

Mr. ROSE. Well, we came on back to the city hall and we took Ruth Paine and Michael Paine and Marina Oswald to the homicide office, but it was so crowded that we transferred them to the forgery bureau office next door, and then someone came over and I believe it was the Detective Senkel, to take affidavits from them and I immediately started trying to locate Wesley Frazier.

We were told that he would be at Parkland Hospital, but we checked through Parkland and there was no Fraziers there and I started a check of the clinics and the doctors' offices in Irving, and I located through one of the nurses, I believe, or talked to someone on the phone there that Mr. Frazier was in the hospital there at the Irving Clinic, so I called Detective McCabe in Irving and told him that we wanted to talk with Wesley Frazier and that we understood that Wesley was the one that had brought Lee Oswald to work that morning.

Mr. BALL. You took a statement from Frazier that day?

Mr. ROSE. Yes; we got Frazier and brought him in and took a written affidavit off of him.

Mr. BALL. And you also talked to Linnie Randle that night?

Mr. ROSE. Yes; I brought her in, too.

Mr. BALL. Did you talk to Lee Oswald any more during that day except the time you mentioned?

Mr. ROSE. No, sir; I didn't.

Mr. BALL. Were you present at any time that anyone questioned him?

Mr. ROSE. Not that day. I was the next day, on Saturday—I was present when Captain Fritz talked to him.

Mr. BALL. On Saturday morning you went out to Irving again?

Mr. ROSE. Yes, sir; I did.

Mr. BALL. At this time you had a search warrant?

Mr. ROSE. Yes, sir; I did.

Mr. BALL. What did you search on this day?

Mr. ROSE. We made a search of the garage, mainly, on this day since quite a bit of Lee Oswald's property was in the garage.

Mr. BALL. What did you find there?

Mr. ROSE. Well, I found two sea bags, three suitcases, and two cardboard boxes and all of them contained numerous items of property of Oswald.

Mr. BALL. Did you find some pictures?

Mr. ROSE. Yes; I found two negatives first that showed Lee Oswald holding a rifle in his hand, wearing a pistol at his hip, and right with those negatives I found a developed picture—I don't know what you call it, but anyway a picture that had been developed from the negative of him holding this rifle, and Detective McCabe was standing there and he found the other picture—of Oswald holding the rifle.

Mr. BALL. What color were the sea bags?

Mr. ROSE. I believe they were kind of an off white—I would call them—more of a greyish-white.

Mr. BALL. What about the suitcases?

Mr. ROSE. I don't remember the color of those suitcases. I know one of them was real worn.

Mr. BALL. But you brought that property back here into town, did you?

Mr. ROSE. Yes; we did.

Mr. BALL. Now, you say you sat in on the interrogation of Oswald later that day?

Mr. ROSE. On Saturday evening—that Saturday evening.

Mr. BALL. What time?

Mr. ROSE. I don't remember—it was late—it seemed like it was around 9 or 10 o'clock, I don't remember.

Mr. BALL. Who was present?

Mr. ROSE. Well, Captain Fritz, Detective Sims, and myself—I don't remember—there was an FBI agent and a Secret Service agent there, but I don't remember their names.

Mr. BALL. Do you remember what was said?

Mr. ROSE. Do I remember what was said?

Mr. BALL. That this took place in Captain Fritz' office?

Mr. ROSE. In Captain Fritz' office—yes. Well, the occasion was—I got back to the office and I took this small picture of Oswald holding the rifle, and left the rest of them with the Captain and I took one up to the I.D. bureau and had them to make me an enlargement of it, and they made an almost 8" by 10" enlargement of this picture and I brought it back to the captain and Oswald was brought in and the captain showed him this picture, and Oswald apparently got pretty upset when he saw the picture and at first he said, "Well, that's just a fake, because somebody has superimposed my face on that picture." Then, the captain said, "Well, is that your face on the picture?"

And he said, "I won't even admit that. That is not even my face." I remember that part of it distinctly.

I remember him volunteering some information about when he was in Russia.

Mr. BALL. What did he say?

Mr. ROSE. Well, he talked about how life was better for the colored people in Russia than it was in the United States. I don't remember—he just rambled on—he liked to talk about that, but he wouldn't talk about anything to do with the assassination or the killing of Tippit.

Mr. BALL. Did you ever hear anybody accuse him of assassinating the President?

Mr. ROSE. No, sir; I don't believe I did.

Mr. BALL. Did you ever hear anybody accuse him of killing Tippit?

Mr. ROSE. No; I don't believe so. Some mention might have been made of the assassination but I don't believe it was as an accusation to him. That was the only interrogation I sat in on.

Mr. BALL. That was the only one you sat in on?

Mr. ROSE. Yes, sir.

Mr. BALL. Do you remember anything else that was said in that interrogation?

Mr. ROSE. No, sir; that's about all I can remember. There was more said, but I don't remember what it was.

Mr. BALL. Did you take part in any of the search of the premises?

Mr. ROSE. Let's, let's see—that was Saturday, and then Sunday, immediately after Oswald was shot, I reported for duty and I was supposed to be off and I reported on as soon as as he was shot and Captain Fritz told me to get a search warrant and go out to Jack Ruby's apartment and search it and I did.

Mr. BALL. I believe those are all the questions I have to ask you, Mr. Rose, and this will be written up and submitted to you for your signature, if you want to read it and sign it, or if you want to, you can waive your signature—just as you wish. What do you prefer?

Mr. ROSE. Well, I don't know—will it be later?

Mr. BALL. A couple of weeks.

Mr. ROSE. Well, if she will just call me, I will drop by anytime.

Mr. BALL. Okay, that will be fine. We will do this. Thanks very much.

Mr. ROSE. Let's see, there was something else I was going to tell you now, I wanted to mention—we did run Wesley Frazier on the polygraph, did you know that?

Mr. BALL. I know you did—we know about that.

Mr. ROSE. Yes.

Mr. BALL. Thanks.

TESTIMONY OF W. E. PERRY

The testimony of W. E. Perry was taken at 9:20 a.m., on April 9, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Will you stand up 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. PERRY. Yes.

Mr. BALL. State your name, please.

Mr. PERRY. W. E. Perry.

Mr. BALL. What is your occupation? What is your address?

Mr. PERRY. 6821 Overlook.

Mr. BALL. And your occupation?

Mr. PERRY. Police officer.

Mr. BALL. Can you tell me something about yourself? Where you were born and where you were raised?

Mr. PERRY. I was born and raised right here in Dallas.

Mr. BALL. Where did you go to school?

Mr. PERRY. Went to school here in Dallas and Forest High School.

Mr. BALL. And what did you do after you got out of school?

Mr. PERRY. Well, I worked for the phone company a little while and went in business with my dad in the furniture business, and then I went on to the police department. Been there about 11 years.

Mr. BALL. Now, with the police department, what was your occupation in November of 1963?

Mr. PERRY. I was with the vice and special services bureau.

Mr. BALL. On November 22, 1963, were you on duty in the afternoon?

Mr. PERRY. Yes, sir.

Mr. BALL. In the vice bureau—

Mr. PERRY. Yes.

Mr. BALL. Squadroom?

Mr. PERRY. Yes, sir.

Mr. BALL. Did you take part in a showup?

Mr. PERRY. Yes; I did.

Mr. BALL. What time?

Mr. PERRY. Approximately 4:35 or—

Mr. BALL. First one?

Mr. PERRY. Yes.

Mr. BALL. Did you take part in another showup?

Mr. PERRY. Yes, sir.

Mr. BALL. What time?

Mr. PERRY. 6:30.

Mr. BALL. Take part in any other showups?

Mr. PERRY. No, sir.

Mr. BALL. Had you ever taken part in a showup before?

Mr. PERRY. Not that I recall.

Mr. BALL. Off the record.

(Discussion off the record.)

Mr. BALL. Back on the record. Had you ever heard of officers taking part in showups before in your department?

Mr. PERRY. Yes, sir.

Mr. BALL. But, you hadn't yourself?

Mr. PERRY. I hadn't myself; no, sir.

Mr. BALL. Had you ever seen a showup in which officers took part?

Mr. PERRY. Physically, down there?

Mr. BALL. Yes.

Mr. PERRY. Not that I recall, that has been an awful long time ago. I don't recall.

Mr. BALL. Now, do you use your—use showups in your business, in the vice squad?

Mr. PERRY. I don't think we do; huh-uh, no. Never heard of it done.

Mr. BALL. You never have? Who talked to you and asked you to take part in the first showup?

Mr. PERRY. Captain Fritz.

Mr. BALL. Did he talk to you?

Mr. PERRY. No; he talked to somebody else in our bureau.

Mr. BALL. And they relayed the order to you?

Mr. PERRY. Yes, sir.

Mr. BALL. What did you do?

Mr. PERRY. We went on up to—Clark and myself went on up to the third floor of the homicide office.

Mr. BALL. Was Oswald there?

Mr. PERRY. Yes, sir.

Mr. BALL. Who else was there?

Mr. PERRY. Several different people. Captain Fritz, a lot of homicide detectives and Texas Rangers and several other people that I don't know who they were. I gather law enforcement agencies, but it was, the office was—

Mr. BALL. Anything said there?

Mr. PERRY. I don't recall.

Mr. BALL. Any conversation with Oswald?

Mr. PERRY. No, sir.

Mr. BALL. And before you went down to the showup, how did you dress?

Mr. PERRY. I pulled my coat off and took my tie off and unbuttoned my shirt and put another sports coat on.

Mr. BALL. What color?

Mr. PERRY. I believe it was a brown sports coat.

Mr. BALL. Then you went down to the showup?

Mr. PERRY. Went down to the showup.
Mr. BALL. Were you handcuffed?
Mr. PERRY. Yes.
Mr. BALL. To whom?
Mr. PERRY. To Oswald.
Mr. BALL. Which arm, or hand?
Mr. PERRY. My left hand to his right hand.
Mr. BALL. What place did you have in the showup?
Mr. PERRY. I was No. 1.
Mr. BALL. And where was Oswald?
Mr. PERRY. Oswald was No. 2, next to me.
Mr. BALL. Who was handcuffed to Oswald?
Mr. PERRY. Clark was handcuffed.
Mr. BALL. That was No. 3. Who was 4?
Mr. PERRY. Ables.
Mr. BALL. Did you ever know him before?
Mr. PERRY. I had seen—had seen him, but I didn't know him personally.
Mr. BALL. He is a clerk in the jail?
Mr. PERRY. Yes.
Mr. BALL. Policeman ask you any questions? Detective ask you any questions?
Mr. PERRY. Yes, sir; my name and what have you.
Mr. BALL. Well, what do you mean, "what have you."?
Mr. PERRY. Well, occupation.
Mr. BALL. What else?
Mr. PERRY. I believe he asked me what kind of car I drove if I'm not mistaken.
Mr. BALL. And what answer did you give him?
Mr. PERRY. I gave him all fictitious answers. I don't recall what they were, but they weren't—
Mr. BALL. You didn't give him your true name?
Mr. PERRY. No, sir.
Mr. BALL. Or true address?
Mr. PERRY. No, sir.
Mr. BALL. Or the car you drove?
Mr. PERRY. No, sir.
Mr. BALL. Ask you what your occupation was?
Mr. PERRY. Yes, sir; he did, but I don't recall what I said to him.
Mr. BALL. Did you tell him you were a police officer?
Mr. PERRY. No, sir.
Mr. BALL. Gave some—
Mr. PERRY. Yes, sir.
Mr. BALL. You took part in the second showup, didn't you?
Mr. PERRY. Yes, sir.
Mr. BALL. At 6:30, and who called you for that?
Mr. PERRY. We were down in the office and they simply called us and said they were ready for us again. Wanted us to come back and then we went back up there and—
Mr. BALL. How were you dressed that time?
Mr. PERRY. Same way.
Mr. BALL. Same coat?
Mr. PERRY. Same coat.
Mr. BALL. No tie?
Mr. PERRY. No tie.
Mr. BALL. Give the same answers and same name, occupation and address?
Mr. PERRY. Best I recall I think they were all fictitious too.
Mr. BALL. Did you hear any conversation which took place in the audience?
Mr. PERRY. No, sir.
Mr. BALL. Do you know who the detective was that asked the questions?
Mr. PERRY. Sims, I believe. It was Sims.
Mr. BALL. Do you think that was Sims? Do you know Sims?
Mr. PERRY. I do. It was Sims; yes, sir.

Mr. BALL. Sims was behind with you. He was not in the audience?
Mr. PERRY. That's right.
Mr. BALL. According to the record, did he ask questions from the stage?
Mr. PERRY. From the stage where we were; yes, sir.
Mr. BALL. Where you were. Who asked them the first time? Do you know?
Mr. PERRY. I don't recall. I don't know.
Mr. BALL. But you remember Sims did the second one?
Mr. PERRY. Yes, sir.
Mr. BALL. All right. Will you state your height, please?
Mr. PERRY. About 5'11".
Mr. BALL. What is your weight?
Mr. PERRY. About 150.
Mr. BALL. And your hair?
Mr. PERRY. Brown.
Mr. BALL. And your eyes?
Mr. PERRY. Blue.
Mr. BALL. Complexion?
Mr. PERRY. I guess medium, fair, I guess.
Mr. BALL. Fair. That's all.

TESTIMONY OF RICHARD L. CLARK

The testimony of Richard L. Clark was taken at 9:15 a.m., on April 9, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Will you stand up and be sworn, please.
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. CLARK. I do.
Mr. BALL. Will you state your name, please.
Mr. CLARK. Richard L. Clark.
Mr. BALL. What is your address, please, your home address?
Mr. CLARK. 4928 Live Oak.
Mr. BALL. What is your business or occupation?
Mr. CLARK. Detective for the Dallas Police Department.
Mr. BALL. How long have you been in the Dallas Police Department?
Mr. CLARK. Eleven years.
Mr. BALL. Where were you born and raised?
Mr. CLARK. Dallas, Tex.
Mr. BALL. Go through school here?
Mr. CLARK. Went to school in Irving.
Mr. BALL. What did you do after that?
Mr. CLARK. After I went to school?
Mr. BALL. Yes, sir.
Mr. CLARK. I went to work.
Mr. BALL. Where? Let me explain to you that as the Commission isn't going to see you personally, they ask us to find out something about you and where you were born and your early education, what you have done most of your life, try to get some idea of who is giving the testimony.
Mr. CLARK. Worked for Merchants Retail Credit Association before the police department.
Mr. BALL. What kind of work do you do on the police department?
Mr. CLARK. Vice squad detective.
Mr. BALL. On the 22d of November 1963, you took part in some showup of the police department, did you?
Mr. CLARK. Yes.
Mr. BALL. How many?

Mr. CLARK. Two.

Mr. BALL. Do you remember what time these showups were?

Mr. CLARK. They were in the late afternoon but I don't remember the exact time.

Mr. BALL. Well, let's take the first showup of which you were a part. That was in the afternoon of the 22d of November 1963, wasn't it?

Mr. CLARK. Yes, sir.

Mr. BALL. Who asked you to take part in that showup?

Mr. CLARK. Captain Fritz called down to our office and wanted a couple of men to come up and make a showup with Oswald.

Mr. BALL. And where did you go then?

Mr. CLARK. Went up to the third floor, to Captain Fritz' office.

Mr. BALL. Who went with you?

Mr. CLARK. My partner.

Mr. BALL. What is his name?

Mr. CLARK. W. E. Perry.

Mr. BALL. Who was in Captain Fritz' office when you got there?

Mr. CLARK. Everybody that was in there.

Mr. BALL. Were there a good many people in there?

Mr. CLARK. Bunch of people in there.

Mr. BALL. Was Oswald in there?

Mr. CLARK. Oswald was there.

Mr. BALL. Do you know the names of the other people?

Mr. CLARK. Homicide detectives, Texas Rangers, FBI. Everybody.

Mr. BALL. What was said at that time?

Mr. CLARK. They told us just to wait right there, that they wanted us to make a showup with them.

Mr. BALL. Did you wait there very long?

Mr. CLARK. I'd say we waited in the office maybe 15 minutes or less.

Mr. BALL. Anything said while you were there?

Mr. CLARK. No, sir.

Mr. BALL. Then what did you do?

Mr. CLARK. We took off our coats, ties. I put on a little—I believe it was a red vest, went on down to the jail office.

Mr. BALL. Where did you get the vest?

Mr. CLARK. At homicide.

Mr. BALL. You didn't own a——

Mr. CLARK. No, sir; just hanging loose in there.

Mr. BALL. Did you have a white shirt on?

Mr. CLARK. Yes, sir.

Mr. BALL. Cuff links, or——

Mr. CLARK. No, sir; I believe a short-sleeve shirt.

Mr. BALL. Short-sleeve shirt?

Mr. CLARK. Uh-huh.

Mr. BALL. Took off your tie?

Mr. CLARK. Yes, sir.

Mr. BALL. Unbuttoned your top button on your shirt?

Mr. CLARK. Yes, sir.

Mr. BALL. What kind of pants did you have on?

Mr. CLARK. Brown.

Mr. BALL. With belt?

Mr. CLARK. Yes, sir.

Mr. BALL. What about your partner, what did he do?

Mr. CLARK. He took off his tie and his coat, and I believe they had a sports coat hanging there that he put on.

Mr. BALL. And you went down in the showup room?

Mr. CLARK. Yes, sir.

Mr. BALL. How many men were in the showup with you?

Mr. CLARK. Total?

Mr. BALL. Yes, sir.

Mr. CLARK. Well, let's see. Myself, my partner, Oswald, and another man out of the jail office.

Mr. BALL. What was his name? Do you know? Was that Ables?

Mr. CLARK. Yes, sir.

Mr. BALL. What was your position in the showup?

Mr. CLARK. My right hand was handcuffed to Oswald's left hand.

Mr. BALL. Your right—

Mr. CLARK. To his left.

Mr. BALL. To his left. Then who was next to Oswald?

Mr. CLARK. And my partner, W. E. Perry, was next to Oswald.

Mr. BALL. Was he handcuffed to Oswald?

Mr. CLARK. Yes, sir; he was. Handcuffed his left hand to Oswald's right hand.

Mr. BALL. What about Mr. Ables?

Mr. CLARK. Mr. Ables was standing to the left.

Mr. BALL. Was he handcuffed?

Mr. CLARK. No, sir.

Mr. BALL. Off the record.

(Discussion off the record.)

Mr. BALL. Okay. We'll put that on. Now, did you have numbers in the showup as such? Have a number above each man?

Mr. CLARK. Yes; I believe we do.

Mr. BALL. Now, facing the audience, if you were in the audience, were you numbered from left to right?

Mr. CLARK. Numbered from left to right.

Mr. BALL. As you faced the audience?

Mr. CLARK. Yes.

Mr. BALL. And as the audience faces you, it is right to left to the audience?

Mr. CLARK. The audience facing us it—well, it would be just opposite.

Mr. BALL. Opposite, that's right. Now, as you faced the audience, who was the first one to the left?

Mr. CLARK. First one to my left?

Mr. BALL. Yes.

Mr. CLARK. Be Ables.

Mr. BALL. The No. 1 was Ables?

Mr. CLARK. No, sir; No. 1 was Perry.

Mr. BALL. Who was No. 2?

Mr. CLARK. Oswald.

Mr. BALL. Who was No. 3?

Mr. CLARK. Myself.

Mr. BALL. Who was No. 4?

Mr. CLARK. Ables.

Mr. BALL. And he stood to your right and faced the audience?

Mr. CLARK. No, sir; he stood to my left as I was facing the audience. The audience was looking at him, it would be—

Mr. BALL. He stood on your left?

Mr. CLARK. That's right.

Mr. BALL. I see. Ables would be the No. 4 man?

Mr. CLARK. Yes, sir.

Mr. BALL. And you the No. 3 man?

Mr. CLARK. Yes, sir.

Mr. BALL. Oswald was 2, your partner 1?

Mr. CLARK. That's right.

Mr. BALL. Now, did the detective in this first showup ask you any questions?

Mr. CLARK. Did the detective ask us?

Mr. BALL. Yes, in the showup?

Mr. CLARK. No, sir; he didn't ask any questions.

Mr. BALL. Now, back to the first showup, did the detective ask you any questions? Ask your name and address and occupation?

Mr. CLARK. Oh, in the showup?

Mr. BALL. In the showup.

Mr. CLARK. Yes, sir.

Mr. BALL. What did he ask you?

Mr. CLARK. He asked me my name.

Mr. BALL. What did you tell him?
Mr. CLARK. I don't remember what I told him.
Mr. BALL. Did you give him your real name?
Mr. CLARK. No, sir.
Mr. BALL. Fictitious name?
Mr. CLARK. Yes, sir.
Mr. BALL. Ask you your occupation?
Mr. CLARK. Asked my occupation.
Mr. BALL. What did you tell him?
Mr. CLARK. I don't recall. All of them are fictitious.
Mr. BALL. Fictitious?
Mr. CLARK. Yes, sir.
Mr. BALL. Did you hear anything that was said in the audience?
Mr. CLARK. No, sir; I couldn't hear anything that was said.
Mr. BALL. Lights were on you?
Mr. CLARK. Lights were on us; yes, sir.
Mr. BALL. And you couldn't see in the audience?
Mr. CLARK. No, sir.
Mr. BALL. Now, can you refresh your memory from the police report and tell me what time that first showup was?
Mr. CLARK. 4:35 p.m.
Mr. BALL. P.m.? You were in the second showup also, weren't you?
Mr. CLARK. Second showup would be 6:30 p.m.
Mr. BALL. Now, those were the only two showups in which you took part?
Mr. CLARK. Yes, sir.
Mr. BALL. Now, at the 6:30 showup, how did you happen to take part in that?
Mr. CLARK. I believe some detective, I don't recall who, came up from homicide and told us that there would probably be another showup after the first one, to stick around in the event that there was that they wanted us again.
Mr. BALL. Did you still stick around?
Mr. CLARK. We went back to our office.
Mr. BALL. To your office? Did you get a call?
Mr. CLARK. Yes, sir; they called us back down there.
Mr. BALL. Who called you?
Mr. CLARK. I don't recall who called us.
Mr. BALL. Where did you go when you got the call?
Mr. CLARK. Back up to the third floor, homicide office up there.
Mr. BALL. Fritz' office?
Mr. CLARK. Yes.
Mr. BALL. What had you done with the little red vest that you had on in the first showup?
Mr. CLARK. I had left—after the showup we went back upstairs to the homicide, and I took it off and left it there.
Mr. BALL. What did you do for the second showup? How did you dress?
Mr. CLARK. The same red vest.
Mr. BALL. What about your tie?
Mr. CLARK. No tie.
Mr. BALL. What about the coat?
Mr. CLARK. No coat.
Mr. BALL. Now, on the second showup, where were you standing?
Mr. CLARK. Same position.
Mr. BALL. Same position?
Mr. CLARK. Yes.
Mr. BALL. Facing the audience, who was No. 1?
Mr. CLARK. Facing the audience, Perry would have been No. 1. Oswald—
Mr. BALL. Who?
Mr. CLARK. Perry.
Mr. BALL. Oswald was 2?
Mr. CLARK. Oswald, 2; myself, 3; Ables, 4.
Mr. BALL. And did the detective ask you questions?
Mr. CLARK. Yes, sir; he asked me questions again.

Mr. BALL. What did he ask you?
Mr. CLARK. Name, address, occupation.
Mr. BALL. And do you remember what you said?
Mr. CLARK. No, sir; they were all fictitious answers.
Mr. BALL. And again, could you hear anything said in the audience?
Mr. CLARK. No, sir.
Mr. BALL. What is your height?
Mr. CLARK. About 5'11".
Mr. BALL. What is your weight?
Mr. CLARK. About 177.
Mr. BALL. And your hair?
Mr. CLARK. Blond.
Mr. BALL. And your eyes?
Mr. CLARK. Blue.
Mr. BALL. Your complexion is fair?
Mr. CLARK. Fair.
Mr. BALL. Had you ever taken part in a showup before?
Mr. CLARK. No.
Mr. BALL. Was it unusual to have an officer, from your experience in the police department, was it unusual to have an officer take part in the police department showup?
Mr. CLARK. No; it wasn't unusual.
Mr. BALL. You ever helped them before?
Mr. CLARK. No, sir.
Mr. BALL. I think that is all.
Will you give your seat to your partner here, and we'll take his deposition.

TESTIMONY OF DON R. ABLES

The testimony of Don R. Ables was taken at 9:45 a.m., on April 9, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Would you stand up 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. ABLES. I do.
Mr. BALL. Will you state your name, please.
Mr. ABLES. Don R. Ables.
Mr. BALL. Where do you live, Mr. Ables?
Mr. ABLES. 1520 Kingsley, in Garland.
Mr. BALL. What is your business or occupation?
Mr. ABLES. Jail clerk, Dallas Police Department.
Mr. BALL. How long have you been a jail clerk in the Dallas Police Department?
Mr. ABLES. About 7 months.
Mr. BALL. And you are a member of the police department?
Mr. ABLES. I am a civilian employee.
Mr. BALL. Civilian employee? You are not—
Mr. ABLES. An actual member of the—
Mr. BALL. An actual member of the department?
Mr. ABLES. No, sir.
Mr. BALL. Where were you born and raised?
Mr. ABLES. I was born and raised in Hico, Tex.
Mr. BALL. How do you spell that? You probably know it. I don't.
Mr. ABLES. [Spelling.] H-i-c-o.
Mr. BALL. [Spelling.] H-i-c-o. Did you go to school there?
Mr. ABLES. Yes, sir.

Mr. BALL. How far through school?
Mr. ABLES. Well, through 10½ grades.
Mr. BALL. Then where did you go?
Mr. ABLES. Joined the Navy.
Mr. BALL. How long were you in the Navy?
Mr. ABLES. Seven and a half years.
Mr. BALL. What did you do when you got out of the Navy?
Mr. ABLES. Came straight to Dallas and went to work for the police department.
Mr. BALL. That was 7 months ago?
Mr. ABLES. Yes, sir.
Mr. BALL. You were on duty on November 22, 1963, were you?
Mr. ABLES. Yes, sir.
Mr. BALL. In the afternoon? Did you take part in a showup?
Mr. ABLES. Yes, sir.
Mr. BALL. With Oswald?
Mr. ABLES. Yes, sir.
Mr. BALL. How did you happen to take part in the showup? Tell me who asked you to, or ordered you to?
Mr. ABLES. Well, my supervisor in the jail office asked me to.
Mr. BALL. What is his name?
Mr. ABLES. Sergeant Duncan.
Mr. BALL. What did he tell you?
Mr. ABLES. Told me that they needed a man for the showup and go out there.
Mr. BALL. To where?
Mr. ABLES. Well, they was all standing in the room, and I just joined in with them.
Mr. BALL. Where did you go?
Mr. ABLES. Went into the showup room.
Mr. BALL. Showup room?
Mr. ABLES. Yes, sir.
Mr. BALL. How were you dressed when you went in the showup room?
Mr. ABLES. I was wearing a white shirt and this sweater here [indicating].
Mr. BALL. You have a gray-knit sweater on?
Mr. ABLES. Yes.
Mr. BALL. And dark trousers?
Mr. ABLES. Yes, sir.
Mr. BALL. Have a tie on?
Mr. ABLES. No.
Mr. BALL. Then you were dressed about like you are dressed today, is that right?
Mr. ABLES. Yes.
Mr. BALL. Off the record.
(Discussion off the record.)
Mr. BALL. Were you given any instructions when you went into the showup room?
Mr. ABLES. No, sir; none whatever.
Mr. BALL. Had you ever been in a showup before?
Mr. ABLES. No.
Mr. BALL. Had you ever heard of officers or employees of the Police Department being used in a showup before?
Mr. ABLES. Yes, sir; I have. I hadn't until I went to work for the police department.
Mr. BALL. Did you ever afterwards?
Mr. ABLES. Yes, sir.
Mr. BALL. Tell me, it is your conclusion I know, but tell me briefly what you learned as to the practice of the police department of using jail employees or officers in showups? You can generalize. I am not holding you down as to where you learned it. Tell me what you learned about it?
Mr. ABLES. Well, only times that I have heard that—I have never seen a police officer or employee used in a showup but only times I have heard of them being

used is when they need somebody in a hurry, or need somebody to do that. Well, to more or less look like they belong in a showup or something.

Mr. BALL. Somebody that looks like the prisoner who is in the showup?

Mr. ABLES. Yes, sir.

Mr. BALL. Were you aware when you went in there that you would be asked certain questions?

Mr. ABLES. No, sir.

Mr. BALL. You were not? When you went in there where did you stand in the line?

Mr. ABLES. I was No. 4.

Mr. BALL. That would be facing the audience?

Mr. ABLES. Yes.

Mr. BALL. You were aware then that you were No. 4 in this?

Mr. ABLES. Yes, sir.

Mr. BALL. That would be you were on the left, on the right, facing the audience?

Mr. ABLES. Be on the left.

Mr. BALL. Left facing the audience, is that right?

Mr. ABLES. Yes.

Mr. BALL. Your left?

Mr. ABLES. My left.

Mr. BALL. Your left, facing the audience. The detective there, did he ask you any questions?

Mr. ABLES. Yes, sir.

Mr. BALL. What did he ask you?

Mr. ABLES. As I recall, he asked me where I was from and what my occupation was and where I went to high school.

Mr. BALL. And where what?

Mr. ABLES. Where I went to high school.

Mr. BALL. Did he ask your name?

Mr. ABLES. No, sir; not that I recall.

Mr. BALL. What did you answer?

Mr. ABLES. When he asked where I was from I told him Dallas. I don't recall what I told him when he asked my occupation.

Mr. BALL. Did you tell him you were a jail clerk?

Mr. ABLES. No, sir.

Mr. BALL. Gave him a fictitious occupation?

Mr. ABLES. Yes, sir.

Mr. BALL. When he asked you where you went to high school, where did you tell him?

Mr. ABLES. I believe I told him Dallas. I'm not quite sure on that.

Mr. BALL. Do you know the name of the detective that asked you the questions?

Mr. ABLES. No, sir; I don't.

Mr. BALL. Could you hear anything from the audience?

Mr. ABLES. No, sir.

Mr. BALL. Did Oswald say anything?

Mr. ABLES. Only time he said anything was when the detective asked him questions.

Mr. BALL. Did he answer the questions?

Mr. ABLES. Yes, sir.

Mr. BALL. Did you—you participated in the second showup, too, didn't you?

Mr. ABLES. Yes, sir.

Mr. BALL. About what time of day?

Mr. ABLES. About 6:30.

Mr. BALL. And in that showup, how were you dressed?

Mr. ABLES. Same way.

Mr. BALL. Who asked you to go to that showup?

Mr. ABLES. The detective in charge of the showup wanted the same members back in there.

Mr. BALL. Do you remember who asked you the questions?

Mr. ABLES. I don't remember his name. No, sir.

Mr. BALL. Where were you in that showup? What number?
 Mr. ABLES. Same position, No. 4.
 Mr. BALL. Who was in that showup?
 Mr. ABLES. It was Perry, Oswald, Clark, and myself.
 Mr. BALL. Same ones as in the first showup up there?
 Mr. ABLES. Yes, sir.
 Mr. BALL. Ask you questions?
 Mr. ABLES. I don't recall on that, on the second showup. I know he did on the first showup.
 Mr. BALL. You don't know whether he did or not ask you questions?
 Mr. ABLES. No, sir; not on the second showup.
 Mr. BALL. If he did ask you questions, he—you don't recall what they were?
 Mr. ABLES. No, sir; or what I said.
 Mr. BALL. Now, did you take part in another showup?
 Mr. ABLES. Yes, sir.
 Mr. BALL. When was that?
 Mr. ABLES. That was later on that evening. I don't recall what time.
 Mr. BALL. Think it would be around 7:55, or 8 o'clock?
 Mr. ABLES. Could have been; I don't recall.
 Mr. BALL. And who was in that showup with you?
 Mr. ABLES. Myself, Oswald, and two prisoners.
 Mr. BALL. Four, again, were there?
 Mr. ABLES. I believe so.
 Mr. BALL. Do you know the names of the prisoners?
 Mr. ABLES. No, sir.
 Mr. BALL. I have the names here. Richard Walter Borchgardt. Do you know whether he was there?
 Mr. ABLES. No, sir.
 Mr. BALL. Or Ellis Brazel?
 Mr. ABLES. No, sir.
 Mr. BALL. You don't know him?
 Mr. ABLES. No.
 Mr. BALL. Who asked you to take part in this showup?
 Mr. ABLES. The same detective that was in charge of the showup said that he wanted me back in there.
 Mr. BALL. Had you been in the jail—had you been waiting in the jail during the time?
 Mr. ABLES. Well; I performed my duties in the jail office.
 Mr. BALL. In between the showups?
 Mr. ABLES. Yes, sir.
 Mr. BALL. Well——
 Mr. ABLES. The jail office adjoins the showup room.
 Mr. BALL. What were your hours of work that day?
 Mr. ABLES. 2:30 p.m. until 10:30 p.m.
 Mr. BALL. How were you dressed on the third showup?
 Mr. ABLES. Same way.
 Mr. BALL. As you had been on the first and second?
 Mr. ABLES. Yes, sir.
 Mr. BALL. Were questions asked of you again?
 Mr. ABLES. I don't believe it was asked on the third showup. I am quite sure there was no questions asked.
 Mr. BALL. Where were you on the third showup? What number?
 Mr. ABLES. I was in my same position, No. 4.
 Mr. BALL. Where was Oswald?
 Mr. ABLES. He was in his position No. 2.
 Mr. BALL. You were at no time handcuffed to Oswald?
 Mr. ABLES. No, sir.
 Mr. BALL. Can you tell me your height?
 Mr. ABLES. About 5'9".
 Mr. BALL. What is your weight?
 Mr. ABLES. Around 165 or something.
 Mr. BALL. And your hair?

Mr. ABLES. Dark.
Mr. BALL. Eyes?
Mr. ABLES. Brown.
Mr. BALL. Complexion?
Mr. ABLES. Ruddy.
Mr. BALL. I think that is all. You can be excused, too.
Mr. ABLES. All right.

TESTIMONY OF DANIEL GUTIERREZ LUJAN

The testimony of Daniel Gutierrez Lujan was taken at 10:10 a.m., on April 9, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Mr. Lujan, will you stand up and be sworn, please.

Hold up your right hand. Do you solemnly swear that the testimony you are about to give to this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LUJAN. Yes, sir.

Mr. BALL. You were asked to come in here and testify, were you not, in this matter? You were asked to come here?

Mr. LUJAN. Yes, sir.

Mr. BALL. Were you not?

Mr. LUJAN. Yes, sir.

Mr. BALL. And this Commission has been appointed to inquire into the facts and circumstances surrounding the assassination of President Kennedy.

Mr. LUJAN. Yes.

Mr. BALL. And we're informed that you—that there is certain information that might be of some value to the Commission in coming to their conclusion, and we have asked you to come in here and testify.

Are you willing to testify to whatever you know?

Mr. LUJAN. Yes, sir.

Mr. BALL. This is Mr. Ely and my name is Ball. We are both staff officers with the Commission. Will you please state your name?

Mr. LUJAN. Daniel Gutierrez Lujan.

Mr. BALL. Where do you live?

Mr. LUJAN. I live 184 Lear.

Mr. BALL. Dallas?

Mr. LUJAN. Dallas, Tex.

Mr. BALL. What is your occupation?

Mr. LUJAN. I work in a meat company, butcher and general help.

Mr. BALL. I see. Where were you born?

Mr. LUJAN. Tyler, Tex.

Mr. BALL. Did you go to school there?

Mr. LUJAN. No; I went to school in San Antonio and here in Dallas.

Mr. BALL. In Dallas?

Mr. LUJAN. Yes.

Mr. BALL. How far did you go through school?

Mr. LUJAN. Went to about seventh grade.

Mr. BALL. Then did you go to work?

Mr. LUJAN. Yes.

Mr. BALL. Where did you go to work?

Mr. LUJAN. Palmer & Ray.

Mr. BALL. Red?

Mr. LUJAN. Ray & Palmer.

Mr. BALL. How long did you work there?

Mr. LUJAN. I worked there about 2½ years.

Mr. BALL. Where did you go then?

Mr. LUJAN. Direct Delivery Service.

Mr. BALL. Direct to where?
Mr. LUJAN. Delivery Service.
Mr. BALL. Delivery Service?
Mr. LUJAN. Yes.
Mr. BALL. How long did you work there?
Mr. LUJAN. I worked about 3 years.
Mr. BALL. Then where did you go?
Mr. LUJAN. Then had to go to Huntsville. I went to Huntsville.
Mr. BALL. I didn't hear that.
Mr. LUJAN. I went to Huntsville Penitentiary.
Mr. BALL. You went to Huntsville Prison?
Mr. LUJAN. Yes, sir.
Mr. BALL. For what charge?
Mr. LUJAN. Possession of narcotics.
Mr. BALL. How long were you there?
Mr. LUJAN. Three years.
Mr. BALL. Then where did you go?
Mr. LUJAN. I got out and started working at Schepps. Schepps Wholesale Groceries.
Mr. BALL. Then where did you go?
Mr. LUJAN. T. & W.
Mr. BALL. From Schepps? You're still there?
Mr. LUJAN. No; T. & W. Meat Co.
Mr. BALL. What?
Mr. LUJAN. T. & W.
Mr. BALL. How long did you work for Schepps?
Mr. LUJAN. Three and a half years.
Mr. BALL. Then where did you go?
Mr. LUJAN. T. & W.
Mr. BALL. I see. November 22, 1963, you were in jail, weren't you?
Mr. LUJAN. Yes, sir.
Mr. BALL. What was the charge?
Mr. LUJAN. Investigation.
Mr. BALL. Of what?
Mr. LUJAN. Investigation of narcotics.
Mr. BALL. Of narcotics?
Mr. LUJAN. Yes.
Mr. BALL. And when were you arrested?
Mr. LUJAN. I was arrested the day before that.
Mr. BALL. That is, November 22—21?
Mr. LUJAN. Yes; day before the assassination.
Mr. BALL. Before the assassination?
Mr. LUJAN. Yes.
Mr. BALL. How long did you stay in jail?
Mr. LUJAN. Until Sunday.
Mr. BALL. Then did they release you?
Mr. LUJAN. Yes.
Mr. BALL. You were not charged with anything?
Mr. LUJAN. No.
Mr. BALL. Now, are they—on Friday, November 22, 1963, did you take part in a showup?
Mr. LUJAN. Yes.
Mr. BALL. What time of day was it?
Mr. LUJAN. It was—I don't recall, about 1 o'clock, probably in the afternoon.
Mr. BALL. Was it in the afternoon?
Mr. LUJAN. I don't remember.
Mr. BALL. Or what?
Mr. LUJAN. That was a Saturday.
Mr. BALL. Saturday, yes. You didn't take part in any showups on Friday?
Mr. LUJAN. No; just one showup and Saturday—
Mr. BALL. So, Saturday you took part in one showup?
Mr. LUJAN. Yes, sir.

Mr. BALL. Who asked you to do that?

Mr. LUJAN. An officer went in there and told me to stand up and I stand up and he looked at me and said, "Come out."

So, I came out, and he went and got three more.

Mr. BALL. Got three more?

Mr. LUJAN. Got three more fellows.

Mr. BALL. Three more fellows from jail?

Mr. LUJAN. Yes, sir.

Mr. BALL. Did you know them?

Mr. LUJAN. No, sir.

Mr. BALL. Had you ever seen them before?

Mr. LUJAN. No, sir.

Mr. BALL. Have you ever seen them since?

Mr. LUJAN. No, sir.

Mr. BALL. What did they look like?

Mr. LUJAN. About my size, darker.

Mr. BALL. What is your size? What is your weight?

Mr. LUJAN. Weigh about 170.

Mr. BALL. What is your height?

Mr. LUJAN. About 5'8''.

Mr. BALL. And your hair is dark?

Mr. LUJAN. Black.

Mr. BALL. It is black hair. And your eyes?

Mr. LUJAN. Brown.

Mr. BALL. And brown, and your complexion?

Mr. LUJAN. Olive.

Mr. BALL. Are you of Mexican descent?

Mr. LUJAN. Yes, sir.

Mr. BALL. You are very fair in color for a Mexican.

Mr. LUJAN. Yes.

Mr. BALL. You have fair skin, haven't you?

Mr. LUJAN. Yes.

Mr. BALL. What did the other man look like in the showup with you?

Mr. LUJAN. Oh, about my coloring, and about——

Mr. BALL. Same coloring?

Mr. LUJAN. Yes.

Mr. BALL. Or anywhere near the coloring of Oswald?

Mr. LUJAN. Yes, sir.

Mr. BALL. You saw Oswald, didn't you?

Mr. LUJAN. Yes.

Mr. BALL. Where did you stand in the showup?

Mr. LUJAN. I was standing next to him, right next to him.

Mr. BALL. Right next to him?

Mr. LUJAN. Yes.

Mr. BALL. Were you handcuffed to him?

Mr. LUJAN. Yes.

Mr. BALL. Did you hear him say anything?

Mr. LUJAN. He said he wanted a T-shirt. He wanted a T-shirt.

Mr. BALL. Off the record.

(Discussion off the record.)

Mr. BALL. On the record. Let me see, did I ask you where you were standing in the lineup?

Mr. LUJAN. Yes, sir.

Mr. BALL. You were what would be——

Mr. LUJAN. Right next to him.

Mr. BALL. Which was the right, to your right?

Mr. LUJAN. No; he was standing right here, handcuffed——

Mr. BALL. To the right?

Mr. LUJAN. Yes, sir.

Mr. BALL. You were handcuffed to Oswald?

Mr. LUJAN. Yes, sir.

Mr. BALL. He was complaining, was he?

Mr. LUJAN. About having a T-shirt, and wanted a jacket or something.
Mr. BALL. How were you dressed?
Mr. LUJAN. I had a jacket and a shirt.
Mr. BALL. What color shirt?
Mr. LUJAN. I don't—kind of blue shirt and brown jacket.
Mr. BALL. Brown jacket?
Mr. LUJAN. Yes.
Mr. BALL. Any tie on?
Mr. LUJAN. No, sir.
Mr. BALL. Did the detective ask your name?
Mr. LUJAN. Yes, sir.
Mr. BALL. And did you tell him your name?
Mr. LUJAN. Yes, sir.
Mr. BALL. Did he ask your occupation?
Mr. LUJAN. Yes, sir.
Mr. BALL. What did you tell him?
Mr. LUJAN. Working for S. & F. Meat Co.
Mr. BALL. Ask you anything else?
Mr. LUJAN. No, sir; that's all. Phone number.
Mr. BALL. Phone number and your address?
Mr. LUJAN. Address, phone number.
Mr. BALL. Did he ask the other men any showup questions?
Mr. LUJAN. No; just asked my name and address and phone number is all.
Mr. BALL. That's all? Did he ask that of Oswald?
Mr. LUJAN. No, he didn't ask Oswald nothing.
Mr. BALL. Oswald was doing some talking?
Mr. LUJAN. Yes.
Mr. BALL. Was he shouting loud?
Mr. LUJAN. He was shouting. He—he was shouting, said all of us had a shirt on and he had a T-shirt on. He wanted a shirt or something.
Mr. BALL. Did the detective say anything to you—or him?
Mr. LUJAN. No, sir; just took us out. They didn't have the showup. Left about a minute.
Mr. BALL. Then you left?
Mr. LUJAN. Yes; took us out back to the cell.
Mr. BALL. What do you mean they didn't have a showup? They did have you in there and he did ask you questions?
Mr. LUJAN. He didn't ask questions. He started—he wanted a shirt, and that's all.
Mr. BALL. They asked you questions, didn't they?
Mr. LUJAN. No; they didn't ask nobody questions.
Mr. BALL. Oh, he asked you your name and address and asked the others their name and address?
Mr. LUJAN. Yes, sir.
Mr. BALL. Did they ask Oswald his name and address?
Mr. LUJAN. Yes—I mean no, sir.
Mr. BALL. I think that is all, Mr. Lujan. You can leave.
Mr. LUJAN. All right.
Mr. BALL. Do you have a picture of yourself?
Mr. LUJAN. No, sir; not with me.
Mr. BALL. We have your address where you are working?
Mr. LUJAN. 2405 South Ervay.

TESTIMONY OF C. W. BROWN

The testimony of C. W. Brown was taken at 3:30 p.m., on April 3, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. David W. Belin, assistant counsel of the President's Commission.

Mr. BELIN. Let's get you sworn in here. Do you want to stand and raise your right hand?

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. BROWN. I do.

Mr. BELIN. Would you state your name for the record, please.

Mr. BROWN. C. W. Brown.

Mr. BELIN. Where do you live, Mr. Brown?

Mr. BROWN. I live in DeSoto, Tex.

Mr. BELIN. Is that a suburb of Dallas?

Mr. BROWN. Yes, sir.

Mr. BELIN. What is your occupation?

Mr. BROWN. Police officer.

Mr. BELIN. How long have you been a police officer?

Mr. BROWN. Thirteen years.

Mr. BELIN. Where are you from originally?

Mr. BROWN. Dallas, and DeSoto is my home.

Mr. BELIN. You go to school there?

Mr. BROWN. Yes.

Mr. BELIN. How far did you go through school?

Mr. BROWN. Through high school.

Mr. BELIN. Did you graduate from the high school in DeSoto?

Mr. BROWN. Yes.

Mr. BELIN. Then what did you do?

Mr. BROWN. I went into the Navy.

Mr. BELIN. What did you do in the Navy?

Mr. BROWN. Spent 3 years in the Navy during World War II.

Mr. BELIN. How old are you, by the way?

Mr. BROWN. Thirty-eight.

Mr. BELIN. Married?

Mr. BROWN. No; divorced.

Mr. BELIN. You were in the Navy for 3 years?

Mr. BROWN. Yes.

Mr. BELIN. What were you doing when you got out of the Navy?

Mr. BROWN. When I got out of the Navy I was employed by the Southwestern Bell Telephone Co.

Mr. BELIN. What did you do in the Navy, by the way?

Mr. BROWN. During the war I was a coxswain, as a third class petty officer, in the amphibious branch of the Navy.

Then after the war the peace was signed and I was a radioman until my discharge in 1944.

Mr. BELIN. What did you do after the war?

Mr. BROWN. I started to work for the Southwestern Bell Telephone Co.

Mr. BELIN. As what?

Mr. BROWN. As an installer.

Mr. BELIN. Of telephones?

Mr. BROWN. Yes; I was employed with those people 5 years before I went to work for the city of Dallas.

Mr. BELIN. Is there anything—well, what did you do after that? Just go to work for the city of Dallas Police Department?

Mr. BROWN. Yes; I have been with those people ever since.

Mr. BELIN. How long now?

Mr. BROWN. Thirteen years.

Mr. BELIN. What is your position now?

Mr. BROWN. I am detective in the homicide and robbery bureau.

Mr. BELIN. Were you on duty on November 22, 1963?

Mr. BROWN. Yes, sir; I was.

Mr. BELIN. What were you doing around noon or so?

Mr. BROWN. I was booking a prisoner in at the city hall, with Detective J. R. Leavelle.

Mr. BELIN. When did you first hear of the shooting of the President?

Mr. BROWN. It came on our police intercom radio that we have in the office.

Mr. BELIN. Then what did you do?

Mr. BROWN. Lieutenant Wells was in the office and we asked him if that was correct, and he said, "Yes, they are on their way to Parkland now."

So he said, "Hurry up and get your prisoner booked and get down there and help them."

So we immediately put this subject in jail.

Mr. BELIN. Yes.

Mr. BROWN. And went to the location of the Texas School Book Depository.

Mr. BELIN. Then what did you do?

Mr. BROWN. My partner went to the front of the building. I went to the back of the building, and I proceeded up the back stairs to the sixth floor where I met Captain Fritz and several other officers on the sixth floor.

Mr. BELIN. What did you do then?

Mr. BROWN. I talked to Captain Fritz and I asked him what he wanted me to do. He said for me and Detective B. L. Senkel to gather up—there was about five employees there on the sixth floor, with him, and take them to the city hall and get affidavits from those people, where they were at the time of the shooting.

Mr. BELIN. Go ahead.

Mr. BROWN. Where they were at the time of the shooting, and what they were doing, what they heard or saw during this incident.

Mr. BELIN. Did you go do that then?

Mr. BROWN. Yes, sir.

Mr. BELIN. You left the sixth floor right then?

Mr. BROWN. Yes; Detective Senkel and I took these employees to the city hall, and in this group of employees I was talking to a Mr. Shelley, and got an affidavit from him, when the officers brought in Lee Harvey Oswald.

And there were several cameramen following these boys also in front of them, and they opened the door to where I was interviewing; Mr. Shelley looked up and he said, "Well, that is Oswald. He works for us. He is one of my boys."

Mr. BELIN. What did you do or say?

Mr. BROWN. We got up and got out of the room so they could put Oswald in there in the room we were using.

We just had two small interview rooms there, and I let them put him in there.

Then as we got outside, of course, the phones were ringing. I answered the phone. It was Captain Fritz. He was still at the scene on the sixth floor of the School Book Depository, and I told him that the officers had just brought in a suspect that had shot the police officer, and told him about Mr. Shelley telling me that this boy that was identified was Lee Harvey Oswald, was also an employee there.

He said, "I will be right up in a few minutes."

Mr. BELIN. Where was Captain Fritz at this time?

Mr. BROWN. He was still at the scene of the shooting, at the Texas School Book Depository. He called from there.

Mr. BELIN. Then what did you do?

Mr. BROWN. I told him it looked like we might have the boy that was responsible for that. He said, "Okay, I will be up in a few minutes."

Mr. BELIN. What did you mean by "that," for the assassination?

Mr. BROWN. For the President's assassination. That was my own personal opinion at that time.

Mr. BELIN. Then what did you do?

Mr. BROWN. Then after the confusion died down a little bit, I got Mr. Shelley back in another room, the other room that was not occupied at this time, and finished my affidavit with him in regard to what he did, saw, or heard at the time of the assassination.

Mr. BELIN. All right, did Shelley say anything more about Oswald at the time you talked to him?

Mr. BROWN. Yes; after he mentioned that he was an employee there, that he had been training him—see, I had taken the affidavit from him in regard to what he was doing personally—then after they bring Oswald in, he tells me that he was responsible for him and was his own personal supervisor. I immediately got an affidavit from him in conjunction with what his work consisted of,

when he was employed, and what he was doing, and what type work he did there.

Mr. BELIN. Did he indicate where Oswald was, at the time of the shooting?

Mr. BROWN. No; he did not know where Oswald was at the time of the shooting.

Mr. BELIN. Did he say whether or not he had ever seen Oswald subsequent to the time of the shooting before he saw him in the police department?

Mr. BROWN. Yes; he saw him that morning. He gave him some stuff to do.

Mr. BELIN. I mean after the time of the shooting of the President?

Mr. BROWN. No; he did not see him.

Mr. BELIN. Did he say where he, Shelley, was?

Mr. BROWN. Yes; I have it in his affidavit. I don't remember where he said he was.

Mr. BELIN. But you took an affidavit from him?

Mr. BROWN. Yes; I did. I don't have that report with me.

Mr. BELIN. We have a copy of it here, but we are going to take the deposition of Mr. Shelley and we will get it then.

Mr. BROWN. All right.

Mr. BELIN. Now, also, I believe your partner, Mr. Senkel took an affidavit of Bonnie Ray Williams, is that correct, at that same time?

Mr. BROWN. That's right; yes, sir.

Mr. BELIN. He was a Negro employee?

Mr. BROWN. That's right.

Mr. BELIN. Why did you take his affidavit?

Mr. BROWN. He was there employed. He was getting the affidavit from every employee in the building that day, for the reason of where they were, what they saw, and what they heard then during this assassination.

Mr. BELIN. Anything else that you did on that day of November 22, that you think involved the assassination in any way, shape, or form?

I will ask you this. Detective Brown, you made a memorandum with regard to your actions on November 22 and November 23, did you not?

Mr. BROWN. Yes, sir.

Mr. BELIN. Do you have any memorandum pertaining to any showups that you participated in?

Mr. BROWN. Yes; on the 22d of November I had a showup with my partner, C. N. Dhority. This occurred in the basement of the city hall with a Mr. McWatters, who is an employee of the Dallas Transit Co. as a busdriver, who at that time identified Lee Harvey Oswald as No. 2 in the four-man lineup at 6:30 p.m.

Mr. BELIN. Was Lee Harvey Oswald the No. 2 man in that lineup?

Mr. BROWN. Yes, sir; he was. That is numbering, facing the stage from your left to right.

Mr. BELIN. You mean your left, the observers left?

Mr. BROWN. Yes; the observers left to his right.

Mr. BELIN. Do your notes, of their own accord, show who else was in the lineup besides Lee Harvey Oswald?

Mr. BROWN. No; it does not.

Mr. BELIN. Where would that information be available?

Mr. BROWN. I am not for sure on that, because during the time we were taking an affidavit from Mr. McWatters in regard to him seeing Lee Harvey Oswald on his bus, and also identifying his mark he made on the bus transfer.

Another officer had this stub, and the other three men in the lineup were for other witnesses to observe.

Mr. BELIN. You don't know who else was in the lineup?

Mr. BROWN. No; I did not get their names.

Mr. BELIN. Do you know what McWatters said when he made his identification?

Mr. BROWN. Yes. Mr. McWatters said, "Yes, he is the one that got on the bus. I gave him a transfer."

Mr. BELIN. Did you show Mr. McWatters any transfer that had been found in Oswald's possession?

Mr. BROWN. Yes; at the time he was in their office.

Mr. BELIN. Did you yourself show him that?

Mr. BROWN. No; I did not.

Mr. BELIN. Did you see someone show him that?

Mr. BROWN. Yes; my partner, Detective Dhority.

Mr. BELIN. What did McWatters say about that?

Mr. BROWN. He said, "That is definitely my mark."

Mr. BELIN. How did he seem to identify that?

Mr. BROWN. By taking the slip and placing his punch that he carried. He did punch a hole in a blank piece of paper that was lying on the desk, and he held it up for comparison there in our presence.

Mr. BELIN. All right, anything else about McWatters at all that you remember?

Mr. BROWN. Nothing other than we did take the affidavit and the identification that he did give us of Oswald in this lineup.

Mr. BELIN. All right, any other showups on that day or any other day?

Mr. BROWN. Yes, sir. We had showups.

Mr. BELIN. Who else?

Mr. BROWN. About 7:30, or 7:45 p.m., that same day my partner, C. N. Dhority and myself had two eye witnesses on the Officer Tippit murder from 400 East 10th Street in our homicide and robbery bureau, and took affidavits from them of what happened that day in front of their home.

After their affidavits were taken, we took them to the lineup room where again Oswald and three more men were being shown to other witnesses. Their names unknown. They were definitely and positively identified by these two. One was Mrs. Barbara Davis and one Mrs. Barbara Jeannette Davis.

Mr. BELIN. Was—

Mr. BROWN. Wait a minute, I am sorry. It was Mrs. Virginia Davis, and Mrs. Barbara Davis.

Mr. BELIN. Were you there when they made their identification?

Mr. BROWN. Yes; I was. This was 7:45 p.m., November 22.

Mr. BELIN. Who did they pick?

Mr. BROWN. They picked Lee Harvey Oswald again, which was No. 2, in a four-man lineup.

Mr. BELIN. Was Lee Harvey Oswald in the four-man lineup?

Mr. BROWN. Yes.

Mr. BELIN. They identified him as the man?

Mr. BROWN. Definitely, before they got on the stage, before they got them under the numbers, too.

Mr. BELIN. They saw him right away, you mean?

Mr. BROWN. Yes; they definitely picked him instantly.

Mr. BELIN. Instantly, you have just snapped your hands there?

Mr. BROWN. Yes.

Mr. BELIN. Anything else in connection with that identification?

Mr. BROWN. That is the only two that I was active insofar as the showups and identification of Lee Harvey Oswald by any of the witnesses on either Officer Tippit or the President's assassination.

Mr. BELIN. All right, is there anything else you had to do with the murder of Officer Tippit's investigation or the investigation of the assassination that you haven't related to us thus far today?

Mr. BROWN. Yes. In regard to the Officer Tippit murder, the same date, November 22, 1963, Lt. T. P. Wells received a telephone call from a Mrs. Barbara Davis of 400 East 10th stating that her sister-in-law of the same address, her name as Mrs. Virginia Davis, had found an additional empty .38 caliber shell cartridge in her front yard.

Lieutenant Wells ordered my partner, C. N. Dhority, and I, to go to the Davis residence where Mrs. Barbara Davis handed my partner this spent hull at approximately 7 p.m., that evening. That was brought to the homicide and robbery bureau by myself and Detective Dhority.

Mr. BELIN. Was it brought to that bureau at the time you brought the two women?

Mr. BROWN. At the same time the Davis women were brought to the office for affidavits and identification.

Mr. BELIN. Who did you turn that cartridge shell over to?

Mr. BROWN. That went to the crime lab, Dallas Crime Lab.

Mr. BELIN. Did you, yourself, turn it over?

Mr. BROWN. No; Detective Dhority handled that.

Mr. BELIN. Detective Dhority handled that?

Mr. BROWN. We were keeping this evidence in a chain there. Mrs. Barbara Jeanette Davis handed him the spent cartridge. He gave it to the crime lab himself, which was initialled by both of us.

Mr. BELIN. Anything else, sir?

Mr. BROWN. None in regard to any evidence or identification of any further witnesses.

Mr. BELIN. Anything else in connection with either the assassination or the Tippit murder?

Mr. BROWN. None that I recall at this time, sir.

Mr. BELIN. Sir, you have an opportunity to either read the deposition when it is transcribed and sign it, or else waive the reading and have our court reporter send it directly to Washington. You can take your choice.

Mr. BROWN. Well, I have no reason to read it for any reason at all.

Mr. BELIN. Do you want to waive signing it then?

Mr. BROWN. That would be fine. Waive signing, and you can send it right out. To the best of my knowledge, that is everything that happened.

Mr. BELIN. Well, we certainly appreciate all of your cooperation and the cooperation of the Dallas Police Department.

TESTIMONY OF L. C. GRAVES

Testimony of L. C. Graves was taken at 3:10 p.m., on April 6, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. David W. Belin, assistant counsel of the President's Commission.

Mr. BELIN. Would you rise and raise your right hand. 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. GRAVES. I do.

Mr. BELIN. Would you state your name, for the reporter?

Mr. GRAVES. My name is L. C. Graves.

Mr. BELIN. What is your occupation, Mr. Graves?

Mr. GRAVES. I am a detective with the police department, city of Dallas.

Mr. BELIN. How old are you?

Mr. GRAVES. I am 45 years old.

Mr. BELIN. Were you born and raised in Texas?

Mr. GRAVES. Yes, sir; I was born and raised in Camp County, October 8, 1918.

Mr. BELIN. Where did you go to school?

Mr. GRAVES. Leesburg—I mean to Pittsburg.

Mr. BELIN. How far did you get through school?

Mr. GRAVES. I finished 10½ years of schooling in Pittsburg and Leesburg, then received a high school diploma after such time.

Mr. BELIN. Then what did you do?

Mr. GRAVES. Then what did I do?

Mr. BELIN. Yes, sir.

Mr. GRAVES. Oh, let's see. From there I went into the CCC camp.

Mr. BELIN. For a period of several years?

Mr. GRAVES. Let's see, I think a couple of years, approximately.

Mr. BELIN. Then what did you do?

Mr. GRAVES. I came out and stayed out about a couple of months and then I joined the Texas National Guard, and shortly after that it mobilized and I went into active service, at which time I stayed until I was discharged after the war.

Mr. BELIN. Was this an honorable discharge?

Mr. GRAVES. Yes.

Mr. BELIN. What were your duties in the Army, say, generally?

Mr. GRAVES. Well, I was in the Infantry, and I was a mess sergeant, and I cooked principally all the time I was in.

Mr. BELIN. You were the one we all complained about when the food wasn't good?

Mr. GRAVES. Yes; if you want to put it that way. I got a few complaints.

Mr. BELIN. Then after your discharge, what did you do?

Mr. GRAVES. After my discharge, I came to Dallas, I married and went to work for Interstate Theatres. First went to work for Railway Express Agency here and worked for a short period of time and then I went to work for Interstate Theatres.

Mr. BELIN. What did you do for Interstate?

Mr. GRAVES. Let me retract that. I believe I went to work for S. H. Lynch Co. first and later changed to Paramount Distributors, and they went broke, and then I went with Interstate Theatres, and that is where I was working when I went to work for the police department.

Mr. BELIN. Were they all related? In other words, when you say Paramount, was that—

Mr. GRAVES. No. S. H. Lynch Co. had a cigarette-candy item section of the company in connection with the beer distributors. Paramount Distributors was a vending machine company which went out of business, which was a separate business, didn't have anything to do with the movie industry or picture industry, so to speak.

Mr. BELIN. What did you do with that aspect of the business?

Mr. GRAVES. The Paramount Distributors, I was a bookkeeper.

Mr. BELIN. Then you went from there to where?

Mr. GRAVES. Interstate Theatres.

Mr. BELIN. What did you do for Interstate Theatres?

Mr. GRAVES. They call it an operating engineer, air-conditioning operating engineer was the title, for it has to do with operating the equipment for the purpose of air conditioning and refrigeration.

Mr. BELIN. Of theatres?

Mr. GRAVES. Yes.

Mr. BELIN. Then from there you went to the Dallas Police Department?

Mr. GRAVES. Yes; that's right.

Mr. BELIN. What year was that?

Mr. GRAVES. October 31, 1949.

Mr. BELIN. And you have been with the Dallas Police Department ever since?

Mr. GRAVES. Yes.

Mr. BELIN. Mr. Graves, were you on duty on November 22, 1963?

Mr. GRAVES. No.

Mr. BELIN. Was that an off day for you, or what?

Mr. GRAVES. Yes; it was.

Mr. BELIN. When did you go to work, if at all?

Mr. GRAVES. About 2 o'clock that day.

Mr. BELIN. Had you already heard the news of the assassination?

Mr. GRAVES. Well, yes. When I came to work, I had already heard. That is the reason I went to work, as a matter of fact.

Mr. BELIN. On November 22, 1963, could you state what you did after you got to the Dallas Police Station?

Mr. GRAVES. Well, the first thing that I did was take a statement from, I believe her name was, Helen Markham.

Let me see; yes, I took a statement from Miss or Mrs. Helen Markham.

Mr. BELIN. How did you happen to see Mrs. Markham or Miss Markham?

Mr. GRAVES. Well, of course you have to be there to realize the mass confusion, but a squad uniform officer had brought this lady in and she was quite hysterical, and they put her in a little room, just across the hall from our bureau, and notified the lieutenant that they had her over there, and when I walked in they told me to go talk to this lady and take an affidavit from her, which I did.

Mr. BELIN. You say she was quite hysterical. Describe her actions.

Mr. GRAVES. She was crying and upset, naturally.

Mr. BELIN. Was she saying anything at all?

Mr. GRAVES. Well, I don't recall exactly what she was saying—what most hysterical women say—wringing her hands and talking about the shooting.

Mr. BELIN. You took an affidavit from her?

Mr. GRAVES. Yes.

Mr. BELIN. Then what did you do?

Mr. GRAVES. Well, I held a showup along with Leavelle and the Chief and Captain Fritz, and I don't remember who else, about a roomful.

Mr. BELIN. Could you state what occurred in that showup? How many people were in this showup?

Mr. GRAVES. I don't remember exactly how many people.

Mr. BELIN. You mean of the men that were actually lined up?

Mr. GRAVES. I don't know. I believe four or five, I think. He was identified as No. 2 man. Let me see, he was identified as No. 2 man in a four-man lineup, yes.

Mr. BELIN. Do you know who the people were who were in this particular lineup?

Mr. GRAVES. I don't know. Nobody but Oswald.

Mr. BELIN. Do you know that Lee Harvey Oswald was No. 2 man in that lineup?

Mr. GRAVES. Yes, I do.

Mr. BELIN. Do you have any recollection or notes which would in any way give the approximate physical description of the other men in this lineup?

Mr. GRAVES. No; I don't. I was present out in the front with Mrs. Markham, and I don't remember exactly who talked to the people or men that were on the stage. It is quite possible that they might have the names of the other people that were in this lineup, but I don't myself. I don't remember this physical description.

Mr. BELIN. Do you remember whether or not they were all white men or was one or more a Negro?

Mr. GRAVES. They were all white men.

Mr. BELIN. Do you remember anything about their approximate ages?

Mr. GRAVES. No; I don't. Let me say this, that it would be very unusual if we had a showup and asked a certain person or persons to appear in this showup, if they put anything other than men that fit their approximate size and age in there with them, and race and color, I might add, because we just don't operate that way.

Mr. BELIN. What is your general mode of operation with regard to showups? Perhaps you could tell us this.

Mr. GRAVES. Yes; I sure can. When we want to show a person up, we call the jail supervisor and tell him what we want and who we want in the showup, and to put two or three or four other people with him, the approximate age, size, and so forth.

And they do that for us, and we—the only contact, the only dealings we have had with them is talking to them while they are on the stage.

Mr. BELIN. When you say the approximate age or size, do you specify what age or size you want?

Mr. GRAVES. Well, it is not necessary, because they are looking at the man that you are bringing down.

Mr. BELIN. Well—

Mr. GRAVES. So all he has to do is pick them out.

Mr. BELIN. So what you mean is the approximate age and size of the particular person you want included in the showup, or is it of another particular age and size?

Mr. GRAVES. The fact is, if I was showing you, I would tell them to pull you for a showup and put some other men about your age and size. That is what it boils down to.

Mr. BELIN. Now, could you tell us what Mrs. or Miss Markham did or said when this particular showup took place? Were you standing right next to her?

Mr. GRAVES. About as close as I am to you, which would be approximately 4 or 5 feet.

Mr. BELIN. All right; the men walked in, I assume, is that correct?

Mr. GRAVES. That's right.

Mr. BELIN. What was Mrs. Markham at that particular time?

Mr. GRAVES. She was standing in the center of the room, approximately in the first row of seats near the front.

Mr. BELIN. She was seated?

Mr. GRAVES. No; she was standing.

Mr. BELIN. She was standing?

Mr. GRAVES. Yes.

Mr. BELIN. Did she look through an opening in the wall?

Mr. GRAVES. No; this is a screen, a nylon screen of some kind. I am sure you have seen them?

Mr. BELIN. She can see through, as I understand, but the people in the showup room cannot see the people on the other side of the screen. Is that correct?

Mr. GRAVES. That's correct.

Mr. BELIN. All right. Do you remember what she said or did after the men in the showup came in?

Mr. GRAVES. Well, she began to cry when he came in. He was next to the last man that come in in that order. No. 4, 3, 2, 1, and so forth that came in.

Mr. BELIN. You mean No. 4 came first, then No. 3 and then No. 2 and then No. 1?

Mr. GRAVES. That's right.

Mr. BELIN. When did she start crying?

Mr. GRAVES. When he walked in, Oswald walked in.

Mr. BELIN. You mean when the No. 2 man walked in?

Mr. GRAVES. Yes.

Mr. BELIN. Were they still walking at the time she started crying?

Mr. GRAVES. Yes. As soon as she saw him; yes. He would have to walk as far as from here to that stand, approximately.

Mr. BELIN. That would be about 6 or 8 feet?

Mr. GRAVES. Yes, sir; roughly.

Mr. BELIN. All right. What did she do or say?

Mr. GRAVES. Well, of course she said that was the man that she saw, Oswald. I mean at this particular time.

Mr. BELIN. Did she ask to have the men turn so that she would see their profiles?

Mr. GRAVES. Well, I don't recall if she asked that or not, but that is the normal procedure that we do that. We turn him profile, right, left, and to the rear, and back to the front, in that order.

Mr. BELIN. Do you remember anything specific that she said at the time that she made the identification?

Mr. GRAVES. Nothing other than he is the one, No. 2 is the one.

Mr. BELIN. Was anything said by any of the men in the showup that would—did they speak any words or say anything at all?

Mr. GRAVES. If they did, I don't remember what was said. I am reasonably sure they asked some questions. That is the usual procedure. If they were, at this point I just don't remember what was said.

Mr. BELIN. Do you remember the dress of the people in the showup?

Mr. GRAVES. No; positively not.

Mr. BELIN. Does your police department ever take any photograph of an actual showup, I mean, insofar as still shots, to have any written or pictorial record of the men in the showup, as to what they were wearing or what they looked like?

Mr. GRAVES. That was not a policy or an order at this time, but it has been done, however, in the past.

But for various reasons, as I say, it is not the customary thing, because we have quite a number of showups that would necessitate a time element there, sometimes waiting on the proper people to take the picture, and so forth.

Mr. BELIN. Anything else that you have any recollection of in connection with this showup of Mrs. Markham or Miss Markham's identification?

Mrs. GRAVES. I don't remember anything outstanding at this moment; no.

Mr. BELIN. Do you remember about when this took place, this actual showup?

Mr. GRAVES. Well, let's see if I have it written down here. We put Lee Oswald in a four-man lineup in the city hall on November 22, 1963, at 4:30 p.m., and had Helen Markham view this lineup. She was positive on the identification of Oswald, and he was the No. 2 man in the four-man lineup.

Mr. BELIN. You were reading from your notes that you made of your actions on that day?

Mr. GRAVES. Yes.

Mr. BELIN. Anything else that you did on that day?

Mr. GRAVES. Well, I don't remember anything else except this affidavit of Mrs. Mary E. Bledsoe.

Mr. BELIN. That was on November 23, was it not?

Mr. GRAVES. November 23.

Mr. BELIN. I am still on November 22.

Mr. GRAVES. Have you had any of the reports that we have made?

Mr. BELIN. Yes, sir. I have read them all, but I have to get this down for the record.

Mr. GRAVES. You want me to read this verbatim?

Mr. BELIN. No, sir; you can read it verbatim or else you can tell me if there is anything that you can develop beyond what you have on the written record that you submitted to your department.

I am very much interested in this, if you can develop anything. If you can't, then you can just summarize or repeat what you have put down in your written report.

Sometimes when you read something it triggers your memory and you remember something that you might not have put down at the time.

Mr. GRAVES. Offhand, I don't remember anything.

Mr. BELIN. Well, according to your written report, you took Helen Markham back to her address, to let her out?

Mr. GRAVES. Yes.

Mr. BELIN. Do you remember in talking with Helen Markham what she said as to why she happened to be in the vicinity of the Tippit shooting?

Mr. GRAVES. I believe she was going to catch a bus. I would have to see her affidavit to remember that exactly, but I think she was either going home or coming from work, one or the other, is the reason for her being at that location.

Mr. BELIN. Now you also later interviewed on that day several other people in connection with the Tippit murder, did you not?

Mr. GRAVES. I talked to some; yes.

Mr. BELIN. Do you remember who these were?

Mr. GRAVES. That would be Ted Callaway, Sam Guinyard, and Domingo Benavides.

Mr. BELIN. Did any of those men come down to a lineup?

Mr. GRAVES. They did come down later, but I didn't have anything to do with the lineup.

Mr. BELIN. Did you have anything to do with bringing them down to see a lineup?

Mr. GRAVES. No; I did not.

Mr. BELIN. Did all the men come down to a lineup?

Mr. GRAVES. I think they did. I was told that they did, and I have not seen anything authentic about it.

Mr. BELIN. Now, your report says two of the three men came down to the city hall and gave affidavits on views of Oswald in the lineup?

Mr. GRAVES. That would be lineup.

Mr. BELIN. From my interpretation here from what we have, Ted Callaway and Sam Guinyard gave affidavits, but Domingo Benavides did not. Is there any particular reason that you know of why Benavides did not come down to give an affidavit or view a lineup?

Mr. GRAVES. No; I wouldn't have any idea.

Mr. BELIN. Well—

Mr. GRAVES. Because after this little episode with them, I never saw them or had any occasion to talk to them any further.

Mr. BELIN. Do you remember any conversation particularly with Domingo Benavides?

Mr. GRAVES. No.

Mr. BELIN. Well, I am going to try and refresh your recollection to see if I can help you a little bit.

I believe that he was driving a pickup truck at about the time of the Tippit

shooting, and actually was the first one to place a call over Tippit's radio that Tippit had been shot. Does this strike a chord in your memory?

Mr. GRAVES. Not to me. He didn't tell me that. Leavelle talked to him to one side.

Mr. BELIN. Oh, I see. You weren't the one he talked to?

Mr. GRAVES. He didn't tell me that.

Mr. BELIN. But Officer Leavelle would be the one he talked to?

Mr. GRAVES. Yes.

Mr. BELIN. Anything else on November 22?

Mr. GRAVES. I don't remember anything else of any consequence. I had so many phone calls.

Mr. BELIN. You had a few phone calls to the police station that day?

Mr. GRAVES. Just a few, yes.

Mr. BELIN. What about on November 23?

Mr. GRAVES. That is the day I took the affidavit of Mrs. Bledsoe.

Mr. BELIN. Did you ever bring Mrs. Bledsoe down to view the lineup at all, or not?

Mr. GRAVES. I didn't; no.

Mr. BELIN. Was there any particular reason why you elected not to take her down, if this was your election? I don't know if it was.

Mr. GRAVES. What?

Mr. BELIN. Is there any particular reason why you didn't bring her down to view a lineup?

Mr. GRAVES. Not that I can think of.

Mr. BELIN. Now she claimed that she had seen Lee Harvey Oswald on a bus shortly after the assassination?

Mr. GRAVES. Yes.

Mr. BELIN. Do you remember whether or not you asked her to come down to a lineup and she refused to come down?

Mr. GRAVES. No; I didn't ask her to come down to a lineup herself. I asked her to come down and give an affidavit.

Mr. BELIN. Was she actually at the police department?

Mr. GRAVES. Yes.

Mr. BELIN. Did anyone else ask—let me ask you this question. Whose responsibility would it have been to have a lineup for certain people? Is this the interviewing officer, or is this the person in charge of the investigation, or what?

Mr. GRAVES. In a case like this, it would have to be the person in charge of the entire investigation.

Mr. BELIN. Who would that have been? Insofar as Bledsoe?

Mr. GRAVES. Insofar as our bureau was concerned, it would have been Captain Fritz.

Mr. BELIN. Anything else that you can remember on November 23?

Mr. GRAVES. Let me refresh my memory here, if I can. I don't know. I don't remember anything else on the 23d that was outstanding.

Mr. BELIN. Now on November 24—first, I want to take that part of November 24 up to the time of the shooting of Lee Harvey Oswald by Jack Ruby. First, did you have any contact or anything to do with the investigation of the case on November 24, on Sunday?

Mr. GRAVES. No; not before he was transferred.

Mr. BELIN. Did you have anything to do with the interrogation of Lee Harvey Oswald?

Mr. GRAVES. Nothing except that I was present during the latter part of the interrogation; part of it.

Mr. BELIN. Could you state the circumstances under which you were present? How you happened to be present?

Mr. GRAVES. Well, I had been told that we were going to transfer Lee Harvey Oswald, and we were told to make preparations to do that, so that would necessitate going into the office where he was.

Mr. BELIN. What did you find when you went in the office?

Mr. GRAVES. Well, I found, of course, Lee Harvey Oswald, Captain Fritz, and the people that I have named here. The others present were Mr. Holmes from

the U.S. Post Office Department, Mr. Kelley from the Secret Service, Agent Sorrels from the Secret Service, L. D. Montgomery, detective; C. N. Dhority, J. R. Leavelle; and Chief Curry came in just a few minutes before we started to move.

Mr. BELIN. Did you participate in the bringing of Oswald down to be interrogated?

Mr. GRAVES. Yes.

Mr. BELIN. At about what time in the morning, was this?

Mr. GRAVES. I think that was around 9:30 a.m.

Mr. BELIN. Did you stay with him throughout the interrogation, or did you leave?

Mr. GRAVES. I stayed in the same room near. In the bureau, actually.

Mr. BELIN. This was done in Captain Fritz' office, was it not?

Mr. GRAVES. Yes.

Mr. BELIN. After you brought Lee Harvey Oswald into Captain Fritz' office at 9:30 a.m., what did you do?

Mr. GRAVES. I went back out and answered telephones and talked to people coming in.

Mr. BELIN. Did you witness any part of the early interrogation?

Mr. GRAVES. No; I didn't.

Mr. BELIN. What time did you go back into Captain Fritz' office?

Mr. GRAVES. Roughly, about 11:10 or 11:15 a.m.

Mr. BELIN. Well, the original time set for transfer was around 10 a.m.?

Mr. GRAVES. That was my understanding.

Mr. BELIN. All right, let me ask you, has anyone else taken your deposition here?

Mr. GRAVES. Yes.

Mr. BELIN. So you have already been questioned as to the transfer of Lee Harvey Oswald?

Mr. GRAVES. Yes.

Mr. BELIN. That is something I don't want to get into. What about the interrogation? Do you remember any subjects that were covered?

Mr. GRAVES. Well, I couldn't think of Mr. Kelley's name, the last time, but he questioned Oswald along the line of his activity in Mexico and in Russia.

Mr. BELIN. Do you remember whether or not Oswald admitted that he was in Mexico?

Mr. GRAVES. I believe he did admit it.

Mr. BELIN. Do you remember what he said about his activities in Mexico?

Mr. GRAVES. I am too vague on that to make any statement on what he said. I don't remember exactly, so I would rather not say anything. I know that he did say something, but the best of my knowledge, it sure didn't amount to a great deal. Very evasive, as every other answer was.

Mr. BELIN. Do you remember anything specific, any questions or any statements that Oswald made about any other subject that was discussed?

Mr. GRAVES. Well, he said that he had been a student of Marxism since he was 14, I believe, and Communist line, and that he, well, one of his last statements was that the American people would soon forget the President was shot. Of course he never admitted that he did it.

Mr. BELIN. Was he asked in your presence whether or not he did it?

Mr. GRAVES. Oh, yes; he was asked, but of course—

Mr. BELIN. Do you remember what he said?

Mr. GRAVES. He said no, he didn't shoot him.

Mr. BELIN. Was he asked in your presence whether or not he shot Officer Tippit?

Mr. GRAVES. No.

Mr. BELIN. Was he asked in your presence whether or not he owned a rifle?

Mr. GRAVES. Yes.

Mr. BELIN. Do you remember what his answer was?

Mr. GRAVES. He said that he didn't.

Mr. BELIN. Was he asked in your presence anything about a picture of him with a rifle?

Mr. GRAVES. Yes.

Mr. BELIN. Do you remember what his statement was with regard to the picture?

Mr. GRAVES. He said, "You could superimpose anything you want to with cameras. It wasn't him."

Mr. BELIN. Did he say anything else, that you remember, about the picture?

Mr. GRAVES. No.

Mr. BELIN. Was he asked anything about the use of an alias?

Mr. GRAVES. Yes; he was, but he denied that, of course.

Mr. BELIN. Was he asked anything about his having a pistol in his possession when he was apprehended, or did he make any statements?

Mr. GRAVES. Well, he wasn't asked anything about the pistol in my presence.

Mr. BELIN. Did he make any statements about having a lawyer while he was in your presence?

Mr. GRAVES. Having a lawyer?

Mr. BELIN. Yes.

Mr. GRAVES. No.

Mr. BELIN. Now when you brought him in, after you brought him in, which was around 9:30, how long did you stay there? Through about how many minutes of interrogation before you left?

Mr. GRAVES. Let's see, from 9:30 until approximately 11:15, somewhere along there.

Mr. BELIN. Were you in the room in which the interrogation occurred throughout this period?

Mr. GRAVES. No.

Mr. BELIN. Well, how long were you in the room where he was being interrogated?

Mr. GRAVES. About 10 minutes.

Mr. BELIN. You were there the first 10 minutes?

Mr. GRAVES. No; last 10 minutes.

Mr. BELIN. Did you hear any of the initial questions of the interrogation at all?

Mr. GRAVES. No.

Mr. BELIN. Now you accompanied Oswald down from his fifth floor jail cell to Captain Fritz' office to be interrogated, is that correct?

Mr. GRAVES. Yes.

Mr. BELIN. Did you have any conversation with him when you picked him up at his jail cell?

Mr. GRAVES. No.

Mr. BELIN. Did you remember telling him he was going to be brought down for interrogation?

Mr. GRAVES. I told him they were going to transfer him.

Mr. BELIN. That is what you told him?

Mr. GRAVES. Yes.

Mr. BELIN. What did he say as to that?

Mr. GRAVES. Well, he didn't have anything to say. He didn't know what transfer meant, I don't think. I think he meant from one jail cell to another. He didn't know that meant going to the county.

Mr. BELIN. When you brought him down to Captain Fritz' office, he of course had been there before, hadn't he?

Mr. GRAVES. Oh, yes.

Mr. BELIN. Did he have any comments as he walked in the office about being interrogated or anything of that nature?

Mr. GRAVES. I don't know. He might have said something to the news media, I don't remember what it was.

Mr. BELIN. What is the fact as to whether or not Lee Harvey Oswald ever requested that he be provided a lawyer, insofar as your own personal knowledge is concerned? Did he ever make any such request to you or in your presence?

Mr. GRAVES. No, no; sure didn't.

Mr. BELIN. Do you know of your own personal knowledge whether or not he was ever advised that he had a right to have a lawyer?

Mr. GRAVES. Not in my presence.

Mr. BELIN. This is what I am asking, then, just of your own knowledge?

Mr. GRAVES. No; he wasn't.

Mr. BELIN. He might have been by someone else, but it wasn't done before you?

Mr. GRAVES. Might have been by someone else, but not in my presence.

Mr. BELIN. Was this as much contact as you had with Oswald? You indicate you saw him in a showup and you picked him up in a jail cell and you brought him down to be interrogated on November 24, when you were present during about 10 minutes, the latter part of this interrogation. Any other contacts with Oswald apart from these?

Mr. GRAVES. No; not that I had direct contact with him.

Mr. BELIN. What was your impression of him, as far as a person is concerned? His demeanor, his action, what kind of a person he was?

Mr. GRAVES. Well, of course I am not a psychiatrist or psychologist, but I would say he was an eight ball, in my vernacular.

Mr. BELIN. An eight ball in Army vernacular?

Mr. GRAVES. In any vernacular. We deal with a lot of people in our business, as well as we run into all types of people. I would say that he was egotistical.

Mr. BELIN. Let me stop right there. What gave you the impression he was egotistical?

Mr. GRAVES. Well, I don't know. A person of his nature and cocky attitude, I don't know exactly how to explain it.

Mr. BELIN. Any specific thing that he did that gave you that impression, that you can remember at all, or not?

Mr. GRAVES. No; not anything in particular. Again, you just have to be around people. I don't know how to explain how people act to where it means anything, but I know what it means to me. I have been wrong a few times, but I have been right most of the time in summing up how people are, their actions, and so forth, and I would say this boy was a little far out in his belief about things in general.

And the way he conducted himself. He is just plain egotistical, that is all. He don't care about you, me, or anybody else. He is caring about Oswald.

Mr. BELIN. Can you think of any specific action or remark of his that might be an illustration of this?

Mr. GRAVES. I can't offhand, no.

Mr. BELIN. Well, you described him, you used the phrase "eight ball." You used "egotistical." Can you use any other adjective that you think would apply to him as you saw him?

Mr. GRAVES. No; I think that pretty well covers it, myself.

Mr. BELIN. Was he generally quiet, or was he soft spoken, or was he quick to make remarks?

Mr. GRAVES. Well, he was quick to answer and quick to make a remark when he was spoken to or asked a question.

Mr. BELIN. Is he what you would categorize as polite in his answers or not?

Mr. GRAVES. Not always polite. He was straightforward and to the point, and not necessarily polite.

Don't lead me off in a channel of psychiatry, because I am just telling you my own personal feeling about the man, and I could be wrong, as I said. So I am not an expert in that field. I am just telling you what I think about the man, and you take it for what it is worth. As I said, I could be wrong. I have been wrong before.

Mr. BELIN. Was he attentive as you saw him. I mean, did he—

Mr. GRAVES. If you mean—he is sharp when it comes to talking to the men. He listened to everything, everybody he saw, and he had an answer by the time you got through asking him. That would make him attentive.

Mr. BELIN. This could be helpful. In other words, if he were asked a question, did he pause before he answered the question, or did he just shoot an answer straight back?

Mr. GRAVES. Just answered right back.

Mr. BELIN. Were there any exceptions to this, that you could remember, or was this almost invariably the case?

Mr. GRAVES. Well, that was the case in everything that I heard him say. He didn't hunt for words, didn't hesitate at all.

Mr. BELIN. Detective Graves, is there anything else you can think of that might be relevant to this area of inquiry which involves anything to do with Lee Harvey Oswald or the investigation of the assassination, or the shooting of Officer Tippit, that we haven't discussed here?

Mr. GRAVES. At this point, I don't recall anything else.

Mr. BELIN. Well, we certainly appreciate your cooperation, doubly so, because we know you have been down here once before, and I want to tell you that you have a right, if you would like, to read the transcript of this deposition and sign it and make any corrections that you wish, or you can just have the reporter ship it to us directly in Washington, and waive the signing, whatever you want to do? Do you have any preference at all?

Mr. GRAVES. Well, if I don't sign it, it won't make any difference anyway.

Mr. BELIN. You can waive it if you would like to.

Mr. GRAVES. I will waive it. It don't make any difference to me.

Mr. BELIN. All right.

Mr. GRAVES. In the interest of time and everything.

Mr. BELIN. Thanks a lot.

TESTIMONY OF JAMES R. LEAVELLE

The testimony of James R. Leavelle was taken at 9:30 a.m., on April 7, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Messrs. Joseph A. Ball and Samuel A. Stern, assistant counsel of the President's Commission. Robert T. Davis, assistant attorney general, was present.

Mr. BALL. Mr. Leavelle, will you stand and raise your right hand?

[Witness complying.]

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

Mr. LEAVELLE. I do.

Mr. BALL. Will you state your name, please?

Mr. LEAVELLE. James R. Leavelle.

Mr. BALL. And your address?

Mr. LEAVELLE. 7703 R-1-1-a [spelling], Dallas, Tex.

Mr. BALL. And, what is your occupation?

Mr. LEAVELLE. Detective, Dallas Police Department.

Mr. BALL. How long have you been on the department?

Mr. LEAVELLE. Fourteen years.

Mr. BALL. How long have you been in the homicide squad?

Mr. LEAVELLE. A little over 5 years.

Mr. BALL. Tell me about where you were born and your education; what you have done most of your life.

Mr. LEAVELLE. Well, I was born and raised mostly in Red River County in east Texas and went into service. After leaving the service, coming out of the service I worked for different companies here in Dallas until I joined the department in 1950.

Mr. BALL. The purpose of our inquiry here is to find out facts concerning the assassination of President Kennedy. That's the general purpose of it.

Mr. LEAVELLE. Yes.

Mr. BALL. You took part in the investigation, did you not, as a member of the Dallas Police Department?

Mr. LEAVELLE. A minor part you might say. I didn't have much to do with Oswald, myself.

Mr. BALL. Well, you talked to some of the witnesses, didn't you?

Mr. LEAVELLE. Yes.

Mr. BALL. On November 22, 1963, were you on duty?

Mr. LEAVELLE. Yes; I was.

Mr. BALL. What time did you go to work?

Mr. LEAVELLE. I was working 8 to 4 I believe, that month and I had—when I heard of the assassination, I had just come into the homicide office with a Negro boy I had arrested for robbery.

Mr. BALL. Whereabouts did you go then after that?

Mr. LEAVELLE. We, along with Charlie Brown, went to the building, the Texas Book Depository, and talked with the inspector there. I asked him if the building had been secured and he said it was and Captain Fritz was in the building.

Mr. BALL. Was that Inspector Sawyer?

Mr. LEAVELLE. Yes; he said they were sending all witnesses to the sheriff's office and I might go over and check and see what was needed, so I went to the sheriff's office and found them in a general uproar more or less. They had several witnesses around and they wanted to take affidavits from them; however, none of them had started. So, when I walked in, they knew I was a homicide man and would be indirectly responsible for some of the investigation, so I talked with Allen Sweatt, chief deputy, and started to set up the procedure for the taking of the affidavits from the witnesses when several of the—four, five or six of the burglary and theft detectives walked in and told me that they were sent down there to do whatever was needed to be done and asked me what was needed, so I told them to work with Mr. Sweatt and take those affidavits and they could do that as well as I and I would go back to the Depository and see what might further be needed over there. I went to the Depository and had been there just a short time talking to some of the officers on duty there. I don't remember who they were at this time and at that time I heard a radio broadcast of the shooting in Oak Cliff which involved Officer Tippit and I called my office and found that there was no one to answer the call in Oak Cliff and since everything was under control there, I felt like some of us should be in Oak Cliff, so I borrowed a car from Detective Red Edwards of burglary—

(At this point, Mr. Robert T. Davis enters.)

Mr. BALL. Go ahead, Mr. Leavelle.

Mr. LEAVELLE. I borrowed an automobile from Detective Red Edwards, A. L. Edwards, and proceeded to the Oak Cliff area. I went to the scene of the shooting. They had removed Tippit's body at that time and I talked with the sergeant and the officer.

Mr. BALL. What were their names?

Mr. LEAVELLE. I believe Sergeant Bud Owens was the sergeant there and one of the uniformed officers was—I may be in error on this, but I believe it was Poe.

Mr. BALL. J. M. Poe?

Mr. LEAVELLE. Yes; P-o-e [spelling].

Mr. BALL. At that time someone told you some empty .38 caliber hulls had been picked up. Did Poe tell you that?

Mr. LEAVELLE. Yes; I believe he did.

Mr. BALL. Did he give you the hulls?

Mr. LEAVELLE. No; he did not give them to me. I think my instructions to him were to turn them over to the crime lab.

Mr. BALL. Did he show them to you?

Mr. LEAVELLE. I don't think so; he may have but I do not recall. He may have. He did say that there was an eyewitness to it but he didn't know her name at the time. So, while I was talking to him was when the call came out they seen the suspect go into the Texas Theatre, so I proceeded to the Texas Theatre, but due to the heavy traffic, I didn't get there until after the arrest was made and they had left, so I returned to the scene and talked with the officer some more and I believe that he also told me that a man in a carlot down there had seen Oswald running from the scene.

Mr. BALL. Who told you?

Mr. LEAVELLE. Poe, I believe. Now, I could be in error on that but someone told me anyway, so—

Mr. BALL. You went back to the police station and took some affidavits from witnesses, didn't you?

Mr. LEAVELLE. That's right, I went on to the station at that time and took affidavits from—talked with some of the witnesses that they had brought in there because at the time I didn't realize there was any connection between Oswald and the shooting of Tippit or the one that they had arrested in the Texas Theatre for the killing of Tippit and the Presidential assassination. I thought it was two different things altogether. So, I proceeded back to the office to work on that end of it, checking with the captain, and they was tied up with the Presidential assassination, and not until we got there did I realize some few minutes later on, when talking to some of the people of the Texas Book Depository, did we realize Oswald could very well be the same one who assassinated the President.

Mr. BALL. Well, did Captain Fritz instruct you to go out and pick up the witness and come down to a showup, bring her down to a showup?

Mr. LEAVELLE. Yes; this Helen Markham, the witness, was in such a state of shock she had been unable to view the lineup.

Mr. BALL. Where did you see her the first time?

Mr. LEAVELLE. She was in the emergency room, in the hospital emergency room, first aid room, whatever you call it in the basement of the city hall, and I went over and talked with her and kind of got her calmed down where she thought she could stand to view the lineup, and when she told me that she felt like she was able to stand it, why, I called the captain and told him that we were ready for the showup, at which time some of the other officers brought Oswald down. I took here into the showup room myself and stood with her while she viewed the lineup.

Mr. BALL. Were you and Helen Markham the only two in what you call the showup room?

Mr. LEAVELLE. No, Captain Fritz and Chief Curry was in there also and possibly one or two others; I do not recall.

Mr. BALL. How about your partner, C. W. Brown?

Mr. LEAVELLE. I do not know whether he was there or not.

Mr. BALL. Any other witnesses?

Mr. LEAVELLE. Now Mr. Graves may have been in there.

Mr. BALL. Were there any other witnesses in there?

Mr. LEAVELLE. No.

Mr. BALL. Who picked the men for the showup?

Mr. LEAVELLE. I do not know.

Mr. BALL. Did you?

Mr. LEAVELLE. No; I had nothing to do with that.

Mr. BALL. Do you know who the men were in the showup?

Mr. LEAVELLE. That particular showup they had gotten two of the officers, I believe, that work in the vice squad.

Mr. BALL. I have the names of the people in the showup; No. 1 was Bill Perry; is he a Dallas Police Department officer?

Mr. LEAVELLE. Yes.

Mr. BALL. No. 3 R. L. Clark—

Mr. LEAVELLE. He is an officer also.

Mr. BALL. Vice squad?

Mr. LEAVELLE. Yes.

Mr. BALL. Don Ables is a jail clerk?

Mr. LEAVELLE. Yes.

Mr. BALL. Do you know who picked these men?

Mr. LEAVELLE. No; I do not know who decided that they be in the showup. Of course, I am sure whoever did was using them, thinking of the security angle of it more than anything else, rather than getting prisoners down there.

Mr. BALL. Is it unusual to use officers in the showup?

Mr. LEAVELLE. Yes; we don't normally do it.

Mr. BALL. You usually have other prisoners in the showup?

Mr. LEAVELLE. Yes, trustees serving time, or—

Mr. BALL. What is your memory as to how these men were dressed?

Mr. LEAVELLE. I think all of them had on just shirts and trousers, I believe. I don't think there was any coats involved in any of them.

Mr. BALL. Did any have ties?

Mr. LEAVELLE. None had ties or hats on.

Mr. BALL. Who conducted the showup questioning?

Mr. LEAVELLE. I probably asked the questions, yes.

Mr. BALL. What questions?

Mr. LEAVELLE. Normally, I would not have asked names in this case because for fear of her remembering the name, so, or might have heard the name, so, probably asked how old they were, what occupation, anything so they could speak and let me hear the sound of their voice.

Mr. BALL. Did any of them say they were police officers?

Mr. LEAVELLE. No, no; the officers gave some other occupation.

Mr. BALL. Now, what did Helen Markham say while she was in the showup room?

Mr. LEAVELLE. Well, she was very nervous and I do not recall what all she did say, but she was able to identify Oswald as the one.

Mr. BALL. What did she tell you?

Mr. LEAVELLE. She said he was the man that was at the scene she saw do the shooting over there in Oak Cliff.

Mr. BALL. Did you take a statement from her then?

Mr. LEAVELLE. I took one from her but I do not remember whether—just when I took it.

Mr. BALL. Then what did you do after that showup?

Mr. LEAVELLE. Well, I—Mr. Graves and I took Helen back home and after we dropped her off we stopped by this carlot, 501 East Jefferson, and talked with the manager or owner of that and found out that he was the one that had seen the man running. He had heard the shots and seen the man running, from the scene of the shooting and the colored porter there also had heard it, and they had gone to the scene and they said, each of them said, that they thought they might be able to identify the man that they saw running; they heard the shots and they ran outside and saw him running down the sidewalk across the street from the lot with the gun in his hand.

Mr. BALL. You also talked to Domingo Benavides?

Mr. LEAVELLE. Yes.

Mr. BALL. D-o-m-i-n-g-o B-e-n-a-v-i-d-e-s [spelling]. I would think it would be spelled differently.

Mr. LEAVELLE. He was supposed to be Mexican descent but that Benavides is actually an Italian name, I believe.

Mr. BALL. Well, did you talk to him also?

Mr. LEAVELLE. I talked with him but I do not believe we ever took an affidavit off him that I recall—may have.

Mr. BALL. Didn't he tell you that he picked up some empty hulls?

Mr. LEAVELLE. Yes, he told me he picked them up and gave them to the officer. I remember the officer told me he had gotten the hulls from someone who gave them to him, and when I talked to Domingo, he said he was the one picked them up and give them to the officer.

Mr. BALL. Did you bring any of these men downtown?

Mr. LEAVELLE. No.

Mr. BALL. Did you ask them—

Mr. LEAVELLE. I called later—Ted Callaway—bring the others down; however, I think the Negro porter there, whatever his name is, is the only one he brought.

Mr. BALL. You say you told him to bring the others down? Who did you tell to bring down?

Mr. LEAVELLE. The porter and this Domingo.

Mr. BALL. But he only brought—

Mr. LEAVELLE. Sam Guinyard.

Mr. BALL. Do you know why Domingo Benavides was never brought down for the showup?

Mr. LEAVELLE. I think he said he never saw the man actually. I believe he said later on he did not see the man.

Mr. BALL. He testified here he saw the man running.

Mr. LEAVELLE. But he—either that or he told me he could not recognize him, one or the other.

Mr. BALL. Did you have a showup with Callaway and Guinyard?

Mr. LEAVELLE. Yes, I do not recall the time but we did.

Mr. BALL. Do you want to see your notes here; would that refresh your memory? Here is a report that you made, also. [Papers to witness.]

Mr. LEAVELLE. Yes, at 6:30 p.m. would be right.

Mr. BALL. 6:30 p.m.?

Mr. LEAVELLE. Yes.

Mr. BALL. Who was in the audience side of the showup this time?

Mr. LEAVELLE. As far as I know there wasn't anyone other than Mr. Graves and myself, and I am not too sure he was there. I do not recall.

Mr. BALL. Your notes say that Brown and Dhority were with you. Is that right?

Mr. LEAVELLE. Well, I do not remember; it could have been.

Mr. BALL. Who was with the witnesses?

Mr. LEAVELLE. Who was with the witnesses?

Mr. BALL. What officer was with the witnesses?

Mr. LEAVELLE. Well, we were with them.

Mr. BALL. Who talked to them?

Mr. LEAVELLE. Are you talking about the witnesses or the ones in the lineup?

Mr. BALL. No; I am talking about the witnesses.

Mr. LEAVELLE. Only two witnesses is Callaway and Guinyard and I talked with them.

Mr. BALL. You talked with them?

Mr. LEAVELLE. Yes.

Mr. BALL. Who were the men in the showup this time?

Mr. LEAVELLE. I do not remember.

Mr. BALL. These notes show that Billy Perry was No. 1; R. L. Clark, No. 2; and 4, Don Ables; and No. 2, Oswald.

Mr. LEAVELLE. I know they were on two different showups, so it is quite possible.

Mr. BALL. Who conducted the questions of the men in the showup?

Mr. LEAVELLE. I would think I would have been—the same line.

Mr. BALL. Do you know what Ted Callaway said?

Mr. LEAVELLE. Not per se; I know they were able to identify Oswald.

Mr. BALL. What was the substance of what he said?

Mr. LEAVELLE. I do not recall.

Mr. BALL. You say "identify"; that doesn't mean much to me because I don't know what he identified him as.

Mr. LEAVELLE. He said he was the man; he identified him as the man he saw running from the direction where the shots came from over in the Oak Cliff area near his carlot.

Mr. BALL. What about Sam Guinyard?

Mr. LEAVELLE. Same thing, practically.

Mr. BALL. Did you take statements from them?

Mr. LEAVELLE. I believe I took affidavits from them, according to my notes, there while we were waiting for them to come down.

Mr. BALL. Did you also show them a jacket?

Mr. LEAVELLE. Yes; I took them to the fourth floor and asked them to look at a jacket which—

Mr. BALL. I show you Commission Exhibit 162. Does that look anything like the jacket?

Mr. LEAVELLE. It looks like the jacket that I showed them; yes.

Mr. BALL. Do you know what Callaway said when he saw the jacket?

Mr. LEAVELLE. He said this was definitely the jacket or one exactly like it.

Mr. BALL. Do you know what Guinyard said?

Mr. LEAVELLE. He said it was also the same type jacket.

Mr. BALL. Now then, did you do anything else that day on this investigation?

Mr. LEAVELLE. I do not recall other than possibly answer the telephone in the office.

Mr. BALL. You went to work at what time Saturday morning, November 23, 1963?

Mr. LEAVELLE. It would be around 8 o'clock, I imagine.

Mr. BALL. And did you take some statements that day?

Mr. LEAVELLE. Chances are I may have, I do not remember.

Mr. BALL. Here is—

Mr. LEAVELLE. It says took one affidavit from R. S. Truly, supervisor of Texas School Book and the other of employee, Mrs. R. A. Reid.

Mr. BALL. You are refreshing your memory from a report that you made, is that correct?

Mr. LEAVELLE. Yes.

Mr. BALL. Now, did you attend another showup that day?

Mr. LEAVELLE. Yes; we held another showup that day which involved a cabdriver—

Mr. BALL. What's his name?

Mr. LEAVELLE. We later found out he was near the scene of the shooting and saw the shooting, also, W. W. Scoggins. We held a showup for him at 2:15 p.m.

Mr. BALL. Was anyone else with him at that time?

Mr. LEAVELLE. Yes; there was another man who was another cabdriver, name of William Wayne Whaley [spelling].

Mr. BALL. Had you talked to him?

Mr. LEAVELLE. I had not talked to Whaley; no.

Mr. BALL. What officer talked to Whaley?

Mr. LEAVELLE. I do not recall.

Mr. BALL. Did you pick up Whaley in the squadcar?

Mr. LEAVELLE. No.

Mr. BALL. Did you pick up Scoggins in the squadcar?

Mr. LEAVELLE. No.

Mr. BALL. Where did you first see Whaley and Scoggins?

Mr. LEAVELLE. They came to the office, I believe.

Mr. BALL. Did you go down with them to the showup?

Mr. LEAVELLE. I am sure that I did. I do not recall but I am sure I must have.

Mr. BALL. Here's some other notes that you might look at to refresh your memory [notes to witness].

Mr. LEAVELLE. From these notes here it indicates I was there along with them at that time.

Mr. BALL. What is your memory? Is your memory different from the notes?

Mr. LEAVELLE. I do not remember who else was there, if anyone was.

Mr. BALL. You know that you were there with Scoggins and Whaley?

Mr. LEAVELLE. Yes.

Mr. BALL. Do you remember the men in the showup?

Mr. LEAVELLE. I do not recall who was in there. I know it says who was here but I could not tell you.

Mr. BALL. Did you pick those men?

Mr. LEAVELLE. No; not at anytime did I have anything to do with picking the men in any of them.

Mr. BALL. This was your third showup in the course of your investigation of the murder of Tippit and the assassination of President Kennedy?

Mr. LEAVELLE. Yes; the third and the only three I had anything to do with.

Mr. BALL. Who conducted this showup?

Mr. LEAVELLE. I would have handled the speech of that also; asking them to say a few words.

Mr. BALL. How were these men dressed?

Mr. LEAVELLE. That I do not recall either.

Mr. BALL. Do you remember whether they had coats on?

Mr. LEAVELLE. I know in all cases we usually try to have them dressed as alike as possible, the same as each other.

Mr. BALL. What is your memory of this incident? Were they dressed anywhere near similar?

Mr. LEAVELLE. In one instance—now, I am not positive which one it was, Oswald was in a T-shirt, having the other shirt removed upstairs where they were going to send it to the FBI laboratory for tests, and the rest of them, I

believe, had on shirts. He was the only one that had on a T-shirt and I recall—I am not sure but I think it was the last one where he was raising Cain about being up there with a T-shirt and wouldn't be quiet.

Mr. BALL. What did he say?

Mr. LEAVELLE. He said it wasn't fair, him being showed up in a T-shirt and being photographed in a T-shirt and all that. I don't know what he didn't say; he went on all the time.

Mr. BALL. Did Whaley say anything to you personally?

Mr. LEAVELLE. To me personally?

Mr. BALL. Yes.

Mr. LEAVELLE. Well, of course, I asked him if he—if the man that he remembered or saw there, whatever he was identifying him for there was up there and he said "Yes, the man in the T-shirt." Whether he was doing all the talking or not wouldn't make any difference, he still knew him.

Mr. BALL. What did Scoggins say?

Mr. LEAVELLE. He said practically the same thing—the man in the T-shirt was the—or the No. 3 man was the man he had saw do the shooting.

Mr. BALL. Who said that?

Mr. LEAVELLE. That would have been Scoggins.

Mr. BALL. Did Whaley say—tell you whether or not he had ever seen this man before?

Mr. LEAVELLE. He was supposed to have seen him I believe, but I do not recall what the circumstances were under which he saw him right offhand.

Mr. BALL. Where Scoggins saw him you remember, in other words, though?

Mr. LEAVELLE. Yes; in other words, he was the one who said he was sitting there eating a sack of lunch parked near the corner when the shooting occurred.

Mr. BALL. Now, on November 24, on Sunday morning, did you return to work about the same time, 8 o'clock, or so?

Mr. LEAVELLE. Little before 10, I believe, or something.

Mr. BALL. And, were you ordered by Captain Fritz to get Oswald?

Mr. LEAVELLE. Yes; I don't—I see here it says 9:30—whatever the official time was, I think it probably was maybe about that time.

Mr. BALL. Where did you go to get Oswald?

Mr. LEAVELLE. I had to go to the fourth floor jail.

Mr. BALL. Did you handcuff him?

Mr. LEAVELLE. Yes; I did.

Mr. BALL. Were his handcuffs in the front or in the rear?

Mr. LEAVELLE. In front.

Mr. BALL. Where were you taking him?

Mr. LEAVELLE. Took him down the inside elevator to the third floor into Captain Fritz's office.

Mr. BALL. Who was present at that meeting in Captain Fritz's office?

Mr. LEAVELLE. Well, I can recall. I believe during that time I was there there were several people in and out. I believe primarily myself and Mr. Graves and Dhority and Montgomery were in there most of the time, I don't know. We were in, probably might have stepped outside the door at one time or another but primarily we were around and also Mr. Kelley. Secret Service, and a man from the postal inspector's office. I cannot recall his name at this time. He should be on here—oh, yes, Mr. Sorrels, also, and Holmes of the postal department. Now, those people and Chief Curry came in once or twice. All those people may not have stayed in there constantly during the time but they were in there at some time or other.

Mr. BALL. Did these various people ask questions of Oswald?

Mr. LEAVELLE. I know Mr. Sorrels did and I know Mr. Kelley did. I do not recall whether Mr. Holmes asked any questions or not and Captain Fritz asked him some.

Mr. BALL. Do you remember what Mr. Sorrels asked him?

Mr. LEAVELLE. No; I don't.

Mr. BALL. Remember what Mr. Kelley asked him?

Mr. LEAVELLE. I can only remember one question Mr. Kelley asked him and that was whether or not he thought the attitude of the U.S. Government toward

Cuba would be changed since the President has been assassinated. To my knowledge, that is the only one I can recall.

Mr. BALL. What did Oswald say?

Mr. LEAVELLE. Oswald turned and asked Captain Fritz, said "I am filed on for the President's murder, is that right?" And, Captain Fritz told him yes, and he told Mr. Kelley, he said "Under the circumstances, I don't believe that it would be proper." That might not be the words he used, but wouldn't be right, anyway, for him to answer that question because whatever he said might be construed in a different light than what he actually meant it to be, but he went on to say he felt like when the head of any government died or was killed, whatever, there was always a second in command who would take over and he said in this particular instance it would be Johnson. He said "So far as I know, Johnson's views and President Kennedy's views are the same", so, he would see no particular difference in the attitude of the U.S. Government toward Cuba. That's about the main—the only one, because he went into such detail on it, the only one I thought was a little elaborate for him to go into that type of answer, the reason I remembered it.

Mr. BALL. Do you remember any question Captain Fritz asked him?

Mr. LEAVELLE. I remember that the captain asked him about the shooting of the President and the shooting of the officer; I know he did ask him that and I know Oswald did deny it, both times.

Mr. BALL. That he had shot President Kennedy and Tippit?

Mr. LEAVELLE. Yes; he denied shooting either one. He did say this "If you want me to 'cop' out to hitting or pleading guilty to hitting a cop in the mouth when I was arrested", he said "Yeah, I plead guilty to that" but he—I do know that he denied the shooting of both the President and Tippit.

Mr. BALL. In that meeting did he ask for a lawyer?

Mr. LEAVELLE. No; I know Captain Fritz asked him if at one time, if—he handed him a telegram—in fact, I believe it was sent by some attorney, if my memory serves me right, and he said he did not particularly want him but he would take that and if he didn't do any better he would contact him at a later time. I do not recall what lawyer it was. It seems like some lawyer in the East sent the telegram volunteering his services to Oswald.

Mr. BALL. That is there on Sunday morning, the 24th?

Mr. LEAVELLE. Yes.

Mr. BALL. In the course of this meeting which you have been describing—

Mr. LEAVELLE. Yes.

Mr. BALL. What did Oswald say?

Mr. LEAVELLE. He said that he preferred—he never had gotten in touch with this lawyer in New York City that represented the American Civil Liberties Union and he wanted to get in touch with him and said if he didn't do any better, or could not get him, he would like to talk with this man about it.

Mr. BALL. Can you remember any other questions asked Oswald by Captain Fritz?

Mr. LEAVELLE. No, not offhand; I would probably remember them if I heard the questions but I do not remember offhand.

Mr. BALL. Did anybody talk to him about the post office box?

Mr. LEAVELLE. Yes; Mr. Kelley asked him several questions and probably Mr. Sorrels about the post office box, both here and one he had in Shreveport—wherever it was.

Mr. BALL. New Orleans?

Mr. LEAVELLE. New Orleans, yes.

Mr. BALL. Do you remember what Oswald said?

Mr. LEAVELLE. Since you mentioned it, I do remember them talking to him about the New Orleans box and asking him about this other name, this—

Mr. BALL. Alek Hidell?

Mr. LEAVELLE. Yes; and he asked him if he knew Alek Hidell; said he didn't know if he ever heard of the name. He never heard of that and asked him several questions along that line and then after he had denied all knowledge of Alek Hidell, Mr. Kelley asked him, said "Well, isn't it a fact when you were arrested you had an identification card with his name on it in your possession."

He kind of grunted, said "Yes, that's right" and he said "How do you explain that?" And, as best my knowledge, he said "I don't explain it."

Mr. BALL. Anybody ask him about a gun, whether or not he bought a rifle?

Mr. LEAVELLE. I am sure they did. I remember some of them asking about the rifle and about it being sent to the box here in Dallas but I do not recall, I am not sure he denied it but I do not recall what his exact denial was.

Mr. BALL. You say he denied it. Do you remember whether or not he denied that he had bought a rifle?

Mr. LEAVELLE. To the best of my knowledge I do. He did deny it but I would not swear to it.

Mr. BALL. Was anything said about a revolver?

Mr. LEAVELLE. I am sure they asked him something about the revolver, too, but I do not recall what it was.

Mr. BALL. Did he say whether or not he had a revolver in his possession at the time of his arrest?

Mr. LEAVELLE. I do not recall what the questions was along that line or even what the answers was. Like I say, I am sure that they did. It seems as though my memory tells me that he did not deny taking the revolver but there, again, I would not want to say definitely.

Mr. BALL. Did you make any notes of the conversation?

Mr. LEAVELLE. No; I did not myself. That was the only time I ever sat in on the interrogations of him by Captain Fritz or anyone.

Mr. BALL. Is that the first time you had seen Oswald?

Mr. LEAVELLE. No; I had seen him, of course, the first day he was arrested and when they brought him in and out of the office taking him to and from the jail and, of course, I had saw him at the showups, what-have-you.

Mr. BALL. Had you ever talked to him before?

Mr. LEAVELLE. No; I had never talked to him before.

Mr. BALL. Did he have any marks on his face when you first saw him on Friday, the 22d of November?

Mr. LEAVELLE. Well, no; not that I recall. He—I know he had a black eye. I remember seeing that some time along the way but I do not recall when I first noticed it.

Mr. BALL. Did you ever talk to Oswald about his black eye?

Mr. LEAVELLE. No.

Mr. BALL. Did you ever hear him say anything to anyone as to how he received the black eye?

Mr. LEAVELLE. Yes; I remember at one time when they were moving him. Of course, if you saw television that day, I am sure you saw what men we had in the hallway up there with the photographers and newsmen, all were sticking microphones out at arms' length and hollering questions at him, and at one time someone asked him how he got the black eye. He said "A cop hit me," but that was just a hollered response to some unknown question or unknown news-reporter asking him.

Mr. BALL. As you would move Oswald through the halls on the third floor from one room to another—

Mr. LEAVELLE. Actually, it wasn't from one room to the other; it would be from our office to the elevator which is some 20 feet.

Mr. BALL. On those occasions would the hallway be crowded with reporters, newsmen, and television cameramen?

Mr. LEAVELLE. Yes; cameramen and television men all over the place; in fact, I was plumb up to my chin with those people.

Mr. STERN. How do you mean?

Mr. LEAVELLE. Well, I was disgusted with them.

Mr. STERN. Would they not cooperate with your request to stand in a particular place?

Mr. LEAVELLE. No; if you ever slopped hogs and throw down a pail of slop and saw them rush after it you would understand what that was like up there—about the same situation.

Mr. BALL. I'm through. Do you have some questions, Mr. Stern?

Mr. STERN. There was just no response. You asked them to cooperate with you?

Mr. LEAVELLE. Oh, yes; they would be asked to stand back and stay back but wouldn't do much good, and they would push forward and you had to hold them off physically. Of course, I realize I am not running the police department but if I had been running it wouldn't have been nobody up there; like I say, I was fed up. Fact of the business, one time when I was trying to escort some witness out of there—I don't recall who it was at this time—but I was trying to get them through that crowd and taking them down the edge of the corridor and I stopped and I looked down and there was a joker had a camera stuck between my legs taking pictures so that's just some indication of how they acted.

Mr. STERN. Was any consideration given to clearing the corridor?

Mr. LEAVELLE. A lot of consideration was given to it by me but, of course, I didn't have anything to do with it.

Mr. STERN. Was it discussed?

Mr. LEAVELLE. I imagine just among the men up there. The officers working in the bureau probably did. I don't know whether it was discussed on a higher level or not. I have no knowledge of that.

Mr. STERN. There were actually television cameras in the corridor?

Mr. LEAVELLE. Well, yes.

Mr. STERN. Hand cameras or the large?

Mr. LEAVELLE. They had the big camera set on a tripod right at the entrance of that hallway leading up there which would give them a full view of the entire hallway.

Mr. STERN. What was your impression of Oswald and the way he handled himself throughout this period?

Mr. LEAVELLE. Like I say, the only time that I had any connections with Oswald was this Sunday morning. I never had occasion of hearing him being interrogated or had occasion to talk with him at anytime and, to my listening to him answering the questions that were propounded to him that particular morning, he gave me the impression of being a man with a lot better education than his formal education indicated. In other words, for instance the long elaboration that he went into on the Cuba deal would tell—indicate that he had a fairly better than high school education that he was reported to have had.

Mr. STERN. Did he seem to be in control of himself?

Mr. LEAVELLE. Oh, yes; he was in control of himself at all times. In fact, he struck me as a man who enjoyed the situation immensely and was enjoying the publicity and everything was coming his way.

Mr. STERN. He engaged in banter with you and the police officials?

Mr. LEAVELLE. Not with me because I didn't have occasion to question him, but he did always smile and never hesitated for an answer, always had an answer.

Mr. STERN. How about on the occasions you were bringing him to or from the interrogations?

Mr. LEAVELLE. I did not indulge in any of that other than the one time and, of course, if I made any comments to him at that time, I do not remember what they were.

Mr. STERN. How about comments he made to you?

Mr. LEAVELLE. I know—I think possibly at one time he—that morning that I was bringing him down on Sunday morning that he may have asked me where he was going or if he was going back to Captain Fritz' office that morning, but aside from that, I do not recall anything else that he may have said or anything that I may have said to him in the course of the day.

Mr. STERN. Do you recall any complaints that he registered, any statements he made about his treatment, or—

Mr. LEAVELLE. No. I don't think he made any to us that morning we were moving him.

Mr. STERN. Did you receive the telegram that arrived Sunday morning or that was there Sunday morning about the offer?

Mr. LEAVELLE. I had occasion to see it. I do not recall what it was. I think it is a matter of record somewhere.

Mr. STERN. It was there at the Sunday morning interrogation?

Mr. LEAVELLE. Yes; it was there and, in fact, I know the captain and I talked

about it there a minute before I went up and got him, talked about informing him of this lawyer's request or offer. I said "Why not let him have the telegram, show him the telegram, let him read it himself," so, that's what the captain done—let him have the telegram.

Mr. STERN. Do you recall whether any of the witnesses at the showups at which you were present said that they had seen Oswald on television before they got to the police headquarters?

Mr. LEAVELLE. Well, I think it would have been impossible for anybody, any of them to see him with the exception of the two bus—cabdrivers. Now, the others may have, I don't recall, but the others all came down on the day of the assassination so I don't believe that they would have, but I know Helen Markham would not have because she was taken directly to city hall and had been there ever since it happened, so she would not, and I do not believe Mr. Callaway and the Negro porter, Sam Guinyard, would have had an opportunity, either.

Mr. STERN. In any event, you do not recall it?

Mr. LEAVELLE. I do not recall, but I am not saying it would not have happened.

Mr. STERN. That's all I have.

Mr. BALL. I would like to have Officer Leavelle's reports on the officer's duties filed as an exhibit to this deposition. It is marked "Pages 216, 217, 218, 219, 220." It is a part of the formal report of the Dallas Police Department concerning the assassination of President Kennedy and Officer Leavelle, your testimony will be written up by the shorthand reporter and will be submitted to you if you wish for you to read it and sign it, or, if you wish, you can waive your signature and it will be written up and forwarded to the Commission without your signature. How will you prefer?

Mr. LEAVELLE. I see no reason for me to sign it as long as it comes out like I put it down there.

Mr. BALL. If you have confidence in the reporter you can waive signature and we will send it on.

Mr. LEAVELLE. All right.

Mr. BALL. It is pages 216 through 220 of the formal report which is included in this Exhibit A. Thank you very much, Mr. Leavelle.

TESTIMONY OF W. E. BARNES

The testimony of W. E. Barnes was taken at 9:15 a.m., on April 7, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. David W. Belin, assistant counsel of the President's Commission.

Mr. BELIN. Would you rise and raise your right hand. 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. BARNES. I do.

Mr. BELIN. Would you please sit down. You can smoke if you want to.

Mr. BARNES. It causes lung cancer.

Mr. BELIN. I don't know if I formally introduced myself. I am David Belin, actually a practicing attorney from Des Moines, Iowa, and about a dozen of us practicing attorneys from across the country have been with the President's Commission on the Assassination for most of the past 3 months as consultants, and that is how I happen to be down here in your city.

Would you please state your name for the record.

Mr. BARNES. W. E. Barnes.

Mr. BELIN. Where do you live, Mr. Barnes?

Mr. BARNES. Route 2, Plano, Tex.

Mr. BELIN. Is that a suburb of Dallas?

Mr. BARNES. It is.

Mr. BELIN. What is your occupation?

Mr. BARNES. I am a policeman for the city of Dallas.

Mr. BELIN. Any particular department?

Mr. BARNES. I am a sergeant in the crime scene search section of the identification bureau.

Mr. BELIN. How old are you Sergeant Barnes?

Mr. BARNES. Forty-two years.

Mr. BELIN. Were you born in Texas?

Mr. BARNES. Yes, sir.

Mr. BELIN. Went to school here?

Mr. BARNES. Yes.

Mr. BELIN. Did you go to high school?

Mr. BARNES. Graduate of Plano High School.

Mr. BELIN. Then what did you do after you were graduated from high school?

Mr. BARNES. I worked for an aircraft company in California, and went into the Merchant Marine Service.

Mr. BELIN. That was during World War II?

Mr. BARNES. Yes.

Mr. BELIN. How long were you in the merchant marine?

Mr. BARNES. Little over 3 years.

Mr. BELIN. Then what did you do?

Mr. BARNES. Went to work for Dallas Police Department.

Mr. BELIN. That would be in 1947 or 1946?

Mr. BARNES. 1947.

Mr. BELIN. Have you been with them ever since?

Mr. BARNES. I have been.

Mr. BELIN. Pardon?

Mr. BARNES. Yes.

Mr. BELIN. Family?

Mr. BARNES. Two children, boy and a girl.

Mr. BELIN. Sergeant, were you on duty on November 22, 1963?

Mr. BARNES. Yes; I was.

Mr. BELIN. What time did you go on duty?

Mr. BARNES. I came at 7 a.m.

Mr. BELIN. Was your shift from 7 a.m., to—

Mr. BARNES. 3 p.m.

Mr. BELIN. Did you leave at 3 p.m., on that day?

Mr. BARNES. No; I did not.

Mr. BELIN. When you first learned of the assassination or the shooting of the President, where were you and what were you doing?

Mr. BARNES. I was in Dr. Bledsoe's office just finishing a dental appointment.

Mr. BELIN. Then what did you do?

Mr. BARNES. I immediately drove to the city hall.

Mr. BELIN. At about what time did you get there?

Mr. BARNES. Shortly after the President was assassinated.

Mr. BELIN. You had your appointment over the noon hour?

Mr. BARNES. Yes.

Mr. BELIN. What did you do after you got to the Dallas Police Station?

Mr. BARNES. I asked the captain did he want me to go to the scene or to stand by until we freed the two men that were at the scene?

Mr. BELIN. You had two men?

Mr. BARNES. At the scene.

Mr. BELIN. When you say the scene, what do you mean?

Mr. BARNES. The scene of the assassination.

Mr. BELIN. Were they in a building there?

Mr. BARNES. The Texas School Book Depository Building.

Mr. BELIN. The Texas School Book Depository Building?

Mr. BARNES. That's right.

Mr. BELIN. Do you know who those men were?

Mr. BARNES. Detective R. L. Studebaker and Lt. J. C. Day.

Mr. BELIN. When you say two men, you mean from the crime laboratory?

Mr. BARNES. Two men from our crime scene search section.

Mr. BELIN. What were you advised to do?

Mr. BARNES. I was told to standby until further notice.

Mr. BELIN. What was the next thing that occurred?

Mr. BARNES. Officer Tippit was shot at 10th and Patton in Oak Cliff.

Mr. BELIN. What did you do then?

Mr. BARNES. I immediately went to the scene of the shooting.

Mr. BELIN. What did you do when you got to the scene?

Mr. BARNES. The first thing that I did was to check the right side of Tippit's car for fingerprints.

Mr. BELIN. Did you find any fingerprints on the right side of the car?

Mr. BARNES. There was several smear prints. None of value.

Mr. BELIN. Where were these smear prints located?

Mr. BARNES. Just below the top part of the door, and also on the right front fender.

Mr. BELIN. Why did you happen to check that particular portion of the vehicle for fingerprints?

Mr. BARNES. I was told that the suspect which shot Tippit had come up to the right side of the car, and there was a possibility that he might have placed his hands on there.

Mr. BELIN. Did you do anything else at all out there?

Mr. BARNES. I photographed the scene.

Mr. BELIN. Have you had much experience in photography?

Mr. BARNES. I have been in the crime scene search section doing this work since August 1, 1956.

Mr. BELIN. When you photographed the scene, did you use flashbulb equipment or not?

Mr. BARNES. No; I did not.

Mr. BELIN. I assume that because many crime scenes are inside, that you are also familiar with the operation of flash equipment?

Mr. BARNES. We use flash equipment on the inside and outside when I think it is necessary.

Mr. BELIN. What kind of camera do you use?

Mr. BARNES. Speedgraphic.

Mr. BELIN. Is that the kind of camera that newspaper cameramen often use?

Mr. BARNES. A lot of them do.

Mr. BELIN. Anything else that you did out at the crime scene?

Mr. BARNES. I photographed the scene; yes. There was a couple of hulls that was turned over to me.

Mr. BELIN. Do you mean empty shell casings?

Mr. BARNES. Empty .38 caliber hulls was turned over to me at the scene by patrolman—I believe I would be safe in saying Poe, but I am not sure about that.

Mr. BELIN. How do you spell that?

Mr. BARNES. P-o-e, I believe is the way he spells it.

Mr. BELIN. You think he was the one that turned over some shells?

Mr. BARNES. I believe it is. I am not too sure right now, but I believe that is what is on the report. I would have to check it to be sure.

Mr. BELIN. Would these be on your report?

Mr. BARNES. It would be on our report, at the crime scene search section.

Mr. BELIN. Is there anything else that was turned over to you at the scene besides these hulls that you think Patrolman Poe turned over?

Mr. BARNES. Not that I can remember at this time.

Mr. BELIN. While you were out there, were any additional hulls found other than these two?

Mr. BARNES. Yes. Captain Doughty picked up another hull, .38 caliber.

Mr. BELIN. Did you see Captain Doughty pick it up?

Mr. BARNES. I did not.

Mr. BELIN. Were you advised as to anyone who might have pointed it out to Captain Doughty, or did he get it himself, or what?

Mr. BARNES. I heard that someone pointed it out to him and he picked it up.

Mr. BELIN. You mean some citizen?

Mr. BARNES. Some citizen pointed it out to him, and he picked it up?

Mr. BELIN. Do you remember where he might have located it? What approximate location?

Mr. BARNES. I was a busy man and I didn't watch his operation.

Mr. BELIN. Anything else out there?

Mr. BARNES. Not that I can recall at this time.

Mr. BELIN. Now you took pictures of the Tippit vehicle?

Mr. BARNES. The what?

Mr. BELIN. Of the Tippit police car. You took pictures of that out there?

Mr. BARNES. Yes; I did.

Mr. BELIN. Did you take any pictures of anything on the street in the immediate vicinity of the car?

Mr. BARNES. Yes; I did.

Mr. BELIN. What was that?

Mr. BARNES. I took a picture of a stop sign that was located down at the intersection of Patton and 10th. We had a report that we thought maybe that might have had some significance on the case.

I also took shots at the rear of the car on the parking lot where a jacket was discarded by the suspect.

Mr. BELIN. Where would that be?

Mr. BARNES. In the alley between Patton and the next street over.

Mr. BELIN. The next street to the west?

Mr. BARNES. Between Patton and the alley that ran between the two. I would have to check on the map. Cumberland—you got a street map?

Mr. BELIN. I have a map here which, if you will excuse me for a moment, I will try and get.

Mr. BARNES. I sure will. Crawford.

Mr. BELIN. We now have a map of Dallas, and you say that the jacket was found in the alley between Patton and Crawford? Where with relation to 10th or Jefferson?

Mr. BARNES. It would be between Jefferson and 10th in the alley that separates those two streets, and running from Patton and Crawford.

Mr. BELIN. You say running from Patton and Crawford. You mean parallel?

Mr. BARNES. It runs parallel to Jefferson.

Mr. BELIN. Parallel to Jefferson?

Mr. BARNES. Between Patton and Crawford.

Mr. BELIN. Between Patton and Crawford. Was there a Texaco station around there at all?

Mr. BARNES. There is a service station right south of it. The kind of station that it is, I don't recall the kind of station it was, but there is a service station, and sort of a parking lot where this jacket was discarded. We got photos of this car where the jacket was found just behind it.

Mr. BELIN. Now you took some pictures out there, you say, is that correct?

Mr. BARNES. I did.

(Discussion off the record for selection of pictures.)

Mr. BELIN. Sergeant Barnes, I am going to hand you some pictures which we will mark as "Barnes Deposition Exhibits A, B, C, D, and E" on the deposition of Barnes, and I am going to ask you to state whether or not the original negatives from which these prints were made were taken by you?

Mr. BARNES. They were.

Mr. BELIN. Now the first one, Barnes Deposition Exhibit A, is a picture of the Dallas Police squadcar No. 10. Was that the Tippit automobile?

Mr. BARNES. It was.

Mr. BELIN. About when did you say you got out to the Tippit scene?

Mr. BARNES. Approximately 1:40.

Mr. BELIN. 1:40 in the afternoon?

Mr. BARNES. Approximately, November 22.

Mr. BELIN. When would you have started taking these pictures?

Mr. BARNES. Shortly afterwards.

Mr. BELIN. Within 5 or 10 minutes?

Mr. BARNES. Yes.

Mr. BELIN. Now I notice on the right-front door window it appears that the

vent window was open and that the main window is closed. Is that the way that you found the car when you got there?

Mr. BARNES. That is true.

Mr. BELIN. Inside the window there appears to be some kind of paper or document. Do you remember what that is at all, or not?

Mr. BARNES. That is a board, a clipboard that is installed on the dash of all squad cars for the officers to take notes on and to keep their wanted persons names on.

Mr. BELIN. Were there any notes on there that you saw that had been made on this clipboard?

Mr. BARNES. Yes; we never read his clipboard.

Mr. BELIN. That is the way you saw the clipboard there?

Mr. BARNES. That is the way it was.

Mr. BELIN. It appears to be there is a picture of some man on the clipboard. Did you notice whether or not there was any handwriting or any memorandum paper on the board?

Mr. BARNES. I couldn't tell you what was on the clipboard.

Mr. BELIN. Anything else about this particular picture, Barnes Deposition Exhibit A?

Mr. BARNES. What?

Mr. BELIN. Anything that you can tell us about it that you think might be relevant?

Mr. BARNES. Not that I know.

Mr. BELIN. I am now turning to Barnes Deposition Exhibit B. What is Exhibit B?

Mr. BARNES. That is a picture showing the front of the squadcar, and also blood on the street where Tippit fell.

Mr. BELIN. I wonder if you could circle with this ballpoint pen on Barnes Deposition Exhibit B, the spot of blood where you say Tippit fell?

Mr. BARNES. (Circles.)

Mr. BELIN. You have circled that in ink. Now going back to Barnes Deposition Exhibit A: earlier, Sergeant Barnes, you said that you tried to get some prints and you found some smears on the right side of the car. I wonder if on Barnes Deposition Exhibit A with a red pencil you could show us the general area where you found the smears?

Mr. BARNES. [Marks with red pencil on photo.]

Mr. BELIN. You put on this print a relatively horizontal line on the right front car door immediately below the bottom part of the window, and also what I will call the right part of the top of the right-front fender near where the headlight is.

Mr. BARNES. That is true.

Mr. BELIN. Was this police car dirty or clean?

Mr. BARNES. Dirty.

Mr. BELIN. What is the fact as to whether or not this in any way affects your ability to lift fingerprints?

Mr. BARNES. Any dirty surface will create a hardship as far as lifting a latent print.

Mr. BELIN. Were you able to find any identifiable prints?

Mr. BARNES. No legible prints were found.

Mr. BELIN. When you came to the scene, Officer Tippit had already been removed?

Mr. BARNES. That is true.

Mr. BELIN. Anything else on Barnes Deposition Exhibit B that you think is relevant?

Mr. BARNES. None that I can recall at this time.

Mr. BELIN. Turning to Barnes Deposition Exhibit C, could you state what this is, please?

Mr. BARNES. That is a picture of squad car No. 10, which was driven by Tippit, a more distant shot showing where Tippit fell, and the scene where the squad car was.

Mr. BELIN. Had the Tippit car been moved at any time during the taking of any of these pictures by you?

Mr. BARNES. None that I can recall.

Mr. BELIN. Anything particularly relevant about Barnes Deposition Exhibit C that you want to further discuss at this time?

Mr. BARNES. I believe not.

Mr. BELIN. Handing you Barnes Deposition Exhibit D, will you state what this is?

Mr. BARNES. That is a side view of the Tippit car.

Mr. BELIN. That is looking toward the driver's side, is that correct?

Mr. BARNES. That's right.

Mr. BELIN. You see the houses in the background which would be roughly to the south, is that right?

Mr. BARNES. That's correct.

Mr. BELIN. This is a picture of the car as you found it?

Mr. BARNES. That's right.

Mr. BELIN. Now, do you remember whether or not the window on the driver's side was up or down?

Mr. BARNES. I believe it was down.

Mr. BELIN. Was any jacket of any kind hanging in the back of the car?

Mr. BARNES. Yes; Tippit's Eisenhower jacket, that's what we call them, was hanging on a hanger in the back of the car.

Mr. BELIN. Handing you Barnes Deposition Exhibit E, would you state what this is?

Mr. BARNES. This is a shot from the south looking northward at the front of the Tippit car, and showing the blood shot on the pavement where Tippit fell.

Mr. BELIN. This has a caption on it, "Spot where Patrolman Tippit fell." Does the arrow point to the spot to which you refer?

Mr. BARNES. It does.

Mr. BELIN. Anything else particularly relevant about Barnes Deposition Exhibit E that you want to discuss now?

Mr. BARNES. No. I made that one [pointing].

Mr. BELIN. You are now referring to Barnes Deposition Exhibit F, is that correct?

Mr. BARNES. That is true.

Mr. BELIN. What is that a picture of?

Mr. BARNES. That shows the rear of the Tippit car, left rear, and also a view looking to the east, which covers the spot where Tippit fell.

Mr. BELIN. At this time we introduce in evidence Barnes Deposition Exhibits A, B, C, D, E, and F, and I will just have these copies with the original copy of the deposition for madam reporter. We won't ask you to make copies of these.

Now you mentioned out there that some cartridge cases were found, is that correct?

Mr. BARNES. That is true.

Mr. BELIN. Sergeant, I will ask you to examine Commission Exhibits Nos. Q-74, Q-75, Q-76, and Q-77, and ask you to state whether or not there appears to be any identification marks on any of these exhibits that appear to show that they were examined or identified by you?

Mr. BARNES. I placed "B", the best that I could, inside of the hull of Exhibit 74—I believe it was Q-74 and Q-75, as you have them identified.

Mr. BELIN. Now all four of these exhibits appear to be cartridge case hulls, is that correct?

Mr. BARNES. .38 caliber.

Mr. BELIN. .38 caliber pistol?

Mr. BARNES. Yes.

Mr. BELIN. They are kind of silver or chrome or grey in color? You can identify it that way?

Mr. BARNES. Yes.

Mr. BELIN. How many of these hulls, to the best of your recollection, did you identify out there?

Mr. BARNES. I believe that the patrolman gave me two, and Captain Doughty received the third.

Mr. BELIN. The two that the patrolman gave you were the ones that you put this identification mark on the inside of?

Mr. BARNES. Yes.

Mr. BELIN. What instrument did you use to place this mark?

Mr. BARNES. I used a diamond point pen.

Mr. BELIN. You put it on Q-74 and Q-75?

Mr. BARNES. It looks like there are others that put their markings in there too.

Mr. BELIN. Did you have anything to do with identifying either the slugs that were eventually removed from Officer Tippit's body, or the pistol?

Mr. BARNES. No.

Mr. BELIN. You never put any identifying marks on those. Is there anything else that you did out at the crime scene?

Mr. BARNES. We made a crime sketch of the scene.

Mr. BELIN. You made a crime sketch of the scene?

Mr. BARNES. Yes.

Mr. BELIN. Anything else?

Mr. BARNES. No; not that I can recall at this time.

Mr. BELIN. What did you do with those cartridge case hulls, Q-74 and Q-75?

Mr. BARNES. We placed them in our evidence room, and turned them over to the FBI. I believe Special Agent Drain of the FBI was the agent that took them.

Mr. BELIN. Anything else that you can think of that might be relevant with regard to your work at the Tippit scene?

Mr. BARNES. None. Not at this time.

Mr. BELIN. Well, when did leave there?

Mr. BARNES. I don't know the exact hour that I left there, that I got through.

Mr. BELIN. Where did you go?

Mr. BARNES. I went on a major accident at Veterans Drive and Ledbetter.

Mr. BELIN. Where did you go after that?

Mr. BARNES. Back to the city hall.

Mr. BELIN. Did you make any other pictures that day?

Mr. BARNES. I don't believe I did.

Mr. BELIN. Did you make any pictures with regard to the investigation of the President's assassination or the murder of Officer Tippit at any other time on either Saturday the 23d or Sunday the 24th up to the time of the shooting of Oswald by Jack Ruby?

Mr. BARNES. No.

Mr. BELIN. Did you make any pictures of the Texas Theatre?

Mr. BARNES. I did.

Mr. BELIN. When did you do those?

Mr. BARNES. I did that the afternoon of November 22, as soon as I finished with the Tippit car pictures.

Mr. BELIN. Would you include that as part of the Tippit investigation?

Mr. BARNES. Yes; that was in the same part.

Mr. BELIN. Let me backtrack a minute. You may have misunderstood my question. When you finished up at East 10th and Patton Streets, you took pictures, you got shells, you said you tried to get fingerprints. Did you try to do anything else at East 10th and Patton?

Mr. BARNES. No.

Mr. BELIN. Then where did you go from East 10th and Patton?

Mr. BARNES. The Texas Theatre.

Mr. BELIN. Before you got to the Texas Theatre, did you stop at the spot where you say this jacket was found?

Mr. BARNES. Yes.

Mr. BELIN. Did you take a picture there?

Mr. BARNES. Yes.

Mr. BELIN. All right, did you take any other pictures between East 10th and Patton and the Texas Theatre?

Mr. BARNES. I took two photos of the place where the jacket was found.

Mr. BELIN. But other than that, you then went to the Texas Theatre?

Mr. BARNES. Yes.

Mr. BELIN. At the time you got to the Texas Theatre, had Oswald or the person that was apprehended there already been taken away from the theatre?

Mr. BARNES. Yes.

Mr. BELIN. What did you do when you got to the theatre?

Mr. BARNES. I photographed the interior of the theatre.

Mr. BELIN. Any particular position of it that you remember?

Mr. BARNES. The lobby and the place where the arrest was made.

Mr. BELIN. It was after that that you then went to investigate that major automobile accident?

Mr. BARNES. Yes.

Mr. BELIN. Now after you investigated or took pictures at this major automobile accident, then what did you do?

Mr. BARNES. I returned to the city hall.

Mr. BELIN. What did you do when you returned to the city hall?

Mr. BARNES. We started working out the evidence and developing negatives of all the photos that were taken at the Kennedy assassination site and also at the Tippit site.

Mr. BELIN. Who were you working with at that time?

Mr. BARNES. We had just about all the manpower of the crime scene search section working.

Lt. J. C. Day, myself, Detective R. L. Studebaker, Detective J. B. Hicks, and Detective R. W. Livingston.

Mr. BELIN. Did you know about what time of the day you were doing this?

Mr. BARNES. We started on it, I would say, roughly after I returned to the city hall. It was getting close to 4 o'clock.

Mr. BELIN. Where was this work done?

Mr. BARNES. In the crime scene search section of the identification bureau.

Mr. BELIN. On what floor is that?

Mr. BARNES. It is on the fourth floor of the city hall.

Mr. BELIN. On the fourth floor, were there any people other than police personnel?

Mr. BARNES. Not where we were; no.

Mr. BELIN. When you got there, did you see what the situation was on the third floor?

Mr. BARNES. Yes; we could.

Mr. BELIN. What was the situation on the third floor?

Mr. BARNES. Turmoil of news media, photographers.

Mr. BELIN. What do you mean by turmoil?

Mr. BARNES. Well, they just all of them trying to get up in there where they could get a shot.

Mr. BELIN. By a shot, you mean a picture?

Mr. BARNES. Yes; a photo. Any photos they might get for the newspapers. In case they should get a view, they wanted to be there at the time. I presume that is what they were there for.

Mr. BELIN. Was Oswald on the third floor at the time?

Mr. BARNES. Yes.

Mr. BELIN. Did they have wires coming through the windows for television cameras, or not?

Mr. BARNES. There was wires running all over the city hall; cables.

Mr. BELIN. Cables?

Mr. BARNES. Yes.

Mr. BELIN. What about stands for lights, were they there, too?

Mr. BARNES. That's right, they come up with lights and also TV cameras to cover.

Mr. BELIN. When you say city hall, really the third floor that we are talking about is exclusively used by the police department, is that correct?

Mr. BARNES. Yes.

Mr. BELIN. All right, do you have any estimate of the number of newspaper people there were on the third floor at that time?

Mr. BARNES. It would be a guess. I wouldn't want to venture to guess, because it would be just strictly guesswork.

Mr. BELIN. More than 20?

Mr. BARNES. Yes.

Mr. BELIN. More than 50?

Mr. BARNES. I am not saying. I don't know.

Mr. BELIN. All right, in any event, you were working on the fourth floor?

Mr. BARNES. Yes.

Mr. BELIN. Then where did you go?

Mr. BARNES. Later we went to the third floor, to the office of Captain Fritz.

Mr. BELIN. What did you go to Captain Fritz' office for?

Mr. BARNES. To make a paraffin test of Lee Harvey Oswald's hand.

Mr. BELIN. About when would this have been, approximately, if you know?

Mr. BARNES. I tell you, the time didn't mean anything there, and it was after I returned to the city hall, and after 6 o'clock.

Mr. BELIN. Sometime after 6 o'clock?

Mr. BARNES. Yes.

Mr. BELIN. Did Captain Fritz call you up and tell you to come down and make the paraffin test?

Mr. BARNES. He didn't talk to me. I was advised to go to that office to help make the paraffin test.

Mr. BELIN. By your supervisor?

Mr. BARNES. Yes.

Mr. BELIN. Who would that have been?

Mr. BARNES. Lt. J. C. Day.

Mr. BELIN. Now is this the usual procedure when you are going to make a paraffin test, to go to an office such as Captain Fritz' office to do it?

Mr. BARNES. No.

Mr. BELIN. What would the usual procedure be?

Mr. BARNES. If he is alive, they usually bring them to our bureau.

Mr. BELIN. That would be to bring them up to the fourth floor?

Mr. BARNES. Yes.

Mr. BELIN. This would have necessitated, I would assume, moving the prisoner from Captain Fritz' office through the hallway up to the fourth floor?

Mr. BARNES. It would.

Mr. BELIN. Were there any people in the hallways at this time, or did anyone tell you why?

Mr. BARNES. Well—

Mr. BELIN. That is, tell you why they were going to make a paraffin test down in Captain Fritz' office rather than in your laboratory?

Mr. BARNES. No, sir; nobody said anything to me about it.

Mr. BELIN. Was there any particular problem that you saw insofar as taking the prisoner up to your office from Captain Fritz' office?

Mr. BARNES. Yes; you would have to take him through the throng of newspapermen and photographers who were in the hallway.

Mr. BELIN. What is the fact as to whether this might have presented a security problem in any way?

Mr. BARNES. It would.

Mr. BELIN. What equipment did you take down to make this paraffin test?

Mr. BARNES. I took paraffin, the paraffin kit that we have which consists of gauze and paraphernalia that we need to make the test.

Mr. BELIN. Was this your permanent equipment or your portable equipment? When I say your permanent, I mean your in-place equipment?

Mr. BARNES. It is the same equipment we use up in our bureau, working under makeshift conditions.

Mr. BELIN. When you use the phrase "makeshift conditions"—

Mr. BARNES. Just like putting up a portable camping ground to cook on. We have our benches to work on up at the crime scene search section which makes it handier to work with.

Mr. BELIN. Would the quality of the test be the same?

Mr. BARNES. Yes; I think so. The quality would be the same, just takes a little more time and inconvenience.

Mr. BELIN. When you got down there, what did you do and see? First of all, who was in the room?

Mr. BARNES. Detective Dhority and Detective Leavelle.

Mr. BELIN. Is that L-e-a-v-e-l-l-e?

Mr. BARNES. Right. And Lee Harvey Oswald.

Mr. BELIN. Did you have any discussion, or did you hear Lee Harvey Oswald say anything or anyone say anything to Lee Harvey Oswald while you were there?

Mr. BARNES. No conversation.

Mr. BELIN. What did you do?

Mr. BARNES. We got our equipment and got the paraffin melted, and while it was being prepared, we told him that we would have to make a paraffin cast of his hand.

Mr. BELIN. What did he say to that?

Mr. BARNES. It was okay with him.

Mr. BELIN. Did he say anything as to any other comments he had about the paraffin test?

Mr. BARNES. None other than he stated to me, "What are you trying to do, prove that I fired a gun?"

And I said, "I am not trying to prove that you fired a gun. We have the test to make, and the chemical people at the laboratory, at the city-county laboratory will determine the rest of it."

Mr. BELIN. What is the purpose of a paraffin test?

Mr. BARNES. The purpose is to find out if there is any nitrates on your hands.

Mr. BELIN. Officer, how many years have you personally made paraffin tests?

Mr. BARNES. Since 1956.

Mr. BELIN. What is the procedure by which you determine whether or not there are any nitrates on one's hand?

Mr. BARNES. The analyses are made at Parkland Hospital by their personnel.

Mr. BELIN. Do they analyze the wax?

Mr. BARNES. They analyze the wax that I remove from his hands after the casts are made.

Mr. BELIN. Well, if you were to take a paraffin or make a paraffin test on one of my hands, you would take melted hot wax and put it over my hands?

Mr. BARNES. It wouldn't be hot wax. It would have to be at a degree where it would be melted. Take a paint brush, small paint brush, dip it into the paraffin, and paint your hand as you would be painting a wall, and you build this paraffin up around and around your hand, front and back, until you get a layer approximately a quarter of an inch thick.

Then you wrap the hands in gauze, just a layer of gauze around it for reinforcement purposes such as you would put steel and concrete to reinforce it, and then on top of this gauze we put another layer of paraffin. In fact, several layers of paraffin on top of the gauze to round it out to make it more firm so that when we remove this paraffin from around his hands, we take a pair of surgical scissors and cut down each side, and it slips off just like you were removing a glove.

Mr. BELIN. You would make two cuts then, one along the side of the little finger and one along the side of the thumb?

Mr. BARNES. Well, really it is a V-cut on the thumb and forefinger, and a straight parallel line down the left- or right-little finger.

Mr. BELIN. On the side of the palm of the hand?

Mr. BARNES. Right.

Mr. BELIN. Have you done any reading as to what this test shows and what its limitations are at all?

Mr. BARNES. Well, yes; the purpose of it is when you put the heated paraffin on the hand, for the nitrates which might be on the hand, to be stuck to the paraffin that you put on there.

This paraffin that you place on the hand—I will rephrase this a little bit.

When you put the paraffin on your hand, the nitrates that might be on your hands will stick to the paraffin as it cools, and when you remove the paraffin, then this nitrate or powder residue which might be on the hands will be hardened into the paraffin and will slip off with the paraffin.

Mr. BELIN. Now when you say nitrates, I believe you used the word "residue"?

Mr. BARNES. Powder residue and nitrates.

Mr. BELIN. Is nitrate a compound which is in gunpowder residue?

Mr. BARNES. That is what they call the dermal nitrate test, I believe is the correct name that they give it.

Mr. BELIN. Does gunpowder generally have included in it some sort of nitrate compound?

Mr. BARNES. Yes.

Mr. BELIN. If I were firing a pistol, would this pistol leave a nitrate on my hands that would be detectable by the paraffin test?

Mr. BARNES. It should, unless it is awful tight.

Mr. BELIN. What do you mean by "awful tight"?

Mr. BARNES. You could have an automatic which very easily could keep you from having nitrate on your hands.

Mr. BELIN. Well, let's assume that we were taking a .38 caliber pistol. You have seen the pistol which Lee Harvey Oswald had in his possession at the time he was apprehended.

Let's assume I were firing that pistol. Would it leave some residue on my hand?

Mr. BARNES. It should.

Mr. BELIN. Suppose I were to wash my hands between the time I fired it and the time you took the paraffin test?

Mr. BARNES. It would hurt the test.

Mr. BELIN. It would cut down the test?

Mr. BARNES. Yes.

Mr. BELIN. Now if I were firing it, would it necessarily show on both hands? Suppose I were right-handed?

Mr. BARNES. Depends on the location of your left hand.

Mr. BELIN. Well, generally from your experience, is there any particular location for a right-handed person to keep his hand when he is firing a pistol?

Mr. BARNES. Police officers are taught to keep their left hand near the pistol handle.

Mr. BELIN. As an element of controlling it?

Mr. BARNES. As an element of controlling, and also an element which, if you should get wounded in your right shoulder, you would have the left hand to take the gun.

Mr. BELIN. If you keep it near then, I assume that you would get the nitrate on the other hand, too, or not?

Mr. BARNES. Very likely that you would.

Mr. BELIN. Suppose I were unloading a pistol and taking the cartridge case out and putting them in my left hand or handling the chamber where the cartridge cases had been, would this leave nitrate deposits on my hand?

Mr. BARNES. It is possible.

Mr. BELIN. Suppose you were to examine my hands and you were to find no nitrate deposits at all. Would you say that this conclusively shows that I did not fire a pistol?

Mr. BARNES. No.

Mr. BELIN. Well, does it conclusively show I had not fired a pistol within the last 6 or 8 or 10 hours?

Mr. BARNES. No.

Mr. BELIN. Why do you say that?

Mr. BARNES. Well, a lot would depend what kind of pistol.

Mr. BELIN. Well, suppose it were a .38 caliber pistol?

Mr. BARNES. Then it would depend on whether you had cleaned your hands or whether you had had gloves on.

Mr. BELIN. Well, suppose I were to tell you I didn't have gloves on.

Mr. BARNES. Had you washed your hands?

Mr. BELIN. Well, would this make much of a difference?

Mr. BARNES. Washing your hands would make a difference.

Mr. BELIN. All right, now, suppose you were to examine me for firing a rifle such as a bolt-action rifle rather than an automatic or semiautomatic.

Would you expect to find nitrate residue on my hands that a paraffin test would show?

Mr. BARNES. Chances are smaller on a rifle than it would be with a revolver.

Mr. BELIN. Why?

Mr. BARNES. Because your chamber is enclosed.

Mr. BELIN. What difference does that make?

Mr. BARNES. The powder couldn't get out like a pistol where the cylinder is open, and there is no casing around the cylinder of a revolver, and the chamber of a rifle, it is enclosed with the metal all the way around.

Mr. BELIN. Well, I operate the bolt on the rifle, does that make a difference about letting the gas or residue escape?

Mr. BARNES. No; all your explosives have already gone down the barrel. It is not coming down the side when you operate the chamber. There is no pressure there.

Mr. BELIN. What you are saying then is, that it is the pressure at the time of firing in an open chamber that creates the major portion of this residue?

Mr. BARNES. That's right.

Mr. BELIN. If you were to have a positive nitrate test on a person's hands, and by positive, I mean it would show the presence of nitrate, would you say, without knowing anything about the firearm that the person fired, that it was more likely that he had fired a .38 caliber revolver, or a bolt-action rifle?

I mean a nonautomatic revolver?

Mr. BARNES. Let me get your question to see if I am correct. If there were nitrates present?

Mr. BELIN. Yes.

Mr. BARNES. In my own mind would I come to the conclusion that it would probably come from a revolver? Rather than a rifle?

Mr. BELIN. Well, nonautomatic revolver, as opposed to a rifle. Which would be more likely?

Mr. BARNES. The revolver would be more likely.

Mr. BELIN. Now you said that you took the paraffin casts off the hands. Do you generally take it of both hands when you take a paraffin test?

Mr. BARNES. Yes; we do.

Mr. BELIN. When you take a usual paraffin test, do you take it of any other part of the body other than the hands?

Mr. BARNES. No.

Mr. BELIN. In this case, did you take it of any other portion of the body other than the hands?

Mr. BARNES. Yes; I did.

Mr. BELIN. What other portion of the body did you take it of?

Mr. BARNES. The right side of his cheek and face.

Mr. BELIN. The right side of Lee Harvey Oswald's cheek and face?

Mr. BARNES. Yes.

Mr. BELIN. Who directed you to take it there?

Mr. BARNES. Captain Fritz.

Mr. BELIN. Did he particularly say why he wanted it taken there?

Mr. BARNES. I didn't ask the questions why he wanted it. I was ordered to take it from him, and I took it because I had the order to take the test.

Mr. BELIN. Was there an order to take the left cheek also, or not?

Mr. BARNES. No.

Mr. BELIN. How long did you say that you had been making paraffin tests?

Mr. BARNES. Since 1956.

Mr. BELIN. Roughly, how many of those do you do in a month on an average?

Mr. BARNES. It would be hard to say. If I hit it lucky, I won't make too many. If it hits on some other man's duty. It would be hard to say how many I have made over a period of time. I can say that I have made many.

Mr. BELIN. Over these years, do you think you have made as many as 100?

Mr. BARNES. It would be hard to say. I am not going to go into any actual figures because it would be guesswork.

Mr. BELIN. Well, let me ask you this. Of the paraffin tests that you have made, how many have you made of a cheek or cheeks?

Mr. BARNES. One.

Mr. BELIN. Was that with Lee Harvey Oswald?

Mr. BARNES. It was.

Mr. BELIN. Other than that, you have never made a paraffin test of anyone's cheek?

Mr. BARNES. No.

Mr. BELIN. Any particular reason why you might not have in any other case?

Mr. BARNES. It has never been requested of me before.

Mr. BELIN. Based on your knowledge and information about the science of paraffin tests, do you know whether or not it is a common practice or not a common practice to make it of one cheek?

Mr. BARNES. It is not a common practice.

Mr. BELIN. Any particular reason it is not a common practice, that you can think of or know of?

Mr. BARNES. Firing a revolver, should he fire a revolver, I would say the revolver most likely would be far enough away where powder residue wouldn't reach his cheek?

Mr. BELIN. What about a rifle?

Mr. BARNES. Firing a rifle, you get your chamber enclosed with steel metal around it, and the chances of powder residue would be very remote.

Mr. BELIN. Have you fired a bolt-action rifle at all before?

Mr. BARNES. Many times.

Mr. BELIN. How close would the chamber be to the cheek as you would be looking through the sight of the gun.

Mr. BARNES. Be several inches to the rear of the chamber.

Mr. BELIN. Would this have any effect on the paraffin test at all?

Mr. BARNES. It sure would.

Mr. BELIN. What about telescopic sights? Would that push your face back further or not?

Mr. BARNES. Push it even further back.

Mr. BELIN. Would this have an effect on the paraffin test?

Mr. BARNES. The further you get from the chamber, the less possibility of getting powder residue on it would be.

Mr. BELIN. When you made the paraffin cast on the cheek, did you also paint it on with this brush that you are talking about?

Mr. BARNES. I did.

Mr. BELIN. To about a quarter of an inch thickness?

Mr. BARNES. Not quite that much.

Mr. BELIN. When you put the gauze on?

Mr. BARNES. Yes.

Mr. BELIN. And you put some more paraffin on?

Mr. BARNES. Yes.

Mr. BELIN. Then what did you do? Did you cool it with water, or let it naturally harden by room temperature?

Mr. BARNES. Nature cools it from room temperature.

Mr. BELIN. Then you removed it from the cheek?

Mr. BARNES. Yes.

Mr. BELIN. Did you need a scissors when you removed it from the cheek?

Mr. BARNES. No.

Mr. BELIN. What did you do with these paraffin tests after you made them?

Mr. BARNES. I placed them in a manila, large manila envelope separately.

Mr. BELIN. Then what did you do?

Mr. BARNES. I walked out of Captain Fritz' office, and I had a couple of patrolmen trying to weed their way through the news media so that I could have walking room to get to the elevator to get back to the fourth floor, the ID bureau.

Mr. BELIN. The news media had the third floor pretty well jammed at that time?

Mr. BARNES. I would say it was pretty well jammed.

Mr. BELIN. About what time of the night was this?

Mr. BARNES. Approximately 9 o'clock, I would say, approximately.

Mr. BELIN. Did Lee Harvey Oswald say anything to you as you were removing these casts, that you remember?

Mr. BARNES. Very little, other than what I repeated to you before, that he

knew what I was trying to do, and that I was wasting my time, that he didn't know anything about what we were accusing him of.

Mr. BELIN. Did Lee Harvey Oswald leave Captain Fritz' office at that time or did he stay there?

Mr. BARNES. I didn't go back, I couldn't tell you.

Mr. BELIN. He didn't come out with you, did he?

Mr. BARNES. No.

Mr. BELIN. Were any remarks of any kind made to you by any of the people in the hallway, nonpolice officers, as you left the office? Questions or remarks or what have you?

Mr. BARNES. Yes.

Mr. BELIN. What did they say?

Mr. BARNES. They kept storming questions at me, "What have you got in that sack, what have you got in that sack, you owe it to the news media to give it to us, what have you got in that sack?"

Mr. BELIN. Would this just come from one person?

Mr. BARNES. All of them.

Mr. BELIN. About how many of them were there at that time?

Mr. BARNES. They had the hallways blocked.

Mr. BELIN. Did you reply to them at all or not?

Mr. BARNES. I didn't answer.

Mr. BELIN. You then went up to the fourth floor to the lab, is that correct?

Mr. BARNES. That is true.

Mr. BELIN. What did you do then?

Mr. BARNES. I initialed the cast, sealed them, and placed them in our locked evidence room.

Mr. BELIN. Where did they go after that?

Mr. BARNES. They go to our city-county laboratory for analysis.

Mr. BELIN. Where is that city-county laboratory?

Mr. BARNES. At Parkland Hospital.

Mr. BELIN. Do you know when they went there?

Mr. BARNES. The following morning.

Mr. BELIN. Did you get the results from this analysis at all?

Mr. BARNES. The results were obtained by our bureau. I didn't get the results.

Mr. BELIN. Do you know what these results were?

Mr. BARNES. I understand—I haven't seen them personally—but I understand they are positive, the ones of his hands.

Mr. BELIN. By positive, you mean they showed the presence of nitrates?

Mr. BARNES. They showed the presence of nitrates.

Mr. BELIN. What about the one on the cheek?

Mr. BARNES. The one of his cheek was negative.

Mr. BELIN. Were any conclusions made because of either the positive results from the test on his hands or the negative result on the test of the cheek?

Mr. BARNES. In my own mind, I didn't expect any positive report from the cheek to start with. But to cut down criticism and to satisfy the public and to show the world that we tried to cover it very well, we did it for possibly any future—I don't know how to word it—any complaints that might come later on.

Mr. BELIN. By complaints, you mean people that might—

Mr. BARNES. Might question why you did or why you didn't do it on something this big. We felt like the public should know that we done the best that we knew how.

Mr. BELIN. Even though you didn't expect to have results?

Mr. BARNES. I didn't personally, and I am the one that made it.

From my experience with paraffin casts and from my experience in shooting rifles, common sense will tell you that a man firing a rifle has got very little chance of getting powder residue on his cheek.

Mr. BELIN. Have you ever made a paraffin cast of your cheek after you fired a rifle?

Mr. BARNES. No; I have not.

Mr. BELIN. Have you ever made a paraffin test of anyone else's cheek after that person fired a rifle?

Mr. BARNES. I believe I am on record that that is the first paraffin test I ever made of a cheek.

Mr. BELIN. Have you ever read periodicals discussing the paraffin test? Any limitations of its use to determine whether or not a person fired a rifle by making a cast of the cheek?

Mr. BARNES. No; I haven't read anything about it.

Mr. BELIN. Basically then, your reasons for reaching this conclusion are your own personal reasons?

Mr. BARNES. That's right.

Mr. BELIN. What you earlier described as the chamber being an enclosed chamber, is that it?

Mr. BARNES. That is true.

Mr. BELIN. Which you said that the gases would not come out of under pressure, and when the chamber would be open for the ejection of a shell from a bolt-action rifle, at that time there would be no bad pressure?

Mr. BARNES. All your pressure is gone forward through your barrel. There is no pressure on the chamber when you operate it after the shot is fired.

Mr. BELIN. In contrast with a nonautomatic revolver, when I pull the trigger, is the back of the chamber open then?

Mr. BARNES. It is open.

Mr. BELIN. Is there any other information or opinion you can give us with regard to the paraffin tests that might be relevant. Anything you can think of, whether or not I have asked it?

Mr. BARNES. I believe you have covered just about everything.

Mr. BELIN. I call myself a country lawyer, and I don't know.

Mr. BARNES. I am a country boy. I was raised on the farm myself.

Mr. BELIN. Well, maybe we both have something in common.

Mr. BARNES. Still live there.

Mr. BELIN. Sergeant, did you make any other tests or obtain any other evidence or information from Lee Harvey Oswald other than the paraffin that you made?

Mr. BARNES. I obtained palm prints from Lee Harvey Oswald.

Mr. BELIN. When did you do this?

Mr. BARNES. Immediately before we made—no, immediately after, I am sorry, immediately after we made the paraffin test.

Mr. BELIN. I would assume you did it afterwards?

Mr. BARNES. That is right. It was after we made the tests.

Mr. BELIN. Now, when you used the phrase a while ago—I mean that when we were discussing shortly before we were taking this deposition just what you did do insofar as your being involved in this investigation—

Mr. BARNES. That's right.

Mr. BELIN. In that discussion did I in any way tell you what to say, or did you just tell me what you did in the nature of the proceedings here?

Mr. BARNES. I told you just what I did. I haven't been prompted by no one.

Mr. BELIN. Now, what did you do when you took the palm print?

Mr. BARNES. We took them back upstairs to the ID bureau for comparison purposes.

Mr. BELIN. At the time you carried back the paraffin casts?

Mr. BARNES. No. We came back and got the palm prints after I delivered the paraffin tests upstairs.

Mr. BELIN. Again, would this be normal procedure to take a palm print in Captain Fritz' office as opposed to your own laboratory?

Mr. BARNES. No; it would be something different. Usually we have them coming up to our identification bureau for that purpose.

Mr. BELIN. Any particular reason that you know of why Lee Harvey Oswald wasn't brought up to your identification bureau?

Mr. BARNES. Yes.

Mr. BELIN. What?

Mr. BARNES. Security.

Mr. BELIN. Because of the people in the hall?

Mr. BARNES. The news media in the hallways, and danger of removing Lee Harvey Oswald through the mass of newspapermen.

Mr. BELIN. Did the newspapermen say anything to you as you went down the hallway to Captain Fritz' office?

Mr. BARNES. Everytime that you went through there they asked you all kinds of questions on what you had and what were you doing and how much longer is it going to take, and what have you proved.

Mr. BELIN. Did you answer any of these questions?

Mr. BARNES. No; I did not.

Mr. BELIN. What did you do when you got back in the office in Captain Fritz' office? What did you find there? Who did you find in Captain Fritz' office when you came back?

Mr. BARNES. Same two officers that I mentioned, besides Detective Dhority and Detective Leavelle.

Mr. BELIN. Was Lee Oswald present?

Mr. BARNES. Lee Oswald was present.

Mr. BELIN. Did you have any conversation with Oswald at that time?

Mr. BARNES. None other than telling him that I had to have palm prints of his hand.

Mr. BELIN. Did he have anything to say about that?

Mr. BARNES. Cooperative.

Mr. BELIN. What is the fact as to whether he made any objection to the taking of any palm prints?

Mr. BARNES. None whatsoever.

Mr. BELIN. Did he request that he have an attorney present at all, or not?

Mr. BARNES. He didn't request one. He would not sign the fingerprint card when I asked him. We have a place on this card for the prisoner's signature, and I asked him would he please sign that, and he said he wouldn't sign anything until he talked to an attorney.

Mr. BELIN. Did he ask for an attorney or say anything about an attorney when you took the paraffin test?

Mr. BARNES. None to me.

Mr. BELIN. What did you say when he said he would not sign the fingerprint card?

Mr. BARNES. That was all right with me.

Mr. BELIN. Did you just take the palm prints, or did you also take fingerprints?

Mr. BARNES. We took both.

Mr. BELIN. What is your process of doing that?

Mr. BARNES. Rolling his hands, an ink roller over his palm, and then we have a metal cylinder bar about an inch in diameter that we place the card on and then roll his hands to make it print on the fingerprint card.

Mr. BELIN. Have you ever taken palm prints before?

Mr. BARNES. Many times.

Mr. BELIN. Based on your knowledge and information, what is the fact as to whether or not palm prints are distinct means of identification of a person?

Mr. BARNES. Just as good as fingerprints. The only thing that I could add to that would be, there is no way of classifying palm prints, where with fingerprints, we have the system where we classify them and can go look them up.

Mr. BELIN. Is there anything else that you can offer with reference to the investigation of the assassination or the shooting of Officer Tippit other than the paraffin test and the palm and fingerprint tests that you took?

Mr. BARNES. None that I can think of right now, other than printing pictures of both killings.

Mr. BELIN. Do you remember anything else that Lee Oswald said other than the fact he would not sign his name to the card?

Mr. BARNES. He had very little to say.

Mr. BELIN. Is there anything else you can think of, whether I have asked it or not, that in anyway might be relevant to this investigation here?

Mr. BARNES. Not that I can think of at this time.

Mr. BELIN. Now were you on duty on Sunday morning, November 24?

Mr. BARNES. No; I was not.

Mr. BELIN. Was there any general comment among the police officers, what I call the line officers, about the presence of the press in the police headquarters building during this period of time?

Mr. BARNES. Yes; we discussed it.

Mr. BELIN. Without mentioning any names which might embarrass any individual, and without necessarily quoting yourself, what was the general nature or tenor of that discussion?

Mr. BARNES. Disgusted.

Mr. BELIN. Was there any objections that were voiced about this, or not?

Mr. BARNES. Yes; there were.

Mr. BELIN. What is the fact as to whether or not the presence of the press in any way affected the handling of this matter by the police department?

Mr. BARNES. It would be just like you carrying on your work in your office when you had it full of newspapermen or anybody else, as far as that is concerned.

Mr. BELIN. Were there people other than newspapermen generally in the police headquarters?

Mr. BARNES. It is hard to tell just who was who.

Mr. BELIN. Now you were not there at the time of the shooting of Lee Harvey Oswald by Jack Ruby, were you?

Mr. BARNES. No; I was not.

Mr. BELIN. Did you see the television showing of the film that ran during the—during that time?

Mr. BARNES. Yes; I did.

Mr. BELIN. You have had some experience, you said earlier, as a photographer, I believe, is that correct?

Mr. BARNES. Yes.

Mr. BELIN. What is the fact as to whether or not the presence of light such as you say you saw in the movie film that you saw—what is the fact as to whether or not the presence of these lights would affect the ability of officers protecting Lee Harvey Oswald to discern movements of people?

Mr. BARNES. Very much.

Mr. BELIN. In what way?

Mr. BARNES. Blinding them. The flash from the many cameras that were present in the basement of the city hall, the lights set up by your TV cameramen, all of this would work against the officers in safeguarding any prisoner.

Mr. BELIN. Is there anything else you can think of with reference to the security matters of Lee Harvey Oswald that might be relevant here other than your statements about the press and the problems of light?

Mr. BARNES. Other than the movement of him with the throngs of press men, which the security I thought was very good.

Mr. BELIN. Anything else you can think of right now?

Mr. BARNES. None that I can think of at this time.

Mr. BELIN. Is there anything else that you care to add in this deposition that might in any way be helpful or relevant?

Mr. BARNES. I think this pretty well covers it.

Mr. BELIN. Well, we want to thank you very much for your cooperation in coming down here, sergeant.

Mr. BARNES. I am glad to come. Hate to come under these circumstances.

Mr. BELIN. We hate to be here under these circumstances. It is not a pleasant job for any of us, but it is a job that has to be done. All right, sir.

I forgot to say that you have a right to, if you like, to read your deposition and sign it, or else you can waive reading and have the court reporter send it to us in Washington.

Mr. BARNES. I believe I will come back and let her show it to me, and I will sign it then.

TESTIMONY OF J. B. HICKS

The testimony of J. B. Hicks was taken at 3:10 p.m., on April 7, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Messrs. Joseph A. Ball and Samuel A. Stern, assistant counsel of the President's Commission.

Mr. BALL. Please stand up and hold up your right hand.

(Witness complying.)

Mr. BALL. Do you solemnly swear the testimony you will give here today will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HICKS. I do.

Mr. BALL. Will you state your name, please, and your address?

Mr. HICKS. J. B. Hicks, 4318 Matilda, Dallas.

Mr. BALL. What is your occupation?

Mr. HICKS. I am with the police department, city of Dallas.

Mr. BALL. You are with the special section of the department?

Mr. HICKS. The identification bureau; yes, sir.

Mr. BALL. How long have you been with the identification bureau?

Mr. HICKS. Let's see, about, a little over 7 years now.

Mr. BALL. Tell me about yourself—where you were born.

Mr. HICKS. I was born in Irving, Tex., which is a suburb out here of Dallas, September 29, 1918.

Mr. BALL. What was your education?

Mr. HICKS. I finished high school, sir.

Mr. BALL. Then what did you do?

Mr. HICKS. Then—you mean where I went to work and from there?

Mr. BALL. Yes.

Mr. HICKS. I worked a short while for Sanger Bros., I believe 3 or 4 months or so, then I was employed by Higgenbotham-Bailey Logan Co. which is a wholesale company here in Dallas; from there I went to work with the police department where I have been for a little over 22 years now.

Mr. BALL. What kind of work do you do with the crime lab?

Mr. HICKS. I do the usual, oh, photography work, fingerprint comparisons, darkroom work and anything that might come under the crime lab; the crime scene, search duties.

Mr. BALL. You work under Lieutenant Day?

Mr. HICKS. I work under Lieutenant Day; yes, sir.

Mr. BALL. On November 22, 1963, were you on duty?

Mr. HICKS. No, sir; I was off duty that day.

Mr. BALL. But you were called back to duty?

Mr. HICKS. Yes, sir.

Mr. BALL. What time of day?

Mr. HICKS. I had—my wife, I believe it was called me from her work. She had heard of the happening and knowing that I was off, of course, she figured I would be called, so when she called me, I called in to Lieutenant Knight, who is also in the identification bureau, and told him that I was getting ready and if they needed me to report, to call me and tell me where to go to, and so he did. Oh, I don't know exactly how long it had taken place and the exact time that he did call me. The time right there, I can't recall. I know I did get to work somewhere around 3.

Mr. BALL. Where did you go to work, at the crime lab?

Mr. HICKS. No, sir; they told me to report directly to Elm and Houston.

Mr. BALL. Did you go down there?

Mr. HICKS. Yes, sir.

Mr. BALL. When you went down there what did you find?

Mr. HICKS. Lieutenant Day—well, first I saw Chief Lumpkin, who told me Lieutenant Day was there in the building and to report to him on the sixth floor, I believe it was and he and Detective Studebaker, I believe it was were the two that were still on that particular floor.

Mr. BALL. Day and Studebaker?

Mr. HICKS. Yes.

Mr. BALL. Did you do some work with them?

Mr. HICKS. Yes; there was—well, no. Lieutenant Day was dusting several items around there for fingerprints at the time and Mr. Studebaker had taken some pictures and was still taking a few others. I assisted him in moving the equipment back and forth and I don't know, I don't believe I actually took any of the pictures upstairs; however, I was there when some of them were taken.

Mr. BALL. There were three exploded cartridge hulls on the floor, weren't there?

Mr. HICKS. Yes; I am not sure; I believe they had already been picked up and removed when I arrived.

Mr. BALL. Do you know who picked them up?

Mr. HICKS. No, sir; I don't know off hand.

Mr. BALL. Did you later see them in your laboratory?

Mr. HICKS. I believe I saw one of the particular ones there that night.

Mr. BALL. You did?

Mr. HICKS. Yes, sir.

Mr. BALL. Did you examine it?

Mr. HICKS. No, sir; I did not. I think Lieutenant Day had all of them.

Mr. BALL. Do you do ballistics work in your laboratory?

Mr. HICKS. No, sir; we have no facilities for firing or testfiring any of the guns there.

Mr. BALL. Did you do any identification work on either the assassination of President Kennedy or the investigation of Tippit's murder?

Mr. HICKS. Do you mean as far as fingerprints?

Mr. BALL. Yes; and things of that sort.

Mr. HICKS. Let me see now, I took a set of Oswald's prints from him that night some time. I do not recall.

Mr. BALL. 9 o'clock or so?

Mr. HICKS. It was some time in that area.

Mr. BALL. Where were you when you took the prints?

Mr. HICKS. I was in Captain Fritz' office. In other words, I made those on an inkless pad. That's a pad we use for fingerprinting people without the black ink that they make for the records.

Mr. BALL. What else did you do there?

Mr. HICKS. I was one of the two who made the paraffin cast on Oswald.

Mr. BALL. You and who else?

Mr. HICKS. Sergeant Barnes.

Mr. BALL. Have you ever done that before, the paraffin cast?

Mr. HICKS. Oh, yes, sir.

Mr. BALL. Did Oswald protest any or did he permit you to do that?

Mr. HICKS. No, sir; he was willing and had no comment on it as far as the making of them.

Mr. BALL. Did you test the paraffin cast; did you make any test on it?

Mr. HICKS. No, sir; that's done by the lab at Parkland Hospital which Lieutenant Alexander, I believe is in charge there.

Mr. BALL. But you did not do it yourself?

Mr. HICKS. No, sir.

Mr. BALL. What has been your experience with paraffin casts? How accurate are they in determining whether or not a person has fired a firearm previously?

Mr. HICKS. My own personal opinion is that it is not an exact conclusive evidence that, if you are familiar with that test, anything containing nitrate might show up on a test of that sort.

Mr. BALL. Is it usual to find any trace of nitrate on the face if a rifle has been fired?

Mr. HICKS. That is the first time that I had the opportunity to make a paraffin test on a person's face.

Mr. BALL. You never made one before?

Mr. HICKS. Never before.

Mr. BALL. The other tests were always on the hands?

Mr. HICKS. Yes, sir.

Mr. BALL. Was there some reason for that?

Mr. HICKS. I had never had the occasion arise that I know of where anyone had that suggested, that a paraffin test be made of a cheek. On other occasions they were only interested in the hand.

Mr. BALL. Did you do anything else with respect to the investigation?

Mr. HICKS. I don't recall anything outstanding that I did in the investigation further there. Now, I know we were all pretty well busy there until about 2 or 2:30 in the morning but most of it was, I would imagine regular officework and

just back and forth if someone had asked did we get a picture of this and picture of that; well, I can't recall any other particular item that I might have done.

Mr. BALL. Were you present when Oswald was arraigned in the identification bureau?

Mr. HICKS. No, sir; I left just a few minutes before that, I understand.

Mr. BALL. What time did you leave; do you know?

Mr. HICKS. I left it was shortly after 2. I don't know the exact time, maybe 2:15.

Mr. BALL. You think he was arraigned after you left?

Mr. HICKS. I am rather certain that he was because I believe I would have known about it had he been arraigned before I left because there is only one door in our office to go out and had any other group been there, I would have noticed it, I believe.

Mr. BALL. Did you talk to Oswald any?

Mr. HICKS. I only asked him his name when I made his fingerprints and I did not question him or go to any details on talking to him.

Mr. BALL. You were not present at any showups of Oswald?

Mr. HICKS. No, sir.

Mr. BALL. Did you make any fingerprint study in this case or palmprint study?

Mr. HICKS. No, sir—any comparisons to the prints that we had?

Mr. BALL. Yes.

Mr. HICKS. No, sir; I did not.

Mr. BALL. You did not compare the prints you took of Oswald with any specimen that might have been taken from the Texas School Book Depository?

Mr. HICKS. No, sir; I did not.

Mr. BALL. Did you ever see a paper sack in the items that were taken from the Texas School Book Depository building?

Mr. HICKS. Paper bag?

Mr. BALL. Paper bag.

Mr. HICKS. No, sir; I did not. It seems like there was some chicken bones or maybe a lunch; no, I believe that someone had gathered it up.

Mr. BALL. Well, this was another type of bag made out of brown paper; did you ever see it?

Mr. HICKS. No, sir; I don't believe I did. I don't recall it.

Mr. BALL. I believe that's all, Mr. Hicks.

Mr. HICKS. All right.

Mr. BALL. This will be written up and submitted to you for signature if you want, or you can waive signature; which do you prefer?

Mr. HICKS. Well, when would I have to come back to sign this?

Mr. BALL. Probably next week sometime.

Mr. HICKS. Well, that will be all right.

Mr. BALL. Suit yourself, either way. If you want to waive signature it's all right with us or if you want to come back.

Mr. HICKS. I will come back.

Mr. BALL. All right, she will notify you. Thanks very much.

TESTIMONY OF HARRY D. HOLMES

The testimony of Harry D. Holmes was taken at 4 p.m., on April 2, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. David W. Belin, assistant counsel of the President's Commission.

Mr. BELIN. Sir, would you rise and 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. HOLMES. I do, sir.

Mr. BELIN. Would you please state your name for the record?
Mr. HOLMES. Harry D. Holmes.
Mr. BELIN. Where do you live, Mr. Holmes?
Mr. HOLMES. 1711 McManus, Dallas, Tex.
Mr. BELIN. What is your occupation?
Mr. HOLMES. Postal inspector.
Mr. BELIN. For the U.S. Post Office Department?
Mr. HOLMES. Yes, sir.
Mr. BELIN. How old are you?
Mr. HOLMES. I am 57.
Mr. BELIN. What is your educational background? Did you go to high school here?

Mr. HOLMES. I graduated from high school in Kansas City, and went 2 years to William Jewell College at Liberty, Mo., and went almost through my third year in Kansas City. Went to dental college in Kansas City.

Mr. BELIN. Then what did you do?

Mr. HOLMES. Well, all that time I was working in the post office as a clerk, and about that time the war broke out and I went into the Postal Inspection Service in April 1942, and have been a postal inspector ever since.

Mr. BELIN. Have you been in Dallas ever since then?

Mr. HOLMES. No; I came here July 1, 1948. I have been here ever since.

Mr. BELIN. Where were you on November 22, 1963, around noon or so. That is the day of the assassination?

Mr. HOLMES. I was in my office on the fifth floor of the terminal annex building, located at the corner of Houston and Commerce Streets, Dallas, Tex.

Mr. BELIN. Houston and Commerce Streets in Dallas. Now, where is Commerce with relation to Elm?

Mr. HOLMES. Commerce, Main, Elm—two blocks.

Mr. BELIN. So Commerce would be two blocks south of Elm?

Mr. HOLMES. That's right.

Mr. BELIN. On what corner is your building?

Mr. HOLMES. It is on the northeast corner.

Mr. BELIN. The northeast corner?

Mr. HOLMES. Yes; well, now, wait a minute.

Mr. BELIN. I mean the building itself.

Mr. HOLMES. This is the reflecting pool, and here is the underpass, comes down like this, and this is Elm, and this is Main, and this is Commerce, and my building is right here. Right here is the School Book.

Mr. BELIN. This is north?

Mr. HOLMES. Yes; that is "cattywampus." This would be the southwest corner.

Mr. BELIN. All right. You have now corrected your testimony by drawing a diagram. What corner is this?

Mr. HOLMES. Southwest.

Mr. BELIN. On what side of the building is your office where you were sitting?

Mr. HOLMES. On the north side.

Mr. BELIN. From your office looking north, what building would you see?

Mr. HOLMES. The Texas School Book Depository Building. And I am on the fifth floor of my building.

Mr. BELIN. Were you on the fifth floor about the time the motorcade was coming down Main Street?

Mr. HOLMES. Yes, sir.

Mr. BELIN. Did you see the motorcade turn from Main onto Houston?

Mr. HOLMES. Yes; I did.

Mr. BELIN. What direction did it turn on Houston?

Mr. HOLMES. It turned north on Houston to Elm, and then turned left on Elm.

Mr. BELIN. To go down to the triple underpass?

Mr. HOLMES. That's right.

Mr. BELIN. About how fast was the motorcade going when you saw it, if you have any estimate on it?

Mr. HOLMES. I would say 15 miles an hour.

Mr. BELIN. Would you describe what you saw and heard then?

Mr. HOLMES. As it came out of Main Street, the President was sitting on the right in the back seat. His wife was on the left. Governor Connally, whom I also recognized, was sitting on the right of the middle seat.

Mr. BELIN. Were you looking with the aid of any optical instrument?

Mr. HOLMES. I had a pair of 7½ x 50 binoculars. They were acknowledging the applause of the crowd and kind of waving, but not standing up. This is a short block.

Mr. BELIN. From Main to Elm?

Mr. HOLMES. To Elm is really not more than a good full block, but the motorcade turned north on Houston and went to Elm and turned left on Elm where it started on a downgrade to what we refer to as a triple underpass. As it turned in front of the School Book Depository, I heard what to me sounded like firecrackers, and it was my recollection that there were three of them.

I had my binoculars on this car, on the Presidential car all the time. I realized something was wrong, but I thought they were dodging somebody throwing things at the car like firecrackers or something, but I did see dust fly up like a firecracker had burst up in the air.

Mr. BELIN. Where did you see the dust?

Mr. HOLMES. Off of President Kennedy and I couldn't tell you which one of the cracks of the firecracker resulted in this.

Mr. BELIN. Do you have any recollection of the amount of time that elapsed between each of the three sounds?

Mr. HOLMES. I have tried to set a time, but it just escapes me. Honestly, I couldn't say. They were rather rapid. Say 20 seconds or something like that.

Mr. BELIN. You mean 20 seconds elapsed between all three, or less than 20 seconds?

Mr. HOLMES. Possibly 20 seconds, or half a minute and then crack and kind of a lapse and then another crack. I wouldn't want to swear to that. I have tried to recall it.

Mr. BELIN. Was there more time between the first and the second one, or between the second and third?

Mr. HOLMES. I couldn't tell you that.

Mr. BELIN. What did you see after that?

Mr. HOLMES. Mr. Kennedy leaned over against his wife, Mrs. Kennedy, as this thing, firecracker, looked like, come out. The car almost came to a stop, and Mrs. Kennedy pulled loose of him and crawled out over the turtleback of this Presidential car and was almost off of the back of the turtleback when a man from a car next to it came running up and I never—I got the impression in one way that she was trying to help him on the bumper.

I got the impression in another way that he was trying to push her back in the seat for fear she would fall and hurt herself. It was so quick that that was my impression, and in fact we discussed it. There was several of us looking out of the window, why she was going out over this car, and we were arguing that she was trying to help the Secret Service man or the Secret Service man was trying to get her back in the car, and this was our impression.

Policemen jumped off of the motorcycles that were along the route and with drawn pistols started rushing into the crowd. I saw many people down on the ground, and I have one particular couple in mind that I had watched on a bench, sitting on a park bench that the man had this woman down. I remember my impression at the time that he was trying to take a gun away from her, or something, and by that time I decided maybe there was a gun involved in it instead of firecrackers.

He had her down on the ground. But then it later developed that he was trying to protect her from the shots. But then I didn't know that at the time. And I did watch her as they got up. Then different people hid around behind pillars in this arbor.

Mr. BELIN. Then what did you see happen?

Mr. HOLMES. Then just people went from every direction hunting around the railroad yard and among the cars parked in the area. I saw a policeman rushing into the School Book Depository Building.

Mr. BELIN. Was this a motorcycle policeman?

Mr. HOLMES. I did definitely see motorcycle policemen, one of—one or two or

three—with their white helmets, and these motorcycle uniforms rushed up in the crowd with drawn pistols. And I thought maybe they might have been shooting to frighten the people.

Mr. BELIN. Where did the noise sound like it came from?

Mr. HOLMES. It reverberated among the buildings and I couldn't tell you. It sounded like from the crowd over there.

Mr. BELIN. Anything else happen that afternoon that you think is important insofar as the investigation of the assassination is concerned?

Mr. HOLMES. I watched for hours from that vantage point up there with my binoculars, hoping I would see someone running across the railroad tracks, or maybe that I could get word to the police as to where they were, because it was like a birdseye view of the panorama of the whole area.

Mr. BELIN. Did you see anyone run across the railroad track?

Mr. HOLMES. No. I saw nothing suspicious and I am a trained suspitioner.

Mr. BELIN. I want to see what the court reporter has down in her notes.

Now, what was the next contact you had with anything connected with the assassination or the investigation?

Mr. HOLMES. I never quit. I didn't get to bed for 2 days.

Mr. BELIN. Tell us what you did that you feel might be important that we should record here.

Mr. HOLMES. Of course I was in contact with the chief inspector in Washington, who was listening to the radio reports, and I remember once he called and he said, "Well, now, could the shots have come from the terminal annex building. Has your office been shaken out, the annex." Of course we gave that attention but there was nothing of any nature there of any importance. I was doing all I could to help other agencies.

One of the box clerks downstairs came up after an hour or so when the radio reports came in about the apprehension of Lee Oswald following the shooting of Officer Tippit, and said, "I think you ought to know, Mr. Holmes, that we rented a box downstairs to a Lee Oswald recently, and it is box number so-and-so".

That was my first tip that he had a box downstairs in the terminal annex. That box is No. 6225.

Mr. BELIN. I am handing you what has been marked as Holmes Deposition Exhibit No. 1. I will ask you to state what this is.

Mr. HOLMES. That is a photo copy of the original box rental application completed by Lee H. Oswald covering box No. 6225, which he completed on November the 1st, 1963.

Mr. BELIN. Where it says, date of application, that you gave, is it not?

Mr. HOLMES. Yes.

Mr. BELIN. I notice over here in—a notation on the side 11-22-63, with some initials on it. Do you know what that is?

Mr. HOLMES. Those are my initials and they indicate that I took the original box application from the post office records on that date.

Mr. BELIN. What did you do with it?

Mr. HOLMES. I turned it over to an FBI agent at a later date. I don't know when.

Mr. BELIN. Did any particular employee ever remember actually dealing with Lee Oswald?

Mr. HOLMES. He could not recall what the man looked like. He couldn't identify him from what he later saw his pictures in the paper. He could not identify him as actually being the man that rented the box, because I have talked to him about it.

Mr. BELIN. Now, on Deposition Exhibit 1, for the name of the firm or the corporation, it says, "Fair Play for Cuba Committee" and "American Civil Liberties Union," is that correct?

Mr. HOLMES. That's correct.

Mr. BELIN. And kind of business, it says, "nonprofit," is that correct?

Mr. HOLMES. That's correct.

Mr. BELIN. Then business address, there is a dash running through there, and home address is "3610 North Beckley," is that correct?

Mr. HOLMES. That's correct. That is the address he gave as the residential address when he rented the box.

Mr. BELIN. Then there is a signature "Lee H. Oswald," with the date of November 1, 1963?

Mr. HOLMES. This clerk told me that the man definitely filled this thing out himself.

Mr. BELIN. Does the clerk remember seeing it?

Mr. HOLMES. Yes.

Mr. BELIN. There is a stamp, which I assume is your post office stamp, that says on there, "Date box opened, November 1, 1963," and the box number is written in as "6225".

Mr. HOLMES. That's right.

Mr. BELIN. There—is there less charge for a nonprofit organization box than there is for anything else?

Mr. HOLMES. No. That box went closed for lack of payment of rent on December 31.

Mr. BELIN. What year?

Mr. HOLMES. Of 1963.

Mr. BELIN. After you found out that this was his box, did you keep any surveillance on it?

Mr. HOLMES. We kept a 24-hour, round-the-clock surveillance from about well into Sunday, I think, 3 days.

Mr. BELIN. That is the Sunday that Lee Harvey Oswald was shot?

Mr. HOLMES. Yes, sir.

Mr. BELIN. How many box keys were given out, according to your records, for the box?

Mr. HOLMES. One.

Mr. BELIN. Was that one ever turned back to you?

Mr. HOLMES. No.

Mr. BELIN. When was that?

Mr. HOLMES. Didn't the police have it? I saw it—yes.

Mr. BELIN. You saw it at the police department?

Mr. HOLMES. I asked them about it, and he asked could this be it? I had taken the duplicate key with me to see if I could match it. They have numbers on them and I did. The detective pulled it out and said, "Is this it," in the presence of Captain Fritz, and I matched the numbers, and it was.

Mr. BELIN. Were the numbers the same for the box number as the key number?

Mr. HOLMES. No; it was a key number. Fritz kept it with the evidence.

Mr. BELIN. Anything else about this box or the application, Deposition Exhibit 1 here?

Mr. HOLMES. Only that an occasional Russian newspaper was received in that box after we began to watch it from then on until it was closed. No first-class mail. What is "The Daily Worker," sir? It's been the "Daily Worker," now.

Mr. BELIN. There was some newspaper that came? Well—some American newspaper?

Mr. HOLMES. It is what used to be "The Daily Worker," came, and a couple of Russian newspapers came there.

Mr. BELIN. Anything else?

Mr. HOLMES. From Minsk. That was her hometown, Marina's hometown in Russia.

Mr. BELIN. Is there anything else in connection with this box and this application that you care to talk about?

Mr. HOLMES. No.

Mr. BELIN. Then what was the next thing that you had contact with pertaining to the assassination?

Mr. HOLMES. Saturday morning—

Mr. BELIN. This would be November 23?

Mr. HOLMES. Twenty-third. I came into the lobby of the terminal annex, and the postal inspector that was on duty mentioned that the FBI agent had called to inquire as to how they could obtain an original post office money order.

He said he had told them that they would have to get it in Washington, but would have to know the number of the post office money order.

So he was worrying then as to how he could get that number.

So I knew about the post office money order. They said that Oswald—they said that also this FBI agent had passed on the information that, I don't know whether he told him or I called the FBI after—I went on up to my office, but somewhere I got the information that the FBI had knowledge that a gun of this particular Italian make and caliber had been purchased from Klein's Sporting Goods in Chicago, that it had been purchased, and the FBI furnished me the information that a money order of some description in the amount of \$21.95 had been used as reimbursement for the gun that had been purchased from Klein's in Chicago, and that the purchase date was March 20, 1963. I immediately had some men begin to search the Dallas money order records with the thought that they might have used a U.S. postal money order to buy this gun.

I didn't have any luck, so along about 11 o'clock in the morning, Saturday, I had my boys call the postal inspector. Oh, wait a minute, let's back up.

I had my secretary go out and purchase about half a dozen books on outdoor-type magazines such as Field and Stream, with the thought that I might locate this gun to identify it, and I did.

Mr. BELIN. You have what magazine?

Mr. HOLMES. Field and Stream of November 1963.

Mr. BELIN. You found a Field and Stream magazine of just November 1963?

Mr. HOLMES. It was the current magazine on the rack.

Mr. BELIN. You got it to look for a gun and identified it in this magazine? Is this the page? I will call it Holmes Deposition Exhibit 2.

Mr. HOLMES. Here, page 98.

Mr. BELIN. Well, it is on the back of a page numbered 98, is that right?

Mr. HOLMES. That's right.

Mr. BELIN. Or the front side. I am marking on the top of it, "Holmes Deposition Exhibit 2."

Was that the page you tore out?

Mr. HOLMES. Yes, sir.

Mr. BELIN. I notice there is a magazine or there is a number of guns identified on that page.

Mr. HOLMES. Yes, sir.

Mr. BELIN. I see one circled in red, is that correct?

Mr. HOLMES. That's correct.

Mr. BELIN. Who circled that in red?

Mr. HOLMES. I did.

Mr. BELIN. Then I see that it is a picture with a gun with a scope on it and it says, "6.5 Italian carbine," in big black letters. And underneath it says, "Late military issue. Only 40 inches overall. Weighs 7 lbs. Shows only slight use, test-fired and head spaced, ready for shooting. Turned-down bolt. 6-shot, clip fed, rear sight." And it is marked "\$12.78."

Mr. HOLMES. With scope, it is \$19.95.

Mr. BELIN. There is a number. That \$12.78 says "C20-1196." And underneath that it says, "C20-750, carbine with brand new 4x-3/4" diameter (illustrated) \$19.95." Is that right?

Mr. HOLMES. That's correct.

Mr. BELIN. Then on the lower right-hand corner of the page there is a kind of place for clipping out of coupons. It is marked "Klein's Sporting Goods at 227 West Washington Street, Chicago 6, Illinois," then there is a place for a box to be checked. It says, "cash customers, send check or money order in full. Unless otherwise specified, send \$1.00 postage and handling on any size order . . . \$1.50 on shotgun and rifles."

Then there is a place at the bottom of the page. It is a place for putting the name and address and the city and State, is that correct?

Mr. HOLMES. That's correct.

Mr. BELIN. Now I notice on a piece of scrap paper you have taken the \$19.95 which would be the exact amount for the rifle with the scope, and then added the \$1.50 for the charge that the coupon says for postage and handling and you come up with a total of \$21.45.

I thought you said the FBI said \$21.95?

Mr. HOLMES. He had, and that was the amount of money order I had been looking for. So I had my postal inspector in charge call our Chicago office and suggested that he get an inspector out to Klein's Sporting Goods and recheck it for accuracy, that if our looking at the right gun in the magazine, they were looking for the wrong money order.

Mr. BELIN. So what happened?

Mr. HOLMES. So in about an hour Postal Inspector McGee of Chicago called back then and said that the correct amount was \$21.95—\$21.45—excuse me, and that the shipping—they had received this money order on March the 13th, whereas I had been looking for March 20.

So then I passed the information to the men who were looking for this money order stub to show which would designate, which would show the number of the money order, and that is the only way you could find one.

I relayed this information to them and told them to start on the 13th because he could have bought it that morning and that he could have gotten it by airmail that afternoon, so they began to search and within 10 minutes they called back and said they had a money order in that amount issued on, I don't know that I show, but it was that money order in an amount issued at the main post office, which is the same place as this post office box was at that time, box 2915 and the money order had been issued early on the morning of March the 12th, 1963.

Mr. BELIN. To whom?

Mr. HOLMES. They are issued in blank. He has to fill it in.

Mr. BELIN. Does it say the name of the person who is purchased—purchasing—

Mr. HOLMES. No; you don't get—

Mr. BELIN. He had to fill it in himself?

Mr. HOLMES. Yes.

Mr. BELIN. You mentioned another post office box, and a new number there. When was that?

Mr. HOLMES. Just now?

Mr. BELIN. Yes, No. 2915?

Mr. HOLMES. That is the box he had rented at the main post office before he went to New Orleans?

Mr. BELIN. When you say the main post office, what city and State?

Mr. HOLMES. Dallas, Tex.

Mr. BELIN. When did you learn about this, if you remember?

Mr. HOLMES. I don't know that I can tell. Some clerk was passing information to me and also it could have been that McGee, this inspector said it was sent to box 2915, in Dallas. I couldn't tell you when I first realized he had this box.

Mr. BELIN. I hand you what has been marked "Holmes Deposition Exhibit 3," and ask you to state what that is?

Mr. HOLMES. That is a photostatic copy of the original box rental application covering the rental of box 2915, at the main post office in Dallas, Tex., which shows that it was completed on October the 9th, 1962. The applicants name was Lee H. Oswald, home address, 3519 Fairmore Avenue, Dallas, Tex. Signed Lee H. Oswald. It shows that the box was closed on May 14, 1963.

Mr. BELIN. Now, it is stamped date box opened, October 9, 1962. And that is the same date that it appears to be written in handwriting at the bottom of it.

Mr. HOLMES. That's correct.

Mr. BELIN. All right. Now, you found this postal money order and then what did you do?

Mr. HOLMES. Off the record, let me ask you something. I questioned him about this box and all the angles with it during this interview.

Mr. BELIN. I am going to get to that.

Mr. HOLMES. I didn't know whether you wanted to put it in there.

Mr. BELIN. I am going to get to that. Then what did you do?

Mr. HOLMES. I gave that information to my boss by telephone. He called Washington immediately. Of course this information included the money order number. This number was transmitted by phone to the chief inspector in Washington, who immediately got the money order center at Washington to begin a

search, which they use IBM equipment to kick out this money order, and about 7 o'clock Saturday night they did kick out the original money order and sent it over by, so they said, by special conveyance to the Secret Service, chief of Secret Service at Washington now, and it turned out, so they said, to be the correct money order. I asked them by phone as to what it said on it, and it said it had been issued to A. J. Hidell, which to me then was the tip that I had the correct money order. Up to then I didn't know whether I had the correct money order or not.

Mr. BELIN. How did you know about the use of the name A. J. Hidell?

Mr. HOLMES. When the box was opened in the name of Lee H. Oswald. Because for two reasons. I—one is, when he rented the post office box in New Orleans, he used the name of A. J. Hidell as one of the persons entitled to receive mail in that box.

Mr. BELIN. At that time did you know about that?

Mr. HOLMES. Yes.

Mr. BELIN. All right, what else?

Mr. HOLMES. In his billfold the police had found a draft registration card in the name of A. J. Hidell on his person at the time of his arrest, and I had seen it.

Mr. BELIN. Anything else now about this money order? Do you have a record of the number of the money order?

Mr. HOLMES. No; I don't.

Mr. BELIN. All right, what was the next thing you did in connection with the investigation of the assassination?

Mr. HOLMES. Well, throughout the entire period I was feeding change of addresses as bits of information to the FBI and the Secret Service, and sort of a coordinating deal on it, but then about Sunday morning about 9:20—

Mr. BELIN. Pardon me a second. (Discussion off the record.) Anything else now, Mr. Holmes?

Mr. HOLMES. I might cover the record of his rental of the post office box in New Orleans. Do you want me to go into that?

Mr. BELIN. All right, go ahead.

Mr. HOLMES. The box rental records at New Orleans show that on June the 3d, 1963, post office box 30061 was rented to L. H. Oswald. Let me see there. Some of my information comes at times I see 30061 and at times I see 30016. I had it two places. One is a written memorandum on that new setup, and the other is what I took over the phone, and both of them show 61.

Mr. BELIN. All right, go ahead.

Mr. HOLMES. I think I got a copy.

Mr. BELIN. That is all right, you can go ahead.

Mr. HOLMES. This is at the Lafayette Square Station in New Orleans. At that time he showed his home address as 657 French Street, New Orleans. On this box rental application card, he showed as being entitled to also receive mail in the box, Marina Oswald, and A. J. Hidell. This box was closed on September 26, 1963, with instructions to forward mail addressed to 2515 West Fifth Street, Irving, Tex.

At the time this information was checked out in New Orleans by Postal Inspector Joe Zarza, two copies of the newspaper called "The Militant," were found in the box, which had not yet been forwarded. But there was a slipup. I hate to admit that.

Mr. BELIN. Anything else?

Mr. HOLMES. I presume my next part in connection with this was when I joined the interrogation period of Oswald on Sunday morning of November 24 at about 9:30 a.m.

Mr. BELIN. All right, now. Let me ask you this. Just what was the occasion of your joining this interrogation? How did you happen to be there?

Mr. HOLMES. I had been in and out of Captain Fritz' office on numerous occasions during this 2½-day period.

On this morning I had no appointment. I actually started to church with my wife. I got to church and I said, "You get out, I am going down and see if I can do something for Captain Fritz. I imagine he is as sleepy as I am."

So I drove directly on down to the police station and walked in, and as I did,

Captain Fritz motioned to me and said, "We are getting ready to have a last interrogation with Oswald before we transfer him to the county jail. Would you like to join us?"

I said, "I would."

We went into his private room and closed the door, and those present were Captain Will Fritz, of the Dallas Police Department, Forrest V. Sorrels, local agent in charge of Secret Service, and Thomas J. Kelley, inspector, Secret Service, from Washington, and also about three detectives who were not identified to me, but simply were guarding Oswald who was handcuffed and seated at Will Fritz' desk.

Mr. BELIN. All right, now. Will you state if you remember—do you have a written memorandum there of that interview?

Mr. HOLMES. Yes, sir.

Mr. BELIN. I wonder if you would just let me ask you: When did you make your written memorandum?

Mr. HOLMES. On December 17, 1963.

Mr. BELIN. I wonder if, using your memorandum to refresh your recollection, you would just say what was said by any of the people there and just cover the whole thing? I will take it up section by section. Just start out. This started around 9:30, is that it, on Sunday morning?

Mr. HOLMES. Yes, sir. Now, this is my impression, not what he said.

Mr. BELIN. I notice the first paragraph, you have an impression on that? I wonder perhaps what we might do is, I am going to see if I have a copy of this, and if I can, to attach just as a—is this an extra copy that you have here?

Mr. HOLMES. Yes; I guess you can. Let me tear that top off.

Mr. BELIN. I am going to mark this as "Holmes Deposition Exhibit No. 4." This is a memorandum of your interview?

Mr. HOLMES. That I dictated on December 17, 1963.

Mr. BELIN. That is about 4 weeks after the interview took place; is that correct?

Mr. HOLMES. That's correct.

Mr. BELIN. Do you have any notes from which you dictated this interview?

Mr. HOLMES. I had a few notes. I had no reason for such a statement except that about that time the FBI asked me—they learned that I had been in on this interrogation, and asked me if I would object to giving them a statement as to what went on in that room, and this is my statement. Part of it was from notes and part of it was from memory.

Mr. BELIN. Now, I notice—well, you might just, without even looking at the memorandum, first just give us your general impression of what went on there.

Mr. HOLMES. There was no formality to the interrogation. One man would question Oswald. Another would interrupt with a different trend of thought, or something in connection, and it was sort of an informal questioning or interrogation.

Oswald was quite composed. He answered readily those questions that he wanted to answer. He could cut off just like with a knife anything that he didn't want to answer.

And those particular things that he didn't want to answer were anything that pertained with the assassination of the President or the shooting of Officer Tippit. He flatly denied any knowledge of either.

He was not particularly obnoxious. He seemed to be intelligent. He seemed to be clearminded. He seemed to have a good memory, because in questioning him about the boxes, which I had original applications in front of me, he was pretty accurate. He knew box numbers and he answered these questions readily and answered them truthfully, as verified by the box rental applications that I had in front of me.

Mr. BELIN. What was Oswald wearing at the time you saw him?

Mr. HOLMES. He was bareheaded. He had a sport shirt on and slacks, pair of trousers.

Mr. BELIN. What color trousers?

Mr. HOLMES. Sort of a medium. On the light side I would say.

Mr. BELIN. What color shirt?

Mr. HOLMES. I don't recall. It was not a loud shirt. It was not outstanding.

I don't know what color actually he had on. I do know, I can tell you when he put on the black sweater and all that.

Mr. BELIN. He put on a black sweater?

Mr. HOLMES. Toward the end—that is the last thing on my memorandum.

Mr. BELIN. Now, do you remember Captain Fritz showing a map, showing Oswald a map of the city of Dallas which had been recovered from his room?

Mr. HOLMES. He didn't show the map. He only mentioned the map and asked him about a certain map that had markings on it, and Oswald said, "Well, I presume you have reference to a map that I had in my room that had some X's on it."

And, he said, "Well, tell us about that one. Why were the X's on there? What did that designate?"

And he said that, "I have no automobile. I have no means of conveyance. I have to walk from where I am going most of the time. And I had my applications in with Texas Employment Commission. They furnished me names and addresses of places that had openings like I might could fill, and neighborhood people had furnished me information on jobs I might could get. I was seeking a job, and I would put these markings on this map so that I could plan my itinerary around with less walking, and each one of those represented a place where I went and interviewed for a job."

And he said, "You can check each one of them out if you want to."

Then Captain Fritz mentioned the X at the intersection of Elm and Houston.

Well, he said, "That is the location of the Texas School Depository and I did go there and interview for a job. In fact, I got a job there." He said, "That is all the map amounts to."

Mr. BELIN. Is there anything else about that aspect of the interrogation?

Mr. HOLMES. I believe not.

Mr. BELIN. Do you remember Inspector Kelley asking Oswald about his religious views?

Mr. HOLMES. Yes. Someone, and I don't recall who, asked the first question on that, but you got that Lenin business in there.

Mr. BELIN. I am deliberately asking you these questions before we get to your memorandum, and I am just trying to get your memory first.

Mr. HOLMES. All right. Someone asked him about what his beliefs were, and he said, "Well," about him being a Communist something. Someone referred to his communism, and he said, "I am not a Communist. I am a Marxist." And they said, what is the difference between Communist and Marxist, and he said, "Well, a Communist is a Lenin Marxist, and I am a true Karl Marxist."

So, this Secret Service inspector asked, "What religion are you?" In other words, I mean, "What faith are you, as far as religion?" And he said, "I have no faith." And then he said, "I suppose you mean the Bible."

"Yes, that is right."

"Well," he said, "I have read the Bible. It is fair reading, but not very interesting. But, as a matter of fact, I am a student of philosophy and I don't consider the Bible as even a reasonable or intelligent philosophy. I don't think much of it," he said.

Mr. BELIN. Did anyone there ask him if Cuba would be better off since the President was assassinated? Do you remember anything about that?

Mr. HOLMES. I don't recall a question on that.

Mr. BELIN. Do you remember anyone asking him a question about the rifle, or there was a picture of Oswald holding a rifle. Do you remember anything about that?

Mr. HOLMES. Yes. They said, "We have a picture of you holding"—actually it came up before then in an interrogation of him about this rifle that came to this post office box.

They asked him, "Do you own a rifle?" He said, "No."

Well, "Have you shot a rifle since you have been out of the Marines?"

He said, "No." Then he backed up and said, "Well, possibly a small bore, maybe a .22, but not anything larger since I have left the Marine Corps."

"Do you own a rifle?"

"Absolutely not. How would I afford a rifle. I make \$1.25 an hour. I can't hardly feed myself."

Then he said, "What about this picture of you holding this rifle?"

"Well, I don't know what you are talking about."

He just cut it off. As I recall, he refused to even acknowledge there was such a picture. They had none of these exhibits in the room.

Mr. BELIN. You didn't have the picture at the time in the room when you were there?

Mr. HOLMES. No.

Mr. BELIN. Did anyone say anything about his living on a so-called Neely Street, that you remember? Or Captain Fritz, did he say that he told Oswald that friends had visited him there and that friends had seen Oswald there? Do you remember at this time anything about that?

Mr. HOLMES. I don't remember his answer to it, whether he did answer.

Mr. BELIN. Was anything—pardon me.

Mr. HOLMES. I remember Fritz, I think, describe the fellow, and he just ignored it. He was vague about it.

Mr. BELIN. Do you remember any statements that Oswald made about any fight in New Orleans about Marxism or fair play for Cuba or anything? Does that ring a bell with you?

Mr. HOLMES. I knew all about it, and I knew the police records and all, but I don't know that it was brought up in that room at that time.

Mr. BELIN. Was anything in that room—was he asked about knowing Alek Hidell? Or anything about Alek Hidell?

Mr. HOLMES. I brought it up first as to did he ever have a package sent to him from anywhere. I said, "Did you receive mail through this box 2915 under the name of any other name than Lee Oswald," and he said, "Absolutely not."

"What about a package to an A. J. Hidell?"

He said, "No."

"Well, did you order a gun in that name to come there?"

"No, absolutely not."

"Had one come under that name, could this fellow have gotten it?"

He said, "Nobody got mail out of that box but me; no, sir." "Maybe my wife, but I couldn't say for sure whether my wife ever got mail, but it is possible she could have."

"Well, who is A. J. Hidell?" I asked him.

And he said, "I don't know any such person."

I showed him the box rental application for the post office box in New Orleans and I read from it. I said, "Here this shows as being able to receive, being entitled to receive mail is Marina Oswald." And he said, "Well, that is my wife, so what?"

And I said also it says "A. J. Hidell."

"Well, I don't know anything about that."

That is all he would say about it.

Then Captain Fritz interrupted and said, "Well, what about this card we got out of your billfold? This draft registration card, he called it, where it showed A. J. Hidell."

"Well, that is the only time that I recall he kind of flared up and he said, 'Now, I have told you all I am going to tell you about that card in my billfold.' He said, 'You have the card yourself, and you know as much about it as I do.' And he showed a little anger. Really the only time that he flared up.

Mr. BELIN. Was there ever any mention at the time you were there of the fact that he had a right to have a lawyer present? Do you remember anything about that at all, or not?

Mr. HOLMES. I don't recall.

Mr. BELIN. Did he ever ask to have a lawyer present? Do you remember anything about that at all?

Mr. HOLMES. Oh, yes; they talked about a lawyer, and he said he had—

Mr. BELIN. What was the conversation? Who said what?

Mr. HOLMES. I don't know who started the conversation, but it had gotten into "Do you have an attorney?" He said, "No."

"Well, do you want an attorney?"

And he said, "No." Then he said, "Well, I tried to get a fellow from New York." But he said he wasn't able to get hold of him.

' And I think he is a Civil Liberties Union lawyer. He mentioned something about he looks after their interests in New York. I don't remember the name, but they discussed that.

Mr. BELIN. Would it be something like Abt?

Mr. HOLMES. Yes; short name. That could well be it.

Mr. BELIN. Anything else? Did he ever ask for any other lawyer or for any lawyer?

Mr. HOLMES. No.

Mr. BELIN. Do you remember that while this was going on if the chief of police came to the office?

Mr. HOLMES. Yes. Along toward the end of the interrogation several people kept milling around outside of Captain Fritz' office and I noticed the chief of police out there, and they would rap on the door, and once in a while crack the door and look in, and gave all the appearance of being impatient.

But Captain Fritz is a quiet and deliberate sort of individual and said, "Don't worry about the men. If you got any more questions, ask him."

Mr. BELIN. Who would be the people knocking and tapping on the window and would be impatient?

Mr. HOLMES. It was Chief Curry, and I didn't recognize the others, but there were people who later took him on downstairs, so they were waiting. They wanted to make this transfer, is what it was. In fact, the captain mentioned, he said, "We are going to have a little while to talk. I don't know how long, because they want to effect this transfer."

And everybody assumed that that was why they were getting impatient outside about, they wanted to go ahead and complete the transfer.

Mr. BELIN. Were there glass walls on Captain Fritz' office?

Mr. HOLMES. Yes; with venetian blinds.

Mr. BELIN. Were the venetian blinds closed?

Mr. HOLMES. They were closed, but you could see around the edges and through and every once in a while someone would lift a blind, and once in a while they would crack the door and look in.

Mr. BELIN. Were the venetian blinds inside or outside, or do you know?

Mr. HOLMES. I don't know, to tell you the truth.

Mr. BELIN. About how big was the office?

Mr. HOLMES. Just about as wide as this is.

Mr. BELIN. You want to pace it off here?

Mr. HOLMES. I would say 10 by 15, personally, feet.

Mr. BELIN. How many doors?

Mr. HOLMES. One door.

Mr. BELIN. Were there any other people outside there that morning other than the police officers, that you know of?

Mr. HOLMES. I recognized a couple of FBI agents. I couldn't call their names.

Mr. BELIN. Any press people that you recognized?

Mr. HOLMES. No.

Mr. BELIN. All right, now.

Mr. HOLMES. Of course, when we speak of outside Fritz' office, it is still an inclosure where you go out another door to go into the hall where the public mills around. He had a suite of rooms.

Mr. BELIN. You had one of the rooms in that suite?

Mr. HOLMES. Yes. In fact, he is in charge of all the rooms, but he has one private office of his own, and that is where we were.

Mr. BELIN. You do remember Chief Curry coming in?

Mr. HOLMES. Yes.

Mr. BELIN. Do you remember any conversation that transpired between Chief Curry and Captain Fritz?

Mr. HOLMES. As Chief Curry came in, someone handed some clothes on a hanger. It was maybe a sports shirt and a couple of pair of slacks, and I recall there were two sweaters and he said, "I will just take one of those sweaters." They gave him one sweater that he did not like. No, he said, "Give me the black one."

So he takes it, a little slip-over sweater. So, while he was putting that on,

Chief Curry came around the other side of the desk and took Will Fritz over in the corner and they bowed their heads and discussed in an undertone. Apparently, I got the impression they weren't trying to hide anything from us, but they didn't want Oswald to overhear what they were saying. They were mumbling in an undertone and I didn't distinguish one thing that was said.

Mr. BELIN. Did Oswald ask to have a sweater or some clothes brought in?

Mr. HOLMES. Yes. Well, I don't know that he asked. I will take that back. I don't know that he asked. All I know, they handed it in and said, "Do you want any of those clothes, or do you want to change your clothes?"

And he said, "I will take one of the sweaters." They gave him the wrong sweater and he didn't like that and he asked for the other. And they uncuffed him and he slipped his arm in and they handcuffed him back up, and that is the only change. It was a black slipover kind of V-neck sweater.

Then they walked him out of the office and I stayed in the office with the two Secret Service men.

Mr. BELIN. So you didn't accompany Oswald when they left?

Mr. HOLMES. No.

Mr. BELIN. When did you first learn that Oswald had been shot?

Mr. HOLMES. I told Sorrels, I said, "I have my car down the street. Let's go down to my office, because it is directly across the reflecting pool from this School Depository Building and from the sheriff's office and entrance where they will take him in. Let's go down to my office and we can look at it from my window and have a better eye view in case anything happens." And he said, "Well, I have my car down there too, and I will need to have it to get back to my office, so I will just take my own car."

So, I immediately went downstairs and got in my car and proceeded to my office, which probably took me ten minutes.

When I got to the sidewalk of the terminal annex I parked my car and walked right in the door. One of the inspectors who was watching this box, they still had the surveillance on the box—said, "Well, they got Oswald now."

I said, "What are you talking about?"

"Well, they have shot Oswald."

They had a radio sitting there going. I said, "That is not right. That is misinformation, because it hasn't been 5 or 7 or 8 minutes that I left him in his presence and he was very much alive then." And just then they kept talking on the radio, and I got to listening, and sure enough, they shot him.

Mr. BELIN. Where was your car parked? Was it parked in the basement where they were going to transfer Oswald?

Mr. HOLMES. No; out on the street.

Mr. BELIN. Now, did you ever talk to Captain Fritz or any police officer about Oswald getting shot?

Mr. HOLMES. I haven't talked or discussed this in any way.

Mr. BELIN. Not since then with any other police officer?

Mr. HOLMES. No, sir.

Mr. BELIN. Was there anything said in that interrogation of Lee Harvey Oswald pertaining to the Fair Play for Cuba Committee, that you remember?

Mr. HOLMES. When I was discussing with him about rental application for Box No. 6225 at the terminal annex, I asked him if he had shown that anyone else was entitled to get mail in that box and he said, "No."

I said, "Who did you show as your—what did you show as your business?"

And he said, "I didn't show anything."

I said, "Well, your box rental application here says, 'Fair Play for Cuba Committee and the American Civil Liberties Union'."

Well, he said, "Maybe that is right, I did put them on there."

I said, "Did they, anyone, who paid for the box?"

He said, "I paid for it out of my own personal money."

"Did you rent it in the name of these organizations?"

And he said, "No."

He said, "I don't know why I put it on." He wouldn't talk about it.

Mr. BELIN. Did you talk about whether he believed in the Fair Play for Cuba Committee?

Mr. HOLMES. No; we didn't get into that. We did discuss the organization

of it in New Orleans, and I got the impression that Captain Fritz was trying to get out of him the fact that he was the head man or the president of it, and he kept evading that and would be real evasive. But finally he admitted that he was, he said, "Actually, it was a loosely organized thing and we had no officers, but probably you could call me the secretary of it because I did collect money." In other words, "Secretary-Treasurer, because I did try to collect a little money to get literature and work with."

Then I asked—oh, he mentioned, too, he said, "In New York they have a well organized or a better organization."

Well, I asked him, or one of us asked him about, "Is that why you came to Dallas, to organize a cell of this organization in Dallas?" And he said, "No, not at all."

"Did you work on it or intend to organize here in Dallas?"

"No," he said, "I didn't. I was too busy trying to get a job." That is about all he said about it.

Mr. BELIN. Did anyone say anything about Oswald saying anything about his leaving the Texas School Book Depository after the shooting?

Mr. HOLMES. He said, as I remember, actually, in answer to questions there, he mentioned that when lunchtime came, one of the Negro employees asked him if he would like to sit and eat lunch with him, and he said, "Yes, but I can't go right now." He said, "You go and take the elevator on down." No, he said, "You go ahead, but send the elevator back up."

He didn't say up where, and he didn't mention what floor he was on. Nobody seemed to ask him.

You see, I assumed that obvious questions like that had been asked in previous interrogation. So I didn't interrupt too much, but he said, "Send the elevator back up to me."

Then he said when all this commotion started, "I just went on downstairs." And he didn't say whether he took the elevator or not. He said, "I went down, and as I started to go out and see what it was all about, a police officer stopped me just before I got to the front door, and started to ask me some questions, and my superintendent of the place stepped up and told the officers that I am one of the employees of the building, so he told me to step aside for a little bit and we will get to you later. Then I just went on out in the crowd to see what it was all about."

And he wouldn't tell what happened then.

Mr. BELIN. Did he say where he was at the time of the shooting?

Mr. HOLMES. He just said he was still up in the building when the commotion— he kind of—

Mr. BELIN. Did he gesture with his hands, do you remember?

Mr. HOLMES. He talked with his hands all the time. He was handcuffed, but he was quiet—well, he was not what you call a stoic phlegmatic person. He is very definite with his talk and his eyes and his head, and he goes like that, you see.

Mr. BELIN. Did Oswald say anything about seeing a man with a crewcut in front of the building as he was about to leave it? Do you remember anything about that?

Mr. HOLMES. No.

Mr. BELIN. You don't remember anything about that. Did he say anything about telling a man about going to a pay phone in the building?

Mr. HOLMES. Policeman rushed—I take it back—I don't know whether he said a policeman or not—a man came rushing by and said, "Where's your telephone?"

And the man showed him some kind of credential and I don't know that he identified the credential, so he might not have been a police officer, and said I am so and so, and shoved something at me which I didn't look at and said, "Where is the telephone?"

And I said, "Right there," and just pointed in to the phone, and I went on out.

Mr. BELIN. Did Oswald say why he left the building?

Mr. HOLMES. No; other than just said he talked about this commotion and went out to see what it was about.

Mr. BELIN. Did Oswald say how he got home, if he did get home?

Mr. HOLMES. They didn't—we didn't go into that. I just assumed that they

had covered all that. Nobody asked him about from the minute he walked out the door as to what happened to him, except somebody asked him about the shooting of Tippit, and he said, "I don't know what you are talking about."

He said, "The only thing that I am in here for is because I popped a policeman in the nose in a theatre on Jefferson Avenue, which I readily admit I did, because I was protecting myself."

Mr. BELIN. Because he was what?

Mr. HOLMES. "Protecting myself."

Mr. BELIN. Now, I want you now to take a look for the first time during our interview here at Holmes Deposition Exhibit 4, and thus far you have been testifying just from memory, is that correct?

Mr. HOLMES. Yes; sir.

Mr. BELIN. Now, I notice that it starts out, that it is in an informal memorandum that you put together, and then the second paragraph, you have the general impression that Oswald appeared confused or in doubt.

I wonder if you would read that second paragraph and see if there is anything that you remember to elaborate on at this time.

Mr. HOLMES. Read it aloud or to myself?

Mr. BELIN. No; to yourself, and see if there is anything you can remember to elaborate.

Mr. HOLMES. The only part I have not covered would be the impression that I received that he had disciplined his mind and his reflexes to a point where I doubt if he would even have been a good subject to a polygraph test, a lie detector.

Mr. BELIN. Anything else you would care to elaborate?

Mr. HOLMES. I believe not.

Mr. BELIN. Well, I wonder then if you would take a look at the second paragraph that begins "P.O. Boxes."

That is really the third paragraph on the page.

Mr. HOLMES. No; I think I have, if I remember that pretty well.

Mr. BELIN. All right, you take a look at the next paragraph, which is the last paragraph on the first page.

Mr. HOLMES. I believe there would be nothing to elaborate or change on it.

Mr. BELIN. Turn to page 2 on the first paragraph of the next page.

Mr. HOLMES. The only thing there that I haven't covered would be that the reason these various post office boxes wherever he went was that it was much easier to have his mail reach him through post office forwarding orders than it was to try to get somebody over in Russia to change the address on a newspaper.

Mr. BELIN. By the way, did he talk about anything at all about his life in Russia?

Mr. HOLMES. He mentioned only that he met his wife in Minsk. That was her home town.

Mr. BELIN. Anything else?

Mr. HOLMES. It seemed like it was a dance. He met her at a dance, he told us.

Mr. BELIN. Anything else?

Mr. HOLMES. That he took these two local newspapers for her benefit, because it was local news to her and that was the reason he was getting those papers. She enjoyed reading about the home folks.

Mr. BELIN. Anything else about Russia? Did he ever say anything about going to Mexico? Was that ever covered?

Mr. HOLMES. Yes. To the extent that mostly about—well—he didn't spend, "Where did you get the money?" He didn't have much money and he said it didn't cost much money. He did say that where he stayed it cost \$26 some odd, small ridiculous amount to eat, and another ridiculous small amount to stay all night, and that he went to the Mexican Embassy to try to get this permission to go to Russia by Cuba, but most of the talks that he wanted to talk about was how he got by with a little amount.

They said, "Well, who furnished you the money to go to Mexico?"

"Well, it didn't take much money." And it was along that angle, was the conversation.

Mr. BELIN. Did he admit that he went to Mexico?

Mr. HOLMES. Oh, yes.

Mr. BELIN. Did he say what community in Mexico he went to?

Mr. HOLMES. Mexico City.

Mr. BELIN. Did he say what he did while he was there?

Mr. HOLMES. He went to the Mexican consulate, I guess.

(Discussion off the record.)

Mr. BELIN. Now, with regard to this Mexican trip, did he say who he saw in Mexico?

Mr. HOLMES. Only that he went to the Mexican consulate or Embassy or something and wanted to get permission, or whatever it took to get to Cuba. They refused him and he became angry and he said he burst out of there, and I don't know. I don't recall now why he went into the business about how mad it made him.

He goes over to the Russian Embassy. He was already at the American. This was the Mexican—he wanted to go to Cuba.

Then he went to the Russian Embassy and he said, because he said then he wanted to go to Russia by way of Cuba, still trying to get to Cuba and try that angle and they refused and said, "Come back in 30 days," or something like that. And, he went out of there angry and disgusted.

Mr. BELIN. Did he go to the Cuban Embassy, did he say or not?

Mr. HOLMES. He may have gone there first, but the best of my recollection, it might have been Cuban and then the Russian, wherever he went at first, he wanted to get to Cuba, and then he went to the Russian to go by Cuba.

Mr. BELIN. Did he say why he wanted to go to Cuba?

Mr. HOLMES. No.

Mr. BELIN. Did—this wasn't reported in your interview in the memorandum that you wrote?

Mr. HOLMES. No.

Mr. BELIN. Is this something that you think you might have picked up from just reading the papers, or is this something you remember hearing?

Mr. HOLMES. That is what he said in there.

Mr. BELIN. All right; I want to go back to page 2 of this memorandum.

I believe we went through the first paragraph on page 2 when you said that there wasn't anything you cared to add there other than what is reported on this Holmes Deposition Exhibit 4?

Mr. HOLMES. Except what he mentioned about it was easier about the forwarding orders of newspapers. Otherwise, no change.

Mr. BELIN. Now, what about the next paragraph on page 2?

Mr. HOLMES. I think I have covered that.

Mr. BELIN. All right, then. The next paragraph on page 2, which is the third and last paragraph on the page.

Mr. HOLMES. I believe I have mentioned the fact that he was evasive about whether he was actually a member of the American Civil Liberties Union. In this statement I have mentioned that he was evasive about it.

Mr. BELIN. Does that statement cover everything, or is there anything you care to add to that statement?

Mr. HOLMES. I can't think of anything of any particular importance there.

Mr. BELIN. Then turn to page 3, the first paragraph. Is there anything you can or care to add to that paragraph that isn't covered right here?

Mr. HOLMES. All right as is.

Mr. BELIN. What about the second paragraph on page 3?

Mr. HOLMES. I have covered that.

Mr. BELIN. What about the third paragraph which begins with "Marine Corps Service."

Mr. HOLMES. I don't believe that I discussed that yet.

Mr. BELIN. You haven't discussed it, but is there anything you care to add other than what is written on there?

Mr. HOLMES. No.

Mr. BELIN. Did he indicate anything else about Governor Connally?

Mr. HOLMES. No. I have covered that in there. In fact, I got the distinct impression that he showed no flareup, no animosity when Connally's name was mentioned. He simply considered him—somebody was shuffling the papers

around, and he had no particular animosity toward him. I remember that distinctly.

Mr. BELIN. Did he seem to have any animosity toward President Kennedy?
Mr. HOLMES. No.

Mr. BELIN. Now, take a look at the first paragraph on page 3 and read that and see if there is anything you care to add to that?

Mr. HOLMES. No; I believe not.

Mr. BELIN. What about the fifth paragraph on the page?

Mr. HOLMES. I haven't discussed that.

Mr. BELIN. Is there anything you would care to add to that?

Mr. HOLMES. No, sir. That is as he stated it.

Mr. BELIN. What about the last paragraph on page 3?

Mr. HOLMES. That is as I recall it at the time.

Mr. BELIN. Now, in the last paragraph on page 3, it says that when asked why he went to visit his wife on Thursday night, whereas he normally visited her on the weekends, and he said on that particular weekend there was going to be a party for children. They were having a house full of children and he didn't want to be around at such a time. And, therefore, he made the weekly visit on Thursday night?

Mr. HOLMES. That's right.

Mr. BELIN. Did anyone question him about curtain rods, that you remember?

Mr. HOLMES. Yes.

Mr. BELIN. What was that about curtain rods?

Mr. HOLMES. Asked him if he brought a sack out when he got in the car with this young fellow that hauled him and he said, "Yes."

"What was in the sack?"

"Well, my lunch."

"What size sack did you have?"

He said, "Oh, I don't know what size sack. You don't always get a sack that fits your sandwiches. It might be a big sack."

"Was it a long sack?"

"Well, it could have been."

"What did you do with it?"

"Carried it in my lap."

"You didn't put it over in the back seat?"

"No." He said he wouldn't have done that.

"Well, someone said the fellow that hauled you said you had a long package which you said was curtain rods you were taking to somebody at work and you laid it over on the back seat."

He said, "Well, they was just mistaken. That must have been some other time he picked me up."

That is all he said about it.

Mr. BELIN. Were there any other questions asked about curtain rods.

Mr. HOLMES. I don't recall.

Mr. BELIN. All right, I turn to the top of page 4, which is the next paragraph, and I see that you have this recorded in your memorandum. You have this all recorded here except you don't mention the sentence about the curtain rods?

Mr. HOLMES. So that has been elaborated on in that paragraph.

Mr. BELIN. All right, anything else you care to elaborate on that first paragraph on page 4?

Mr. HOLMES. I believe not.

Mr. BELIN. All right, the second paragraph on page 4 pertaining to his whereabouts at the time of the shooting. Would you care to elaborate on that?

Mr. HOLMES. I believe it is just about as I have stated. No elaboration.

Mr. BELIN. Then the third paragraph on page 4 was about an A. J. Hidell identification card. Would you care to read that and see if there is anything on that?

Mr. HOLMES. I believe not.

Mr. BELIN. By the way, where did this policeman stop him when he was coming down the stairs at the Book Depository on the day of the shooting?

Mr. HOLMES. He said it was in the vestibule.

Mr. BELIN. He said he was in the vestibule?

Mr. HOLMES. Or approaching the door to the vestibule. He was just coming, apparently, and I have never been in there myself. Apparently there is two sets of doors, and he had come out to this front part.

Mr. BELIN. Did he state it was on what floor?

Mr. HOLMES. First floor. The front entrance to the first floor.

Mr. BELIN. Did he say anything about a Coca Cola or anything like that, if you remember?

Mr. HOLMES. Seems like he said he was drinking a Coca Cola, standing there by the Coca Cola machine drinking a Coca Cola.

Mr. BELIN. Anything else?

Mr. HOLMES. Nothing more than what I have already told you on it.

Mr. BELIN. Anything else that you care to add to the third paragraph on page 4?

Mr. HOLMES. I believe not.

Mr. BELIN. Now, here in the fourth paragraph, which is the last paragraph of page 4, the last paragraph of your memorandum, anything else you care to add to that?

Mr. HOLMES. I believe not.

Mr. BELIN. Is there anything else that we haven't covered that you think might be helpful here and you think we ought to talk about, Mr. Holmes? Have you found now in your records the money order number that was involved in the purchase of the rifle?

Mr. HOLMES. The money order number that was found in Washington and matched the original money order was number 2-202-130-462, issued at the main office in Dallas, Tex., on March 12, 1963, in the amount of \$21.45.

Mr. BELIN. Do you have any information on the money order for the pistol or how the pistol was paid for, or was there a money order?

Mr. HOLMES. No, sir.

Mr. BELIN. Now, Mr. Holmes, I wonder if you could try and think if there is anything else that you remember Oswald saying about where he was during the period prior or shortly prior to, and then at the time of the assassination?

Mr. HOLMES. Nothing more than I have already said. If you want me to repeat that?

Mr. BELIN. Go ahead and repeat it.

Mr. HOLMES. See if I say it the same way?

Mr. BELIN. Yes.

Mr. HOLMES. He said when lunchtime came he was working in one of the upper floors with a Negro.

The Negro said, "Come on and let's eat lunch together."

Apparently both of them having a sack lunch. And he said, "You go ahead, send the elevator back up to me and I will come down just as soon as I am finished."

And he didn't say what he was doing. There was a commotion outside, which he later rushed downstairs to go out to see what was going on. He didn't say whether he took the stairs down. He didn't say whether he took the elevator down.

But he went downstairs, and as he went out the front, it seems as though he did have a coke with him, or he stopped at the coke machine, or somebody else was trying to get a coke, but there was a coke involved.

He mentioned something about a coke. But a police officer asked him who he was, and just as he started to identify himself, his superintendent came up and said, "He is one of our men." And the policeman said, "Well, you step aside for a little bit."

Then another man rushed in past him as he started out the door, in this vestibule part of it, and flashed some kind of credential and he said, "Where is your telephone, where is your telephone, and said I am so and so, where is your telephone."

And he said, "I didn't look at the credential. I don't know who he said he was, and I just pointed to the phone and said, 'there it is,' and went on out the door."

Mr. BELIN. Anything else?

Mr. HOLMES. I believe not.

Mr. BELIN. Mr. Holmes, when we first met, we sat down and I practically started taking testimony right away, is that correct?

Mr. HOLMES. Yes, sir.

Mr. BELIN. Is there anything in the short conversation we had before we started taking testimony about this matter that we haven't discussed here on the record?

Mr. HOLMES. No, sir.

Mr. BELIN. For the record, I would like to offer as a part of this deposition Holmes Exhibits 1, 2, 3, and 4, and in addition, I don't know for the record, but I would like to offer—at some of the depositions we have had delays, but will you have copies made, madam reporter?

And one final thing, you have the right, if you want, to come back and read the deposition and sign, or else you let it go to us without signing or coming back without reading it. Do you want to waive it or come back?

Mr. HOLMES. I will waive it.

Mr. BELIN. One other thing. I better mark this as Holmes Deposition Exhibit 5.

Mr. HOLMES. I want to save that.

Mr. BELIN. Mr. Holmes, I hand you Holmes Deposition Exhibit 5 and ask you to state if you will what this is.

Mr. HOLMES. It is a circular-type sheet simulating a wanted circular as put out by the post office department or the FBI showing a profile view. That is two separate views of President Kennedy.

Mr. BELIN. The one that says "Wanted for Treason"?

Mr. HOLMES. Underneath his picture in large type is "Wanted for Treason."

Mr. BELIN. How did you get ahold of this document, or what is the fact involved?

Mr. HOLMES. This was handed to me by one of the postal supervisors who brought it to my office stating that it had been brought in by one of the carriers that found it in a collection box on his route.

Mr. BELIN. On what day, do you know, offhand, in relation to the assassination?

Mr. HOLMES. He brought that in the afternoon of the assassination, November 22.

Mr. BELIN. Do you know how many of these were passed out?

Mr. HOLMES. No; except that it came from various sources. They were being passed out at neighborhood shopping centers, and numerous of them were brought in. This supervisor said that they had dozens of them down there, that it had come in by the carrier.

Mr. BELIN. I believe you also said that—is there anything else in regards to Holmes Deposition Exhibit 5 you care to add?

Mr. HOLMES. I believe not.

Mr. BELIN. Now, you showed us your deposition Exhibit 1, this application for a post office box dated November 1, 1963, of Lee Harvey Oswald, and you said this was at the terminal annex?

Mr. HOLMES. Yes, sir.

Mr. BELIN. How can you tell?

Mr. HOLMES. Because I recognized it as being the application, and also—I mean the application that I obtained at the terminal annex, and also the 6,000 designates that series of boxes at the terminal annex.

Mr. BELIN. And you also showed me an application for box 5475, dated November 7, 1963. Is that also the terminal annex?

Mr. HOLMES. Yes, sir.

Mr. BELIN. This was taken out by whom?

Mr. HOLMES. That is an application taken out by Jack Ruby on November 7, 1963, showing his firm name as being Earl Products; business, merchandising.

Mr. BELIN. We will put this as Holmes Deposition Exhibit 6. Do you know of any connection of your own knowledge between Jack Ruby and Lee Harvey Oswald?

Mr. HOLMES. No, sir; I know of none.

Mr. BELIN. Anything else you can say about Holmes Deposition Exhibit 6?

Mr. HOLMES. I believe not.

Mr. BELIN. Other than the fact that within a week of one another these two applications were taken out at the same post office?

Mr. HOLMES. That is the only significance that it has, as far as I am concerned.

Mr. BELIN. We will offer in evidence Holmes Deposition Exhibits 5 and 6, in addition to 1 through 4.

Let the record show that the original of Holmes Deposition Exhibit 5 will be returned to Mr. Holmes, and we will just for our records have copies made by the court reporter.

Mr. HOLMES. I have a photocopy machine in my office.

Mr. BELIN. Mr. Holmes, you have also asked me to make a photostatic copy of Holmes Deposition Exhibit 2 and you keep the original. This would be satisfactory for our purposes. This is the advertisement you cut out. Do you suppose you could get this to the court reporter yourself? Would you take the photostats?

Mr. HOLMES. Yes.

Mr. BELIN. Mr. Holmes, we want to certainly thank you for all the cooperation you have given the President's Commission.

TESTIMONY OF JAMES W. BOOKHOUT

The testimony of James W. Bookhout was taken at 11:15 a.m., on April 8, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Samuel A. Stern, assistant counsel of the President's Commission.

Mr. STERN. Will you please rise.

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

Mr. BOOKHOUT. I do.

Mr. STERN. Sit down, please.

Mr. STERN. State your name, please.

Mr. BOOKHOUT. James W. Bookhout. Do you want my home address?

Mr. STERN. Yes.

Mr. BOOKHOUT. 7048 Cornelia Lane, Dallas, Tex.

Mr. STERN. What is your occupation, Mr. Bookhout?

Mr. BOOKHOUT. Special agent of the Federal Bureau of Investigation.

Mr. STERN. How long have you been with the Federal Bureau of Investigation?

Mr. BOOKHOUT. Little over 22 years.

Mr. STERN. How long have you been assigned to the Dallas office?

Mr. BOOKHOUT. Since about 1945.

Mr. STERN. Were you on duty on November 22?

Mr. BOOKHOUT. Actually, I was on leave on that particular date. However, I had been requested to come to the office to handle some expedited dictation in a particular case. Having completed that, I left the office and proceeded to the Mercantile National Bank, where I transacted some personal business. Upon leaving the bank, it was momentarily expected that the President's motorcade would pass that area. I stood there for a few minutes, and as the motorcade passed I was actually unable to personally observe the President, due to the crowd on the sidewalk. While waiting for the crowd to thin, in order to cross the street, several separate sirens on the police squad cars were heard proceeding in the direction of the county courthouse. While crossing the street, some citizen with a transistor radio stated that it had just been announced that shots had been fired at the President's motorcade.

I immediately proceeded toward the office and observed two agents coming from the direction of the office, who advised that the office was trying to contact me and I was to proceed to the homicide and robbery bureau of the Dallas Police Department.

I immediately proceeded to the homicide and robbery bureau and contacted my office and was advised that I was to maintain liaison with the homicide and robbery bureau.

Mr. STERN. Did you then go to the police headquarters?

Mr. BOOKHOUT. Yes; as I said, I went to the homicide and robbery bureau after contacting the Dallas office.

Mr. STERN. What then occurred at the police headquarters? Let me ask you this: How soon after you arrived there was Oswald brought in?

Mr. BOOKHOUT. Well, it was some little time, as I recall, the next pertinent instance was a report that the Dallas Police officer had been shot, and that was in the Oak Cliff area. Captain Fritz had not returned to the office at that time. When he did return, and subsequently Oswald was apprehended in the Texas Theatre, information was passed to Captain Fritz as to the name of the suspect that they had apprehended on the Tippit shooting, and at that time he stated that that was the suspect that they were looking for on the killing of the President.

Mr. STERN. Did the name Lee Harvey Oswald mean anything to you at that time?

Mr. BOOKHOUT. No. Captain Fritz went on to explain that Oswald was an employee of the Texas Book Depository, who they had ascertained left his employment there subsequent to the shooting incident.

Mr. STERN. And sometime after this he was brought to the police headquarters?

Mr. BOOKHOUT. Yes.

Mr. STERN. Were you present when he was brought in?

Mr. BOOKHOUT. Yes.

Mr. STERN. Can you describe his physical condition?

Mr. BOOKHOUT. I can recall one of the officers that brought him in was Paul Bentley. He is a polygraph operator in the identification division of the Dallas Police Department, and Bentley was limping, and Oswald had one eye that was swollen and a scratch mark on his forehead.

Mr. STERN. Did you observe any other bruises?

Mr. BOOKHOUT. None.

Mr. STERN. Was he handcuffed?

Mr. BOOKHOUT. Yes.

Mr. STERN. Was he walking by himself, or being held by police officers?

Mr. BOOKHOUT. To my recollection there was an officer on each side of him that had ahold of his arms.

Mr. STERN. Was he struggling?

Mr. BOOKHOUT. No; just walking in, you know what I mean.

Mr. STERN. Yes.

Mr. BOOKHOUT. In a normal fashion.

Mr. STERN. Then what occurred, that you observed?

Mr. BOOKHOUT. I believe he was taken directly into Captain Fritz' office and the interview started at that time with Captain Fritz, and two homicide officers.

Mr. STERN. Were you present?

Mr. BOOKHOUT. I was not in the office at that time. I called our office, advised them he had been brought in, and that the interview was starting and shortly thereafter Mr. Shanklin, our SAC called back and said the Bureau wanted the agents present in the interview and that Hosty, James P. Hosty, I believe was to sit in on the interview, and I was to also be present with Hosty. So, at that time, we asked Captain Fritz to sit in on the interview, and that was approximately 3:15 p.m.

Mr. STERN. How long had the interview gone on before you were present?

Mr. BOOKHOUT. Very shortly. I would give a rough estimate of not more than 5 to 10 minutes at the most.

Mr. STERN. How long did that first interview last?

Mr. BOOKHOUT. A little under an hour.

Mr. STERN. Was it interrupted at any point, if you remember?

Mr. BOOKHOUT. Well, what I am thinking, we have got several interviews here. I know from time to time I can't recall whether it was this interview, or subsequent interviews Captain Fritz would have to leave the office for a

second or two. By "office," I mean the immediate office that the interview was being conducted in, but still within the homicide and robbery office.

Mr. STERN. Did the interviewing continue when he was out of the room, or did you wait for his return?

Mr. BOOKHOUT. No; it would continue.

Mr. STERN. By whom was the interview conducted?

Mr. BOOKHOUT. Primarily it was conducted by Captain Fritz and then before he would leave from one point to another he would ask if there was anything we wanted to ask him particularly on that point.

Mr. STERN. By "we," you mean Agent Hosty and yourself?

Mr. BOOKHOUT. Right.

Mr. STERN. What was Oswald's demeanor in the course of this interview? Did he seem in control of himself, excited, or calm? Can you describe his conduct?

Mr. BOOKHOUT. He was very arrogant and argumentative. That is about the extent of the comment on that.

Mr. STERN. Is this as to you and Hosty, or also Captain Fritz? Did he differentiate in his conduct between Captain Fritz and the two of you?

Mr. BOOKHOUT. Now—no; that would apply to everyone present.

Mr. STERN. Did he answer all questions put to him or did he refuse to answer the questions?

Mr. BOOKHOUT. No; there would be certain questions that he refused to comment about.

Mr. STERN. When this happened was the question pressed, or another question asked?

Mr. BOOKHOUT. Anyone asking the—another question would be asked.

Mr. STERN. What sort of question would he refuse to answer? Was there any pattern to his refusing?

Mr. BOOKHOUT. Well, now, I am not certain whether this would apply then to this particular interview, the first interview or not, in answering this, but I recall specifically one of the interviews asking him about the Selective Service card which he had in the name of Hidell, and he admitted that he was carrying the card, but that he would not admit that he wrote the signature of Hidell on the card, and at that point stated that he refused to discuss the matter further. I think generally you might say anytime that you asked a question that would be pertinent to the investigation, that would be the type of question he would refuse to discuss.

Mr. STERN. Would you say he had a pretty good idea of what might be incriminating and what not incriminating?

Mr. BOOKHOUT. Well, I think that would call for an opinion, and I can only report the facts to you, and based on the example of the type of questions that I had commented on that he refused to answer, you will have to draw your own conclusion on that.

Mr. STERN. Fine. I am just trying to get at whether he seemed in command of himself and alert, and whether he handled himself responsibly from his own viewpoint, but if you don't want to venture an opinion, that's fine.

When you first joined the interview, did you advise him that you were an agent of the FBI, and did you say anything about warning him that evidence—that anything he said might be used?

Mr. BOOKHOUT. Yes; that was done by Agent Hosty.

Mr. STERN. Did he, at that point, or later say anything specifically regarding the FBI?

Mr. BOOKHOUT. Yes.

Mr. STERN. Tell us what that was.

Mr. BOOKHOUT. He accused the FBI of, generally, unfair tactics in interviewing his wife on some previous occasion.

Mr. STERN. Was this directed specifically at either you or Hosty, or to the general—

Mr. BOOKHOUT. It was directed against Hosty.

Mr. STERN. He did not, Oswald did not indicate that he knew Hosty himself, did he?

Mr. BOOKHOUT. No.

Mr. STERN. But, there was a complaint about an interview, or interrogation of Marina Oswald?

Mr. BOOKHOUT. Right.

Mr. STERN. Did he say anything about FBI interviews of him that had occurred in the past, any complaint about such interviews?

Mr. BOOKHOUT. I don't know that that would be in this particular interview, but in one of the interviews which has been reported he stated that he had been interviewed at Fort Worth, Tex., by agents upon his return to the United States from Russia, and he felt that they had used unfair means of interviewing him, or something. Those are not his exact words, but that is the impression he conveyed.

Mr. STERN. Unfair in what respect?

Mr. BOOKHOUT. I don't know.

Mr. STERN. Did he say?

Mr. BOOKHOUT. No.

Mr. STERN. Tell us the nature of his complaint.

Mr. BOOKHOUT. I think he probably used the expression, "Unfair tactics," or something in their interviews.

Mr. STERN. Yes. Did he indicate that he felt that the interview that was then going on was unfair in any way? Did he complain about that?

Mr. BOOKHOUT. No, he didn't complain about the interview. He made a complaint or two, as I recall, that one of the interviews that has been reported, in fact, I believe it was in this first interview he complained about his hands being handcuffed behind his back, and asked Captain Fritz to remove the handcuffs. Captain Fritz had one of his officers uncuff his hands from behind his back and recuff them in front and asked him if that was more satisfactory and he stated that it was.

Mr. STERN. Any other aspect of his treatment that he complained of?

Mr. BOOKHOUT. I recall one of the interviews that he complained about the lineup that he was in, that he wasn't allowed to wear a jacket similar to jackets worn by others in the lineup.

Mr. STERN. Did this occur at the lineup or subsequently?

Mr. BOOKHOUT. This was in one of the interviews in Captain Fritz' office.

Mr. STERN. Referring to a lineup that had—

Mr. BOOKHOUT. Subsequently been held—previously been held.

Mr. STERN. During the first interview was he asked whether he had ever been in Mexico, and if so, by whom?

Mr. BOOKHOUT. Yes; I recall Hosty asking him if he had ever been in Mexico.

Mr. STERN. What did he say?

Mr. BOOKHOUT. He said he had not. I believe he mentioned he had been in Tijuana, Mexico, I believe, but I believe the question was whether he had ever been in Mexico City.

Mr. STERN. Was he asked about an organization called the Fair Play for Cuba Committee, and if so, by whom?

Mr. BOOKHOUT. Yes, he was asked if he belonged to that. I don't recall specifically who raised the question.

Mr. STERN. What did he say?

Mr. BOOKHOUT. He said he was a member of it, and was secretary of the New Orleans branch. I believe he said the headquarters was in New York City.

Mr. STERN. Was there much discussion of this, or just the identification?

Mr. BOOKHOUT. Well, now, that is another instance where he balked on answering a question. He was asked who the officers were, and at that point he said he refused to discuss the matter further.

Mr. STERN. Was he asked his residence address in Dallas and did he give it?

Mr. BOOKHOUT. Yes; he furnished the address of 1026 North Beckley.

Mr. STERN. Did he say that he was living there under another name, or was another name and particularly the name O. H. Lee mentioned at all in this connection?

Mr. BOOKHOUT. He was asked why he was using the name Lee at this address, and he attempted to pass it off by stating that the landlord was an old lady,

and his first name was Lee and she just had gotten it in her head that he was Mr. Lee. He never did explain about the initials O. H.

Mr. STERN. Was he asked whether he had shot the President, or Officer Tippit?

Mr. BOOKHOUT. Yes; he was asked that, and denied shooting either one of them, or knowing anything about it.

Mr. STERN. Was he asked whether he was carrying a pistol at the time he was in the Texas Theatre?

Mr. BOOKHOUT. Yes; that was brought up. He admitted that he was carrying a pistol at the time he was arrested. He claimed that he had bought this some time ago in Fort Worth.

Mr. STERN. He said he had gotten it in Fort Worth?

Mr. BOOKHOUT. That is my recollection, and there again, in trying to follow through on that line of thought, he refused to answer any further questions as to whereabouts in Fort Worth he had bought it.

Mr. STERN. Did he talk about his arrest and his resistance of arrest at the Texas Theatre?

Mr. BOOKHOUT. He admitted fighting with the officer at the time of the arrest, but I don't recall any explanation as to why he was doing it.

Mr. STERN. Did he admit that he might have been wrong in doing that, or say anything to that effect?

Mr. BOOKHOUT. Seemed to me like he made the comment that the only thing he was guilty of, or the only thing he could be charged with would be the carrying of a concealed weapon, and of resisting the arrest.

Mr. STERN. When he was asked about involvement in the assassination of President Kennedy, or the shooting of Officer Tippit, how would you describe his denials?

Mr. BOOKHOUT. Well, I don't know exactly how to describe it, but as I recall, he spoke very loudly. In other words, he was—he gave an emphatic denial, that is about all I can recall on it.

Mr. STERN. I believe that in the report you filed on this first interview, you or Agent Hosty, who joined in the report with you, used the adverb "frantically" to describe his denial of an involvement. Does that refresh your recollection as to that? Would you use that word now, or was that your word?

Mr. BOOKHOUT. No; that was written by Hosty, and that would be his expression of describing it.

Mr. STERN. Do you think "emphatically," is perhaps the more descriptive word now?

Mr. BOOKHOUT. Well, that would be the way I would describe it. As I said, he spoke——

Mr. STERN. I am not trying to put words into your mouth.

Mr. BOOKHOUT. He spoke loudly.

Mr. STERN. I am most interested in getting the tone of this interrogation and his state, the way he conducted himself, and that is why I ask this question, and there is something of a difference between saying a man is acting frantically as opposed to his acting emphatically.

Mr. BOOKHOUT. Well, I suppose the word, "frantically," would probably describe it. In other words, I said that he spoke loudly. There just wasn't a normal type of denial. He was—it was more than that. That is the reason I say that probably "frantically," might be a descriptive word.

Mr. STERN. Did that occur only in connection with questions about whether he had shot the President, or was the general tone of this interrogation, as far as he was concerned, at that level?

Mr. BOOKHOUT. No; he wouldn't use the same expression of speech in answering all questions. He would have certain kinds there, and certain types of questions that he would apparently have stronger feelings on.

Mr. STERN. Do you recall at any time his pounding on the desk, or making any other physical gestures of that kind?

Mr. BOOKHOUT. I don't recall him pounding on the desk; no, sir.

Mr. STERN. Now, this interview, as I understand, took approximately an hour?

Mr. BOOKHOUT. That's correct.

Mr. STERN. According to this report, you and Agent Hosty entered the interviewing around about 3:15 p.m., and it ended at 4:05.

Mr. BOOKHOUT. That would be correct.

Mr. STERN. Were these times that you or Hosty would have recorded at that moment in the ordinary course of your participation?

Mr. BOOKHOUT. That's correct. There was no log made of it, as such, but those were the times recorded for that particular interview.

Mr. STERN. Your normal practice is to get times down pretty accurately in matter of this—

Mr. BOOKHOUT. Try to.

Mr. STERN. And did you make the record of these times, or did Agent Hosty?

Mr. BOOKHOUT. I can say that I did. Whether he did or not, I don't know.

Mr. STERN. Incidentally, normally, do you preserve those notes or destroy them when you make a formal report?

Mr. BOOKHOUT. They will be, normally, destroyed at the time you make your—what we refer to as an interview report.

Mr. STERN. And in this case, did you destroy your notes?

Mr. BOOKHOUT. That's correct.

Mr. STERN. So, you have no notes respecting this whole matter?

Mr. BOOKHOUT. No, other than the reported interviewing report.

Mr. STERN. Yes; when the first interview was concluded, it was, as I understand it, to take Oswald before a lineup?

Mr. BOOKHOUT. That's correct.

Mr. STERN. Did you go with the police taking Oswald?

Mr. BOOKHOUT. No; I didn't go with them. In other words, it was strictly, as far as we were concerned, a police operation. I did proceed to the lineup room and observed it for the purpose of maintaining our liaison and keeping up with what was going on.

Mr. STERN. Do you recall how many people were in the lineup?

Mr. BOOKHOUT. It was a four-man lineup.

Mr. STERN. Did you know any of the other people?

Mr. BOOKHOUT. No.

Mr. STERN. Do you recall now their physical characteristics, as related to Oswald's physical characteristics? Were they same size as he, or noticeably larger or smaller?

Mr. BOOKHOUT. I observed that the lineup consisted of four men who were numbered from left to right, one through four. Oswald was No. 2 in the lineup. All the individuals appeared to be of the same general age, height, and weight, and they were white American males.

Mr. STERN. What about the dress of all the people in the lineup?

Mr. BOOKHOUT. I cannot recall specifically what the dress was, but there was nothing obviously different between their dress.

Mr. STERN. From your experience as an FBI agent, from your experience in policework, I take it you observed nothing about this lineup that was out of the ordinary?

Mr. BOOKHOUT. That's correct.

Mr. STERN. Did you hear what the witnesses who were present at the lineup said about the lineup?

Mr. BOOKHOUT. No; I did not.

Mr. STERN. When the lineup was concluded, what happened next, as far as you were concerned?

Mr. BOOKHOUT. I returned to the homicide and robbery bureau.

Mr. STERN. Was Oswald brought back there, or taken elsewhere?

Mr. BOOKHOUT. I don't recall specifically whether he was brought back to the homicide and robbery bureau, or placed in jail, but I do know that I didn't interview him any more that day.

Mr. STERN. Did you have any further contact with him that day? Friday?

Mr. BOOKHOUT. No.

Mr. STERN. When did you next see Oswald?

Mr. BOOKHOUT. Well, it would be on the morning of November 23, 1963, in the homicide and robbery bureau.

Mr. STERN. This was another interrogation?

Mr. BOOKHOUT. Yes.

Mr. STERN. Conducted by Captain Fritz?

Mr. BOOKHOUT. That's correct.

Mr. STERN. Do you recall who else was present, and you may refer any time to your reports to refresh your recollection.

Mr. BOOKHOUT. All right; that will be the interrogation that was in the presence of myself, T. J. Kelley of the U.S. Secret Service, David B. Grant, U.S. Secret Service, Robert I. Nash, U.S. marshal, and Detectives Billy L. Senkel and Fay M. Turner from the homicide and robbery bureau, Dallas Police Department. This interview was conducted, primarily, by Captain Fritz.

Mr. STERN. Did you ask any questions in the course of this interview?

Mr. BOOKHOUT. Yes.

Mr. STERN. What were they, and what were the responses, if you recall?

Mr. BOOKHOUT. One specific question was with regard to the selective service card in the possession of Oswald bearing a photograph of Oswald and the name Alek James Hidell. Oswald admitted he carried this selective service card, but declined to state that he wrote the signature of Alek J. Hidell appearing on same. Further declined to state the purpose of carrying same, and—or any use he made of same.

Mr. STERN. Did Oswald say anything in the course of this interview with regard to obtaining a lawyer?

Mr. BOOKHOUT. Yes, it was in this interview that he mentioned he wanted to contact Attorney Abt [spelling] A-b-t, New York City. I recall Captain Fritz asked him if he knew Abt personally and he said he did not, but he explained that he knew that Abt had defended the Smith Act cases in 1949, or 1950, and Captain Fritz asked him if he knew how to get ahold of Mr. Abt, and he stated that he did not know what his address was, but he was in New York.

I recall that Captain Fritz explained to him that he would allow him to place a long distance call for Abt, and he explained to Oswald how to ask the long distance operator to trace him down and locate him, even though Oswald didn't even know his address or telephone number.

Mr. STERN. Did he actually make the call in your presence?

Mr. BOOKHOUT. No; he didn't make the call in my presence. The next interview that we had with him, I recall that Captain Fritz asked him if he had been able to contact Mr. Abt. Oswald stated that he had made the telephone call and thanked Captain Fritz for allowing him to make the call, but actually, he had not been able to talk to Abt. He wasn't available. Wasn't in his office or something—

Mr. STERN. Was he complaining about not having counsel furnished, or did he seem satisfied with the effort to reach Abt?

Mr. BOOKHOUT. No; he made no complaint about not being furnished an attorney. Actually, there was a good deal of conversation on that point, and he stated that he did not want any Dallas attorney representing him, and said that if he couldn't get in touch with Mr. Abt, that he would probably contact someone with the Civil Liberties Union, and have them furnish an attorney. I recall sometime during November 22 or 23, I believe it was, the head of the Dallas Bar Association appeared at the homicide and robbery bureau and requested permission to talk to Oswald. Captain Fritz gave him that permission, and when he got through talking to Oswald and came back in and told Captain Fritz that he had seen him, and that Oswald did not want anybody from Dallas to represent him.

Mr. STERN. You heard this?

Mr. BOOKHOUT. Yes; that was in my presence. I don't recall the name of the attorney, but I was there at the time or during that conversation.

Mr. STERN. Can you tell us approximately how long this Saturday morning interview took?

Mr. BOOKHOUT. Well, that would be approximately an hour. No interview that I participated in lasted over an hour, and I think roughly this one probably started around 10:35 in the morning and lasted for approximately an hour.

Mr. STERN. All right. What was his physical appearance at this time?

Mr. BOOKHOUT. His appearance was no different than it was on the 22d.

Mr. STERN. You saw no other bruises?

Mr. BOOKHOUT. No.

Mr. STERN. Did he seem rested, or tired?

Mr. BOOKHOUT. I saw no difference in his appearance on the 23d than it was on the 22d.

Mr. STERN. How about the way he handled himself? Was he any calmer, any more communicative Saturday morning than he had been Friday afternoon?

Mr. BOOKHOUT. Well, I think that he might not have been quite as belligerent on the 23d as he was on the 22d. But he still refused to discuss certain points indicated above, selective service card being one point that I recall. I remember he was asked if he would take a polygraph, and he said he would not, that it had always been his practice not to agree to take a polygraph.

Mr. STERN. Did he suggest that he had been asked before to take a polygraph?

Mr. BOOKHOUT. He made some comment along the line that it had never been his policy—before, to take a polygraph.

Mr. STERN. But he didn't elaborate on it?

Mr. BOOKHOUT. He didn't elaborate on it.

Mr. STERN. Did he make any further comment at this interview about his interviews with the FBI, or their interviews of his wife?

Mr. BOOKHOUT. I think probably this is the one I referred to a while ago. Yes, it would be in this interview that he made further comment that on the interview of Ruth Paine by the FBI, regarding his wife, that he felt that his wife was intimidated. Also, in this interview that he made mention as previously stated above that he had arrived about July 19, 1962, from Russia, and was interviewed by the FBI at Fort Worth, Tex.

He stated that he felt that they had overstepped their bounds and used various tactics in interviewing him.

Mr. STERN. Did he specify what the tactics were?

Mr. BOOKHOUT. No; he did not.

Mr. STERN. In your report before this interview you mentioned that he again denied shooting President Kennedy, and apparently said that he didn't know until then that Governor Connally had been shot?

Mr. BOOKHOUT. That's correct. That was his statement, that he denied shooting President John F. Kennedy on November 22, 1963, and commented that he did not know that Governor John Connally had been shot.

Mr. STERN. Did you form any impression about whether he was genuinely surprised? Did he look genuinely surprised to you, or how did you feel about that? I am just asking for your impression. If you don't have one, say so.

Mr. BOOKHOUT. No; I have no impression on that. I arrived at no conclusion.

Mr. STERN. What did he say at this interview with respect to the purchase of a rifle, or possession of a rifle?

Mr. BOOKHOUT. Generally, he stated that he didn't own a rifle, hadn't ever made any mail order purchase of one.

Mr. STERN. Now, did anything transpire that you observed concerning Oswald between the end of that morning interview on Saturday, and the next interview of Oswald?

Mr. BOOKHOUT. No.

Mr. STERN. You stayed at the police headquarters in that period performing liaison functions?

Mr. BOOKHOUT. Yes.

Mr. STERN. You did not observe another lineup?

Mr. BOOKHOUT. No; there were other lineups.

Mr. STERN. But you did not participate?

Mr. BOOKHOUT. But I did not observe.

Mr. STERN. Or observe?

Mr. BOOKHOUT. Any others.

Mr. STERN. Now, approximately when did the next interview occur?

Mr. BOOKHOUT. The interview at about 6:30 p.m., on November 23, 1963.

Mr. STERN. How long did this interview last?

Mr. BOOKHOUT. Not over an hour.

Mr. STERN. Who conducted this interview?

Mr. BOOKHOUT. Captain Fritz.

Mr. STERN. Did you ask any questions, that you recall?

Mr. BOOKHOUT. I don't recall asking any specific questions during this interview.

Mr. STERN. It was at this interview, was it not, that Oswald was shown photographs of himself holding a rifle and wearing a pistol in a holster?

Mr. BOOKHOUT. That's correct.

Mr. STERN. What was his comment about the photograph?

Mr. BOOKHOUT. His comment, as I recall, he was asked if this was his photograph, and his comment was that the head of the photograph was his, but that it could have been superimposed over the body of someone else. He pointed out that he had been apparently photographed by news media numerous times in proceeding from the homicide and robbery bureau to the lineup and back, and that is how they probably got the photograph of his face, and he went into a long discussion of how much he knew about photography, and knew that this—his face could be superimposed over somebody else's body holding the gun and pistol and so forth.

Mr. STERN. Now, was his appearance and demeanor at this interview—

Mr. BOOKHOUT. No different than it was during the previous interviews.

Mr. STERN. Did he have any comment at this interview about counsel?

Mr. BOOKHOUT. None other than at the outset of being first asked if that was his photograph, he first made the statement that he wouldn't make any comment about it without the advice of counsel, but then subsequently is when he went into the story about his face had been superimposed over somebody else's body.

Mr. STERN. Did he complain in the course of this interview about the way in which the lineup had been conducted?

Mr. BOOKHOUT. This is the interview in which he—a previously mentioned comment here was made to the effect that he had not been granted a request to put on a jacket similar to those worn by some of the other individuals in some previous lineups.

Mr. STERN. In each of these interviews was he generally taken through the same questions or similar questions, or were the interviews addressed to different areas?

Mr. BOOKHOUT. More or less, they had been to a specific area. For instance, in this last interview we are talking about, that was more or less confined to this photograph.

Mr. STERN. Yes. Did he ever complain that, "We have been over that ground before," or make any such statement?

Mr. BOOKHOUT. No; I don't recall anything along that line, but I can recall one subject matter probably in the first interview where he talked about his method of transportation after leaving the Texas Book Depository, having gotten on a bus, and then that subject was taken up again, as I recall, in the second interview, expressed the same answer at that time, and then subsequently to that interview he backed up and said that it wasn't actually true as to how he got home. That he had taken a bus, and due to the traffic jam he had left the bus and got a taxicab, by which means he actually arrived at his residence.

Mr. STERN. Had he been confronted by the driver of the taxicab, or been told that they had located the driver of the taxicab before he changed his story, or did he volunteer the story of the taxi?

Mr. BOOKHOUT. I don't recall specifically whether he was confronted with that or not.

Mr. STERN. All right. Do you recall whether in the course of any of the interrogations any official, anyone present suggested in any way to Oswald that things would be better for him if he told the truth, if he confessed? Was he ever offered any inducement—any suggestion made that he would be better off if he told the full story?

Mr. BOOKHOUT. I can't recall anything along that line. I don't recall any type of inducement whatsoever.

Mr. STERN. In each interview in which you participated, did you warn him about the possible use of his statement against him?

Mr. BOOKHOUT. I personally did not at each interview, but I can say that at

each interview he was warned. He was warned numerous times by Captain Fritz and his rights were fully explained to him.

Mr. STERN. What sort of warning would Captain Fritz give him, generally?

Mr. BOOKHOUT. He gave a warning consisting of the fact that he did not have to make any statement, that any statement he made could be used against him in court, and he had the right to consult with an attorney, generally, that was the rights that were explained to him, as I recall.

Mr. STERN. This was said at each session at which you were present?

Mr. BOOKHOUT. This was given at once each time, and the question would come up later on, I mean, he would repeat himself, that, you don't have to make any statement—and so forth.

Mr. STERN. Did you observe anytime any physical or mental coercion of Oswald by anyone?

Mr. BOOKHOUT. None whatsoever.

Mr. STERN. Off the record.

(Discussion off the record.)

Mr. STERN. Now, back on the record. This interview on late Saturday afternoon, was about 6 or 6:30, is that correct?

Mr. BOOKHOUT. This one started about 6:30 p.m. And I would say it lasted about an hour.

Mr. STERN. I see. So, that is 7:30?

Mr. BOOKHOUT. Yes.

Mr. STERN. Was there any further interview that day that you participated in?

Mr. BOOKHOUT. None that I recall.

Mr. STERN. Did you see Oswald again anytime after that interview concluded?

Mr. BOOKHOUT. Now, yes; on the morning of November 24, 1963, I observed him in interview with Captain Fritz and numerous other officers in the homicide and robbery bureau. Captain Fritz—I did not participate in this interview. It had already started before I arrived.

Mr. STERN. Did you notice anything unusual about his appearance?

Mr. BOOKHOUT. No.

Mr. STERN. Did you see Oswald again?

Mr. BOOKHOUT. I stayed there in the office of the homicide and robbery bureau. When I refer to "office," I mean the overall office, and inside of that office is a private office of Captain Fritz. The interview was being conducted in the private office. There is a glass partition or glass—well, say glass partition on one side of the office that you can see what is going on inside there. I took a seat adjacent to this glass area in the office proper of the homicide and robbery bureau, and watched Oswald during the interview that was going on. About—well, I don't know what time specifically, it was after 11 o'clock, as I recall, the interview terminated. I asked Captain Fritz if he had—if Oswald made any admissions, and he stated that he had not made any. Shortly thereafter he was taken out of the homicide and robbery bureau. I remained in the homicide office.

Mr. STERN. Did you see him again?

Mr. BOOKHOUT. Next time I saw him was after a report came out over the intercom system for any homicide and robbery officers to report to the city hall basement. I proceeded to the basement after learning from Lieutenant Baker in the homicide and robbery bureau, who had made a telephone call to the dispatcher to inquire what was going on, that Oswald had been shot.

When I arrived in the basement I asked where was Oswald, and they said that he was in the jail office. I asked who had shot him, and I was told an individual by the name of Jack Ruby. I asked where he was. They said, they have already taken him up to the jail.

Mr. STERN. Fine.

Mr. BOOKHOUT. Just shortly thereafter the ambulance came, and I observed them roll Oswald out of the jail office on the stretcher and that is the last—

Mr. STERN. I would like to clear up one point, Mr. Bookhout, about the number of interviews on Saturday. Your present recollection is that there were how many in which you participated?

Mr. BOOKHOUT. Two on Saturday.

Mr. STERN. One at about what time and the other at what time?

Mr. BOOKHOUT. One was about 10:35 a.m., and the second one was about 6:30 p.m.

Mr. STERN. You do not now recall any separate interview at about 12:30 on Saturday?

Mr. BOOKHOUT. I don't specifically recall any separate interview at that time. I checked the record before coming over and the interviews that I have mentioned are the only ones I have in the report.

Mr. STERN. Would you describe briefly the conditions in the corridor outside the homicide and robbery area.

Mr. BOOKHOUT. On November 22 and 23, the hallway in front of the homicide and robbery bureau located on the third floor of the city hall building was jammed with news media. From the elevator area to the end of the hallway, extending on past the homicide and robbery bureau entrance.

Mr. STERN. Could you hear anything from the hallway when you were in the interrogation room?

Mr. BOOKHOUT. No; there were two Dallas Police officers on duty at the entrance to the homicide and robbery bureau, who required you to identify yourself being that—before being allowed entrance into the bureau. The interviews of Oswald were conducted in the private offices of Capt. J. W. Fritz, located within the same bureau, and the door to the private office was closed, and we did not hear any commotion going on outside in the halls while the interviews were in progress.

Mr. STERN. Did Oswald ever say anything that you heard about the press and conditions in the hallway?

Mr. BOOKHOUT. The only thing I recall offhand is the incident mentioned previously about the press undoubtedly taking his photograph when he was going and coming from the homicide and robbery bureau.

Mr. STERN. I think that covers all the questions I have, Mr. Bookhout. Thank you very much for coming here.

Mr. BOOKHOUT. You are welcome.

Mr. STERN. If there is anything that occurs to you that I haven't asked about and you think the Commission should know, I would be delighted to have you tell me.

Mr. BOOKHOUT. I can't think of anything that I could add to what you have already heard.

Mr. STERN. Now, our reporter will transcribe your testimony and can make a copy available for you to read and sign. If you think it is accurate, you can waive that if you desire, and she will then send it directly to the Commission. It makes no difference at all to the Commission which you elect.

Mr. BOOKHOUT. I think that as far as I am concerned, it would be all right.

Mr. STERN. Fine. Then you will waive?

Mr. BOOKHOUT. My idea—the purpose—only purpose I would have would be just to help you if there are any typographical errors in there.

Mr. STERN. Fine. And thank you for coming in today.

Mr. BOOKHOUT. All right.

TESTIMONY OF MANNING C. CLEMENTS

The testimony of Manning C. Clements was taken at 10:15 a.m., on April 8, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Samuel A. Stern, assistant counsel of the President's Commission.

Mr. STERN. Good morning, Mr. Clements. Will you rise and raise your right hand, please.

Do you 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. CLEMENTS. I do.

Mr. STERN. Would you please sit down. State your name and address.

Mr. CLEMENTS. Manning C. Clements, 5542 Montrose [spelling] M-o-n-t-r-o-s-e Drive, Dallas, Tex.

Mr. STERN. What is your occupation, Mr. Clements?

Mr. CLEMENTS. I'm a special agent of the Federal Bureau of Investigation.

Mr. STERN. How long have you been a member of the Federal Bureau of Investigation?

Mr. CLEMENTS. Twenty-three years and approximately 4 months.

Mr. STERN. How long have you been assigned to the Dallas office?

Mr. CLEMENTS. Since April 1952.

Mr. STERN. On November 22, 1963, were you on duty as a special agent?

Mr. CLEMENTS. I was.

Mr. STERN. Did your duties that morning before noon concern the visit of the President?

Mr. CLEMENTS. No.

Mr. STERN. Will you relate to us what happened when you first heard the news of the shooting of the President?

Mr. CLEMENTS. I arrived at the office following lunch and shortly thereafter heard of the shooting at the motorcade, and my superior instructed me to go to the office of the chief of police. I was to offer the services of the Federal Bureau of Investigation for whatever use the police might find them of benefit.

Mr. STERN. What did you do then?

Mr. CLEMENTS. I went to the police station, arriving there at approximately 1 o'clock. I immediately contacted the office of the chief. I found that he was out. I contacted Capt. Glen King, his administrative assistant, and Captain Lunday, who was also on duty in the chief's office. Contacted Art Hammet, the public relations representative, who was occupying the desk in the outer office of the chief. I informed each of them as to the reason for my presence and that any requests that they might have for FBI assistance, information or otherwise, could be given to me and I would in turn, relay their request to our Dallas office.

Mr. STERN. What occurred next?

Mr. CLEMENTS. During the course of the next several hours I was in occasional contact with various representatives of the police department, in contact with my own office by telephone. Served more or less as a liaison officer to relay instructions to any other FBI agents who were on the premises.

Mr. STERN. When did you first hear of the arrest of Lee Harvey Oswald?

Mr. CLEMENTS. I can't fix the exact time. I am certain that I heard almost immediately after the arrest, because I learned from police personnel of the shooting of Officer Tippit, and thereafter, when they received radio reports, I was generally aware of such report. So, I became aware of the arrest of Oswald, I would say, approximately coincidentally with the front office, or with the police department learning of the arrest.

Mr. STERN. At that time his name meant nothing?

Mr. CLEMENTS. Repeat that.

Mr. STERN. His name meant nothing to you?

Mr. CLEMENTS. No.

Mr. STERN. Were you present when he was brought into the police headquarters?

Mr. CLEMENTS. No.

Mr. STERN. When did you first see Oswald?

Mr. CLEMENTS. I am, at this moment, uncertain of whether I saw him prior to personally interrogating him. I don't believe that I did.

Mr. STERN. Did you know that he was being interrogated, and that other special agents of the FBI were present?

Mr. CLEMENTS. It was my understanding that he was being questioned and that FBI agents were participating.

Mr. STERN. You were, then, pursuing other functions?

Mr. CLEMENTS. Yes.

Mr. STERN. And they were, again, liaison activities?

Mr. CLEMENTS. Liaison—primarily.

Mr. STERN. Were you, Mr. Clements, the conduit for any information that the FBI had concerning Oswald, to the Dallas Police Department?

Mr. CLEMENTS. No.

Mr. STERN. I understand that you participated in an interrogation of Oswald. Would you tell me about that?

Mr. CLEMENTS. Sometime during the evening I did go to the homicide bureau office for some purpose I don't immediately recall, and there I saw one of our other agents, James Bookhout, and I asked him if anyone had, to his knowledge, taken a detailed physical description and detailed background information from Oswald. He told me that such description and background data had not been obtained, and suggested that I do it. I learned from Bookhout, as I recall, that Oswald was, at the time, in a small office, the door of which was closed.

I sought out Captain Fritz, in charge of the homicide bureau, or one of his ranking officers and asked if there was any objection to my interviewing Oswald in the regard mentioned.

I was told there was no objection. I entered this room and found that Oswald was in the room, and being guarded by two officers who I presumed to be members of the Dallas Police Department, but whom I did not personally know.

Mr. STERN. They were not interrogating him?

Mr. CLEMENTS. No; they were apparently just sitting on guard duty.

Mr. STERN. Then what happened?

Mr. CLEMENTS. I introduced myself to the officers whose names I do not believe that I got, and also introduced myself to Oswald. Exhibited my credentials and told him that I would like to obtain from him some physical description, background, biographical data. He was agreeable, and I began my interview with him.

Mr. STERN. Can you approximate the time of day that this occurred—roughly?

Mr. CLEMENTS. I would say the interview began roughly at 10 p.m.

Mr. STERN. How long did it last? And was it interrupted?

Mr. CLEMENTS. I estimate the overall interview was approximately 30 or 35 minutes. I was interrupted twice, perhaps, during the interview, being informed that he was being taken out for a lineup. While he was gone I examined the contents of his wallet which was there on the desk, and identified to me as Oswald's wallet. When he returned I continued the interview.

Mr. STERN. Approximately how long was he gone?

Mr. CLEMENTS. I would estimate 10 or 15 minutes.

Mr. STERN. So, that the total amount of time that you spent with him was something like 20 minutes?

Mr. CLEMENTS. That would be a rough estimate.

Mr. STERN. Did you see him again after that interview?

Mr. CLEMENTS. Yes; I saw him next at a time which I estimate was 11:30 p.m., the 22d. It was at a time when he was being taken to the basement of the city hall to a press conference. I saw him as he was being taken to the third floor from the offices of the homicide bureau, and I went to the basement myself arriving there before he did, and I saw him as he was being brought into the room where the press conference was held, and during the course of the press conference.

Mr. STERN. Did you see him again at any time after that press conference?

Mr. CLEMENTS. No.

Mr. STERN. What was his physical condition, as you observed it when you—

Mr. CLEMENTS. He—

Mr. STERN. When you entered the room to interrogate him?

Mr. CLEMENTS. I observed a bruise, a bruise in the vicinity of one of his eyes. I believe minor scratches on his face. I saw no evidence that he was suffering from any physical pain or anything of that sort.

Mr. STERN. Was he handcuffed?

Mr. CLEMENTS. Yes.

Mr. STERN. With his hands in front or behind?

Mr. CLEMENTS. Hands were in front.

Mr. STERN. Did he seem alert, or otherwise?

Mr. CLEMENTS. He seemed alert.

Mr. STERN. Will you now tell, Mr. Clements, as much as you can recall of your interrogation of Oswald at that time?

Mr. CLEMENTS. I informed him of the purpose of my interview. He made no objection. I proceeded to get his name in full. I asked him questions as to his date and place of birth, height, weight, color of his hair and eyes, and as to the existence of any permanent scars or marks. As to the identities of close relatives, their addresses and occupations, and asked him as to his own occupation, residence, attempting to get them in chronological order, and asked as to his past occupations.

Mr. STERN. Did you review with him the contents of his wallet and ask him questions on any of it?

Mr. CLEMENTS. I questioned him as to the fictitious, and obviously fictitious selective service card, which I found in his wallet. I recognized it as being fictitious card from the fact that the photograph was mounted on the card, and that there were obvious erasures in typing of information on the card itself. The card was in the name of an Alek James Hidell, but bore the photograph of Oswald.

Mr. STERN. What did he say about that card?

Mr. CLEMENTS. He declined to answer any questions as to the reason of his possession of it.

Mr. STERN. Were there any other questions you put to him that he refused to answer?

Mr. CLEMENTS. Toward the conclusion of the interview and after he had been absent and returned I continued with the questions of past residence and past occupations. He responded to my questions. At a time when I asked him as to his present occupation he hesitated and told me that he thought the obtaining of his description and background information had become somewhat prolonged. He said that he had refused to be interviewed by other law enforcement officers previously, and that he had no intention of being interviewed by me. He continued that he knew the tactics of the FBI. He stated there was a counterpart or a similar agency in Russia, that I was using the soft touch, where the approach of a Russian agency would be different, but the tactics would be the same.

Mr. STERN. At that point did he stop answering questions?

Mr. CLEMENTS. No; at that point I asked the same question that I had asked previously, and he answered.

Mr. STERN. Did the interview continue beyond that?

Mr. CLEMENTS. That was substantially the end of the interview.

Mr. STERN. Were there other persons present besides the two Dallas police officers who were guarding him?

Mr. CLEMENTS. No.

Mr. STERN. At either time, either before or after he had been withdrawn from the lineup?

Mr. CLEMENTS. No.

Mr. STERN. Did he seem hostile or resentful or irritated by the fact that you were an FBI agent?

Mr. CLEMENTS. He did not state that, if that were the case. He was courteous, responsive as to any question. Volunteered little information.

Mr. STERN. But volunteered very little information. Did he seem a person in command of himself?

Mr. CLEMENTS. He seemed to be in command of himself both physically and mentally. He had what appeared to me to be a slightly haughty or arrogant attitude.

Mr. STERN. Did he complain to you about the treatment he was receiving?

Mr. CLEMENTS. No.

Mr. STERN. Did he say anything to you about obtaining counsel, whether he had tried to?

Mr. CLEMENTS. He said nothing whatsoever in that regard.

Mr. STERN. Did he say anything about any effort on his part to reach his family that had been unsuccessful?

Mr. CLEMENTS. No; he did not.

Mr. STERN. At the conclusion of your interview, did you leave the office in which he was being guarded and leave him behind?

Mr. CLEMENTS. Yes; I did.

Mr. STERN. When you next saw him at this press conference in the basement, can you describe the conditions in that room? How many people were present?

Mr. CLEMENTS. The corridor on the third floor was quite crowded, and when I reached the basement there were, I would estimate, perhaps 50 people, all told, including officers, members of the press, perhaps others. There was a crowded condition I would say.

Mr. STERN. Quite a great deal of noise?

Mr. CLEMENTS. I don't recall any great amount of noise. Although, I do recall that members of the press were attempting to get Oswald to respond to questions.

Mr. STERN. How did he seem at that time?

Mr. CLEMENTS. I saw no difference in his appearance to that at the time I had talked with him.

Mr. STERN. Did he then seem to you to be in command of himself, and alert?

Mr. CLEMENTS. Yes; he did.

Mr. STERN. Mr. Clements, did you make a record of your interview with Oswald?

Mr. CLEMENTS. I did.

Mr. STERN. How soon after the interview did you dictate that memorandum?

Mr. CLEMENTS. The following day, November 23, 1963.

Mr. STERN. And have you reviewed that memorandum to refresh your memory of what occurred?

Mr. CLEMENTS. I have.

Mr. STERN. And you had no further contact, or didn't observe Oswald, Mr. Clements, as I understand it, from the time of the press conference until he was, himself, killed on November 24?

Mr. CLEMENTS. That's correct.

Mr. STERN. Thank you very much.

Mr. CLEMENTS. Yes.

Mr. STERN. The reporter will transcribe your testimony. You can, if you wish, review a copy of the transcript and sign it, or waive your signature and the reporter will send it directly to the Commission, whichever you prefer.

Mr. CLEMENTS. I think I would prefer to review it after it is typed.

Mr. STERN. Fine.

The reporter will get in touch with you and give you an opportunity to review it.

Thank you very much for coming in.

TESTIMONY OF GREGORY LEE OLDS

The testimony of Gregory Lee Olds was taken at 4:05 p.m., on April 8, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Samuel A. Stern, assistant counsel of the President's Commission.

Mr. STERN. Will you stand and raise your right hand, please.

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

Mr. OLDS. I do.

Mr. STERN. Sit down, please, Mr. Olds. For the record will you state your name and address.

Mr. OLDS. Gregory Lee Olds, 1316 Timberlake, Richardson, Tex.

Mr. STERN. What is your profession?

Mr. OLDS. I am an editor of a weekly newspaper.

Mr. STERN. Where?

Mr. OLDS. In Richardson.

Mr. STERN. What is your connection with the Dallas Civil Liberties Union?

Mr. OLDS. I am its President.

Mr. STERN. Were you its president in November of 1963?

Mr. OLDS. Yes.

Mr. STERN. Can you tell us what transpired on November 22, in connection with your efforts and the efforts of your organization to assure that Lee Harvey Oswald was not being denied his right to counsel?

Mr. OLDS. Yes. I got a phone call about 10:30 that night from one of our board members saying they had been called by the President of the Austin affiliate who was concerned about the reports that were being circulated on the air. I think Oswald was directly quoted as saying he had not been given the opportunity to have counsel, and the suggestion was made that it might be well to check into this matter, and I believe I called this—I first called the police department to inquire about this, and finally talked to Captain Fritz, Capt. Will Fritz, and was—raised the question, and he said, "No—" that Oswald had been given the opportunity and declined. And I called—then I called the board member back who had called me—

Mr. STERN. Excuse me. Did Captain Fritz say that Oswald did not want counsel at that time, or that he was trying to obtain his own counsel?

Mr. OLDS. What I was told, that he had been given the opportunity and had not made any requests. So, I called our board member back and conferred with him and he suggested that we go down and see about it at the police department, in person, to get further assurances. And he and I and two others of our organization met down there at the Plaza Hotel lobby about 11:15, directly across the street from the police station, and we discussed the matter there, and I called Mayor Earle Cabell at his office, but was told that he was busy at the moment so we went then over to the police station, and we got in there. Let's see, it was up on the—I guess the third or fourth floor, wherever Oswald was being questioned, and Chuck Webster, a lawyer—professor of law, who was known to the other three men with me said he had been there a good part of the time since the assassination, and that—we told him what we were there for, and he said he thought he knew who we could see to get our assurances. Did you have something?

Mr. STERN. No.

Mr. OLDS. We went to—first, we talked—conferred with Captain King, I believe is the right name, who is, I believe, assistant to the chief of police. I'm not sure on that. We all went in with Mr. Webster, and this was shortly after 11:35, or 11:40, and Captain King was, at this time, talking to somebody and said that Oswald had just been charged with the assassination of President Kennedy. He had here—earlier been charged with the assassination—I mean the murder of the policeman, Tippit, and we told Captain King what we were there for, and he said, he assured us that Oswald had not made any requests for counsel. And we went outside of the office and went downstairs, at least—I didn't, but two of the others, I believe, went downstairs to the basement where Justice of the Peace David Johnston was. He was the one that had held the—I believe an arraignment, I believe is the right term, at 7:30 when the first charge of murder was filed against Oswald, and he also assured us that there had been an opportunity of—Oswald's rights had been explained, and he had declined counsel. Said nothing beyond that. I think that was the extent of our inquiry.

Mr. STERN. What happened next?

Mr. OLDS. Also we were—I believe Chief Curry was quoted to us as having said some—also that Oswald had been advised of his rights to counsel. I am not sure who told me that. I believe that it was Mr. Webster. That was about all. We felt fairly well satisfied that Oswald probably had not been deprived of his rights, so, we then broke up. I think the other men went home, and I went downstairs. I heard that there was going to be a press conference, so I thought I could stand in on that and—do you want me to go ahead and detail that?

Mr. STERN. Yes, this was —

Mr. OLDS. This was right at midnight, I think, when Oswald was brought in.

Mr. STERN. Brought in where?

Mr. OLDS. This was a squadroom and I am not sure what the term is. It is

in the basement of the police station. That was being used as a pressroom. I believe it is some sort of a classroom or something of that sort. He was brought in there. I suppose a hundred reporters standing around on tables, and I understand Ruby was there at the time, too, up near the front.

Mr. STERN. You don't know that, though?

Mr. OLDS. I don't remember seeing him.

Mr. STERN. Do you know Ruby?

Mr. OLDS. No; I don't. No; I remember someone saying what he was supposed to have said when—and helped somebody answer a question. I forget what it was, and Oswald came in, and he was there about 5 minutes—

Mr. STERN. Were you permitted to enter this room without displaying any identification?

Mr. OLDS. Yes; I wasn't stopped at all. Nobody seemed to pay—it was pretty well confused around there, and nobody questioned me at all.

Mr. STERN. Would you have been known to the police as a newspaperman?

Mr. OLDS. I had never been in the police building. No one had any way of knowing who I was, or what my business was.

Mr. STERN. Did you have to identify yourself to get into this building to begin with?

Mr. OLDS. No; no problem getting into the building. No one in the lobby, and I don't believe there was anyone at all until you get up to the third or fourth floor where the police department section of the building begins.

Mr. STERN. What were the conditions of this room and the scene?

Mr. OLDS. Well, you mean the room where the press conference was held, where Oswald came in? It was very noisy, and when Oswald came in it was very confusing. The reporters were yelling at each other to get out of the way, and they were, the photographers were having a very bad time with it, and people kept crowding toward the front and standing on tables so that they could see and hear and Oswald was there such a brief time, and was not able to be heard beyond the first row of reporters who were circled around him. Thereafter reporters were interviewing reporters who were on the front row to see what had been said, and some sort of confusion existed, and enough of—oh, probably 50 reporters standing around there, and it was a very confusing situation it seemed. And Oswald had to be brought through the hall on his way from the interrogation room to his cell, so, he couldn't avoid being seen, and it was at this time that he was making the statements that were being quoted.

Mr. STERN. Did you observe this?

Mr. OLDS. No; I didn't. I saw this on television, but I could imagine it from that.

Mr. STERN. How did he look to you when he was at this press conference?

Mr. OLDS. He looked remarkably composed and determined. He had a—I remarked afterwards that I would have been very much distraught, and he seemed very well self-contained and determined and maintained his innocence. I heard that, and beyond that scratch above—on his forehead and the eye that was swollen and the little—he looked all right.

He looked a little tired, of course, and I think his clothes were dirty, but he looked remarkably in good shape, I thought.

Mr. STERN. Did this give you any further assurance that—about the right to counsel question?

Mr. OLDS. Possibly so, it was—

Mr. STERN. I don't want to put the idea in your head.

Mr. OLDS. Well, I know, but we had the idea that Oswald was not being accurate when he said he had been denied, because in our dealings with the police here, we have had reason to believe that they are very careful of this sort of thing. And certainly in a case of this notoriety, certainly, our tendency was to believe that, but I have always been sorry that we didn't talk with Oswald, because it was not clear whether we would be permitted to see him that night or not.

Mr. STERN. But, you did not ask to see him?

Mr. OLDS. No; we did not, which I think was a mistake on my part.

Mr. STERN. Did anything transpire on Saturday, November 23?

Mr. OLDS. Not so much. I was watching television most of the day and then

the matter of counsel was raised, I think, during that day. During the—I suppose when Oswald was being transferred in the hall again, and—let's see—this is when Mr. Nichols went down late this afternoon, I think around 5:30, and he reported after that that he had seen Oswald in respect to the same reasons that we had for going down there Saturday night, to see if he wanted some sort of legal representation, and to make sure whether or not he was denied—being denied it, and he said that he was satisfied that—in essence, Oswald told Nichols he was satisfied with the situation. I can detail this conversation if you would like, as it was told to me.

Mr. STERN. No.

Mr. OLDS. Well, that was the essence of what was found out.

Mr. STERN. Was there any mention of the American Civil Liberties Union?

Mr. OLDS. Yes; it was at this time that we first heard the idea that Oswald might be a member of the American Civil Liberties Union, and this surprised us, because we felt we would have had a record of it in our files, but there is often a lapse of time when a member moves from one area to another and it takes some time to transfer him to the local affiliate. To make sure of this I called the national office in New York City, and it was night, of course there was no one there, but I finally got a number of one of the staff members and talked to him at his home in New Jersey and told him about it, and he said, he would check on the matter. Have somebody in New York, who lived near the office to go in and see about it, and he did and they found no such record at that time.

However, it was later discovered that on November 4, he had sent a check for \$2 to the office, which was, I believe, discovered 3 weeks later.

Mr. STERN. Mr. Olds, I think that covers the matters that I am interested in. Is there anything further that you would like to tell us? Anything that you—

Mr. OLDS. Possibly later after this matter was disposed of, we became interested in the legal status of Oswald's wife, Marina, and a story in the New York Times, I believe December 19, said something to the effect that perhaps she was being held incommunicado and in some way illegally detained. Anyway, her status was not clear as far as the reporter was concerned, and our national office in New York City got a number of inquiries both by phone and personal calls and letters, telegrams, and they asked us in turn then, to see what we could find out about it. After a certain amount of negotiations with the Secret Service and FBI and so on, we sent a letter to Mrs. Oswald and she later wrote us that she was content with her situation, and was very happy with her status, in fact, it was for her interest.

Mr. STERN. Well, thank you very much, Mr. Olds for coming in today.

The reporter will transcribe your testimony and you will then be notified when it is available and afforded an opportunity to read it and sign it. If you would like to waive that that is possible and the reporter would send the transcript directly to the Commission.

Mr. OLDS. I will be glad to sign it. Do you want me to come down here and do that?

Mr. STERN. Yes.

Mr. OLDS. When do you think it might be?

Mr. STERN. It should be within the next week or so.

Mr. OLDS. All right, fine.

Mr. STERN. Thank you very much.

TESTIMONY OF H. LOUIS NICHOLS

The testimony of H. Louis Nichols was taken at 9:30 a.m., on April 8, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Samuel A. Stern, assistant counsel of the President's Commission.

Mr. STERN. Good morning, Mr. Nichols. Will you stand and raise your right 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. NICHOLS. I do.

Mr. STERN. Sit down, please. As you know the President's Commission has been instructed by President Johnson to inquire into all the facts surrounding the assassination of President Kennedy. This morning I would like to cover with you what you know about Lee Harvey Oswald, whom I understand you interviewed at the Dallas Police Headquarters.

Would you state your name and business address?

Mr. NICHOLS. H. Louis Nichols. 1200 Republic Bank Building, Dallas.

Mr. STERN. What is your profession?

Mr. NICHOLS. I am an attorney.

Mr. STERN. And how long have you been a member of the bar?

Mr. NICHOLS. Since 1939.

Mr. STERN. What bars are you a member of?

Mr. NICHOLS. State Bar of Texas, and admitted to practice in the Northern District of Texas, Federal Court.

Mr. STERN. What position do you presently hold with the Dallas Bar Association?

Mr. NICHOLS. I am a member of the board of directors for the Dallas Association, at the present time. During 1963, I was President of the Dallas Bar Association.

Mr. STERN. During the calendar year, 1963?

Mr. NICHOLS. Yes.

Mr. STERN. I see. Would you relate for us, Mr. Nichols, in your own words, what occurred respecting Lee Harvey Oswald and your inquiry whether he had the opportunity to avail himself of counsel during the period of his detention, which began on November 22, 1963?

Mr. NICHOLS. Sometime in the afternoon on Saturday the 23d of November, as I best recall, in the neighborhood of about 2 o'clock, I received a phone call from a lawyer friend of mine in Dallas who asked me if I knew whether or not Mr. Oswald was represented by an attorney.

I told him I did not. He said he had received a phone call from an eastern lawyer, dean of one of the law schools in the East, who told him that the news media up there were saying that Oswald could not get a lawyer to represent him in Dallas, and he wanted to know if I knew anything about the situation. I told him I had not been following it too closely on television, because I was out Friday and then out with my boy on Saturday morning and didn't know really whether or not he had a lawyer.

And he said, well, that was the information he had received, and wanted to know what I knew about it, and if he didn't have a lawyer, or wasn't able to get one whether or not the bar association could, or would do anything about it. I told him I didn't know what the situation was, but that I would be glad to look into it, and—it had been less than 24 hours since Mr. Oswald had been arrested. In order to refresh my memory as to what the requirement of the State law is, and since I don't practice criminal law, I called a lawyer friend of mine in Dallas who is a criminal lawyer and asked him just to tell me offhand what the obligation was to appoint lawyers in criminal cases, if a person did not have someone to represent him, and he told me that the obligation was only to appoint counsel after a man had been indicted, and that, as he understood it, since Mr. Oswald had not been indicted there was no legal obligation to appoint an attorney.

I also received another call shortly thereafter from another lawyer friend of mine in Dallas who said he had received a call from a dean of a law school. One of the calls was from one dean of one law school. The other was from another. I have forgotten which schools they were, and I don't remember which called first with regard to the various deans, but he wanted to know from me whether or not the bar association was doing anything. Whether Oswald had a lawyer. And whether or not if he didn't have one, we should do anything about getting him one, and I told him I had had a previous telephone

call from another friend of mine, and that I had made some inquiry, and at this time I did not know whether Oswald had a lawyer or was getting a lawyer, but that I was going to make some inquiry to find out about it. After talking to the second friend about it who called, I then called Mr. Henry Wade, the district attorney, to see whether or not he knew whether or not Oswald was represented by a lawyer or not.

I did not know for sure at that time whether he was, simply because I had no way of knowing whether he was represented or not. I hadn't talked to anybody who was really informed, and I called Mr. Wade. He said he didn't know for sure whether he was or not, as far as he knew he hadn't been contacted by any lawyer who purported to represent Oswald. I asked him whether or not either he or anybody in his office had been advised that Oswald wanted a lawyer, or had made a request for a lawyer, and he said as far as he knew he had not asked for a lawyer. I asked him too, as he was going up there, and I asked him if Oswald requested a lawyer and didn't have a lawyer would he tell him that the Dallas Bar Association would get a lawyer if he needed one.

By that time I had time to think about what I thought my obligation should be, and realizing that under the circumstances maybe some people might overlook the fact that Oswald had rights that needed to be protected at the same time, and if he didn't have a lawyer, regardless of what the legal obligation was to appoint him a lawyer, we, the bar association, ought to look into the matter.

Mr. Wade said he was going to go up there later on in the evening and he would talk to his assistants who were in closer contact than he was, and if Oswald wanted a lawyer—asked for a lawyer or wanted a lawyer appointed—he would tell him of my conversation. I then called Glen King, and a captain on the police force that I knew. I used to work for the city attorney's office, and still represent the city credit union and have a brother on the police force, so, I have known many of these people for many years. I called Captain King and asked him whether or not Oswald was represented by an attorney, if he knew if there was an attorney up there, or anybody who had been up there representing him, and Captain King said that as far as he knew there had been no one representing him, and as far as he knew, Oswald had not asked for a lawyer. He had not asked for the right to call a lawyer, and—or had not asked that a lawyer be furnished to him—and Captain King said, "If he does, I am certainly going to call you and let you know, because we want to be sure if he wants a lawyer he gets one. We don't want it to be a situation of anybody saying that we deprived him of the right to have a lawyer."

I said, "Well, Glen, if you know at any time that he asks for a lawyer, or wants a lawyer, or needs a lawyer, will you tell him that you have talked to me, as president of the bar association, and that I have offered to get him a lawyer if he wants one."

And Glen said, "Well, I'll just throw it back to you. You come down and talk to him. I would be glad to have you talk to him."

I said, "I didn't know whether I wanted to or not at this point." I hadn't quite decided at that point whether we could do something about it, and I didn't know whether Oswald had his own attorney, but I told Captain King if I decided to take him up on his offer I would come and see him.

It was about 3:30 or 4 o'clock. By that time I had talked to a criminal lawyer, I had talked to Mr. Wade, I had talked to these two lawyer friends of mine in trying to decide what, if anything I should do.

Up to that time I had not been told by any of these people that Oswald had asked for a lawyer, or been denied a lawyer, or even knew whether he had a lawyer. None of them knew for sure. I didn't—I then received a call from another lawyer who was a professor out at S.M.U., and he wanted to know whether or not the bar association was doing anything about getting a lawyer for Oswald. I told him what had transpired, what I had done, and I hadn't decided what should be done at this time, if anything by me, as president of the bar association.

He seemed to think that it would be advisable and would be helpful if I would go up and satisfy myself personally as to whether or not Oswald had any lawyer, wanted a lawyer or was asking for a lawyer and hadn't been able to get one, and I told him that I had not decided what to do, so, I sat around and

decided if it had to be done. It seemed like enough time had gone by, and enough uncertainty among the people I talked to as to whether or not he had a lawyer or had asked for a lawyer that I decided I might as well go up and talk to him, so, I cleaned up and went on up to the city hall. That was probably 5:30 or so in the afternoon.

Mr. STERN. City hall is where he was confined?

Mr. NICHOLS. City hall in Dallas, where Oswald was confined. Having worked there I knew where the chief's office was.

I knew Captain King, the administrative assistant to the chief, and his office was in the same place so, I went to the third floor of the city hall, now called the Police and Courts Building.

The building in which the police department is located and the jail is located, and where I assumed Oswald was at that time. I went up to the third floor, and when I got off the elevator there was just a whole mob of reporters and photographers and television cameras and cables and so forth stretched out on that floor. Cables running in both directions, and I went down into the chief's office, which is the eastern end of the building, and when I went in there, there were a number of people in his office, in the reception room, three or four people back in the chief's office, Chief Curry's office, a number of people, and I asked one of the officers in the reception room if Captain King was there and he said, "Well, he didn't think so."

About that time Chief Curry looked up and saw me, and he knew me and motioned me in, and I went in there and he introduced me to one of the FBI agents who was there, and I told him I was up there as president of the bar association looking for Captain King. I had talked to him earlier and I had come up there to see whether or not Mr. Oswald had a lawyer, or needed a lawyer, or wanted the Dallas Bar Association to do anything.

The chief said that he was glad to see me and would take me up to see Oswald himself and, so, we immediately left his office and started to another part of the building, and he asked me where I wanted to talk to him. If I wanted to be taken to a room or some place, or what would be convenient with me, and I told him that any place would be all—I just wanted to visit with the man and see what his situation was with regard to him having a lawyer. So, we then went through a door on the third floor and got into the elevator and went up to the sixth floor, and the chief again asked me where I wanted to talk to him. I said, "Well, just any place."

By that time we had gotten to a portion of the jail that was separated by bars and a door. Beyond that door were three separate cells, and there was an officer seated outside one, and then we went through the first door and got to that point and Mr. Oswald was in the center of the three cells, no one being in the other two, and there was an officer seated outside there. The chief had the officer open the door, and he introduced me to Oswald, and told him my name and said that I was the president of the Dallas Bar Association and had come up to see him about whether or not he needed or wanted a lawyer, and then the chief stepped back and—I don't really know how far away. He was at least—he was far enough removed where I couldn't observe him or see him there in the cell. The officer stayed just right outside the door there. I reintroduced myself to Oswald and told him my name, and that I was president of the Dallas bar, and that I had come up to see him about whether or not he had a lawyer, or needed a lawyer, or wanted a lawyer, and suggested that he sit down.

So, he sat on one bunk and I sat on the other. Maybe 3 or 4 feet apart. When I got there he was lying on a bunk, and then he stood up when I came in and then he sat on one bunk and I sat on the other, much as you and I are seated here, only actually, a little bit closer, and I asked him if he had a lawyer, and he said, "Well, he really didn't know what it was all about, that he was—had been incarcerated, and kept incommunicado," and I said, "Well, I have come up to see whether or not you want a lawyer, because as I understand—" I am not exactly sure what I said there, or whether he said something about not knowing what happened to President Kennedy, or I said that I understood that he was arrested for the shot that killed the President, and I don't remember who said what after that. This is a little bit vague.

I had covered that point in detail, and I don't recall exactly, but in any event, our conversation was such that I informed him that I was there to see whether or not he had a lawyer, or wanted a lawyer, and he said—he asked me first did I know a lawyer in New York named John Abt, and I don't know if it is A-b-t, or A-p-t.

Mr. STERN. I believe it is A-b-t.

Mr. NICHOLS. I believe it is. In New York City, I said I didn't know him, and he said, "Well, I would like to have him to represent me," and at some period I believe prior to that, either in talking to the police, or talking to—must have been talking to either Captain King or the chief—I had been told that some effort had been made to get hold of Mr. Abt, and that he was in Connecticut at his home, and maybe, and I have forgotten who said who was trying to get ahold of him. At least, I did vaguely know that someone was trying to get ahold of him, but I told Mr. Oswald I didn't know him. He said, "Well, that is the man he would like to have represent him." Then he asked me if I knew any lawyers who were members of the American Civil Liberties Union, and he said, "Well, I am a member of that organization, and I would like to have somebody who is a member of that organization represent me." And I said, "I'm sorry, I don't know anybody who is a member of that organization."

Although, as it turned out later, a number of lawyers I know are members. Two or three of them called me later. He said, "Well, if I can't get either one of those, and if I can——"

Mr. STERN. That is either——

Mr. NICHOLS. "Either Mr. Abt or someone who is a member of the American Civil Liberties Union, and if I can find a lawyer here who believes in anything I believe in, and believes as I believe, and believes in my innocence"—then paused a little bit, and went on a little bit and said, "as much as he can, I might let him represent me."

I said, "What I am interested in knowing is right now, do you want me or the Dallas Bar Association to try to get you a lawyer?"

He said, "No, not now."

He said, "You might come back next week, and if I don't get some of these other people to represent me, I might ask you to get somebody to represent me."

I said, "Well, now, all I want to do is to make it clear to you, and to me, whether or not you want me or the Dallas Bar Association to do anything about getting a lawyer right now."

And he said, "No."

I was satisfied in my own mind that he knew what he was doing, and that he didn't want me or the Dallas Bar Association to do anything right now. So, I left, and as I left the chief asked me whether or not I wanted to make a statement to the press, and I said, "Well, I don't know whether I do or not. I don't know whether it is the thing to do or not." And he said, "Well, they are going to be right outside the door there, and if you want to say anything this would be an opportunity to do it."

He said, "Incidentally, I am very glad you came up here. We don't want any question coming up about us refusing to let him have a lawyer. As far as I know, he has never asked for one. He has never asked to call one."

And I believe the chief mentioned that Mr. Abt's name, but he said, "He has never asked us to call him."

He said, "Do you think we have an obligation?" And I said, "I don't know."

He said, "I am glad that you came down and talked to him. At least that takes a problem off of us about not furnishing him a lawyer."

And so, we—about that time we stepped out of the door and there was just a whole swarm of photographers and cameramen standing right there. Right outside the door on the third floor. They came out in the third floor, reached back down in the third floor, and the chief told them who I was, and what I had been up there for, and oh, for 4 or 5 minutes, what turned out to be live television interview, whether or not—they asked me if I thought he was guilty, and if he had admitted anything, and I told them that I didn't ask him, and he didn't tell me, and they merely wanted to know the reason I was up here, and

that interview is something, I assume, that you have, or will be made available. I don't remember exactly what transpired, and then—but they asked me what his attitude was, whether he was belligerent and—or scared, and to me, he appeared to be neither belligerent nor scared. He appeared to be a man that was pretty calm, I thought, under the circumstances. He appeared to me that he knew where he was and pretty much what his rights were with regard to being represented, and he knew apparently—at least the conversation was that if he didn't get somebody to represent him that he wanted that he could always fall back on the bar association, or somebody, and I had told him that I would see him next week if he wanted me to, and I satisfied myself at least, to the extent, that the man appeared to know what he was doing. He did not appear to be irrational. He appeared to be calm. He turned down my offer of help, and I felt like at that point that was all I needed to do, and this was later Saturday afternoon, and I had no inkling that anything else, except maybe that the next week if he didn't get a lawyer I might hear from him, or check into it, and that's all I know about Mr. Lee Harvey Oswald.

Mr. STERN. That's quite a complete statement. Let's just cover a few details. What was his physical condition, as you observed it?

Mr. NICHOLS. Well, he had a little scratch, or bruise over one eye. I have forgotten whether over the left or right, but other than that, as I recall, there were no indication of any other injuries or marks on him that I could tell. He was dressed, I believe, in a white T-shirt and slacks, and appeared to me to be in normal condition. I mean, there was nothing obviously wrong with him from a physical standpoint, as I could observe.

Mr. STERN. Did he seem well rested, or tired?

Mr. NICHOLS. No; he seemed all right. When I went in there he was lying on his back and he got up and he didn't—he looked like he was calm, and was rested, and it—didn't appear to have—now this is a guess, and my own observation, did not appear to me to have been mistreated. I was interested in observing whether or not he—it looked like he had been mistreated, because, as a lawyer, I anticipate perhaps that he—if he had been mistreated, or might claim he had been mistreated it was something I should have observed at that time, and I observed nothing to indicate that.

Mr. STERN. He, I gather, used the word "incommunicado" to describe—

Mr. NICHOLS. Yes; that was his word.

Mr. STERN. Did he elaborate on that, or any—or indicate to you that he had not been able to see members of his family or other people of his choice?

Mr. NICHOLS. No; he did not say that he had been refused anything. Just didn't elaborate, and I really didn't ask him at that point. My inquiry was intentionally very limited. I merely wanted to know whether he had a lawyer, if he had a lawyer then I had no problems.

If he asked for a lawyer and they did not offer him one, that was contrary to what I had been told, because I had been told, as far as the police were concerned, and Mr. Wade, as he recalled, that the man had never asked for a lawyer. Nor had he asked to call a lawyer, for the right to call a lawyer, so that I was interested in knowing whether or not he had a lawyer and whether or not he had requested a lawyer and been refused, because the story up east was that he couldn't get a lawyer to represent him, and I knew that that wasn't true, because I know Dallas lawyers, and I know that if the man had to have a lawyer, we could have gotten one for him. So, I didn't go into the other questions, or whether or not he wanted to see his family and hadn't been permitted. I really was concerned about whether or not he had a lawyer or wanted a lawyer, or whether we had any obligations to furnish him one.

Mr. STERN: Yes; I see. Did he elaborate on his statement to you that he preferred a lawyer who believed in what he believed in, or was this as—

Mr. NICHOLS. Not at all. He said—I didn't ask him, because I didn't know any lawyers—and I didn't know what he believed in, and I really wasn't concerned at that stage in the man's beliefs or what he had done or not done, actually, I just wanted—the man was in jail, and it occurred to me that it would be easy to overlook his rights at that time in view of the great emotion and somebody ought to determine whether or not he wanted a lawyer, and I decided

as president of the bar association maybe that was my job to do it, so, I went up there to see about it.

Mr. STERN. You say he said he wanted a lawyer who believed in his innocence?

Mr. NICHOLS. As much as he could.

Mr. STERN. As he could?

Mr. NICHOLS. Yes.

Mr. STERN. Did he elaborate?

Mr. NICHOLS. No; and I didn't ask him to elaborate on it because at that stage I didn't know to what extent I would, or wanted to, or should become embroiled in the facts. I wanted to know whether he needed a lawyer, and I didn't anticipate that I would be his lawyer, because I don't practice criminal law. They asked me, the newspapers did, and I honestly don't know what my answer would have been if they had asked me, "Well, will you represent him?"

We can debate about that now until doomsday. All I know is when I went up to talk to him I did not anticipate being the lawyer, because I don't practice criminal law, although, when I talked to Henry Wade he said, jokingly, I hope it was jokingly, and if the guy wants a lawyer he was going to request the judge that he appoint me and the president of the criminal bar association to represent him. I took that to be not a serious suggestion, because he knows that I don't practice criminal law, although, on reflection that probably would have been a good recommendation, since generally, I suppose, that if they appointed the president of the bar association they couldn't say that he was getting inferior representation. I am not bragging about that, but normally, I think that would be the normal reaction that if they appointed the president of the criminal bar association and the president of the local bar association then at least the man would be represented.

Mr. STERN. What is the practice in this jurisdiction regarding the appointment of counsel for indigents accused in criminal cases?

Mr. NICHOLS. Basically, I think that would follow the statutes which provide that where it comes to the attention of the court, that a man charged with a felony is not represented by an attorney that the court will appoint an attorney to represent him. The statute further provides that the attorney appointed to represent indigents be paid \$25 a day for each day actually present at the trial of the case in court, and not to exceed \$100 for the handling of an appeal. The usual procedure is, I believe, when it comes to the attention of the judge that an accused in jail is not represented by an attorney—I am talking about a felony case now—or a man, whether he is in jail or not, if he makes requests of the court to appoint him a lawyer, the judges of the criminal district court will, and do appoint lawyers to represent those people.

Mr. STERN. But, ordinarily, the appointment is handled by the judiciary?

Mr. NICHOLS. Yes.

Mr. STERN. And there is no, I take it, organized system of the bar association to represent indigents?

Mr. NICHOLS. Well, the criminal—there are two bar associations in Dallas. One is the criminal bar association, the other is the Dallas Bar Association, and you may belong to both, or neither, or either one. The criminal bar association did, last year, attempt to create and establish a fund to defray some investigative expenses of lawyers appointed to represent indigents. One of the programs which I had hoped to get really underway last year when I was president was to, and we had a committee working on it, was to provide more lawyers who would be willing to accept appointments to represent indigent defendants in the criminal cases. My idea was that if we had 100 or 200 lawyers who would say, "If I am requested to, or appointed by the court, I will represent these people." And it was my desire to have a large number of lawyers who would do that. The committee, unfortunately, bogged down and I got involved in other matters that I guess I considered more urgent to me, and didn't pursue that, but I did go down and talk to one of the judges last year just to see what the procedure was because I was interested, and the judges do appoint these people, I mean, do appoint attorneys to represent these people, and I talked to one of the judges and he said that they have never yet had an occasion where he needed a lawyer to represent a defendant that they haven't been able to get one. So, although some of these lawyers may do this more than others, as

far as I know, none of them have refused because it was too much of an imposition on them.

Mr. STERN. Your activities with respect to Oswald were unusual, though, and not pursuant to any established arrangement?

Mr. NICHOLS. That's right.

Mr. STERN. Something you did because of the nature of the case, and the questions that had been raised, and your own questions about his treatment?

Mr. NICHOLS. That's correct.

Mr. STERN. Did you, Mr. Nichols, make any notes of your activities on November 23, 1963, either at the time, or did you at any later time have occasion to prepare a written report of your activities?

Mr. NICHOLS. I did not make any notes at the time, and I didn't make any notes as such, subsequently, after Mr. Oswald was killed. And why, I don't know. It didn't occur to me to do so. Later Mr. Leon Jaworski, a Houston, Tex., attorney, called me and said that he was going to go to Miami, Fla., to the meeting of American Trial Lawyers, and had been asked to make a report of some sort on the Oswald matter and he asked me if I would write him a letter outlining what I had done in connection with interviewing Oswald, and attempting to see whether or not he wanted the Dallas Bar Association to provide counsel. I did, at that time, write a letter to Mr. Jaworski outlining as I recalled at that time exactly what transpired. Later the president of the Houston Bar Association, George Barrow, called me and said he was going to make a little talk in Houston, or write a little article in a publication and would like to know what I had done, and he knew about the letter I had sent to Jaworski, and wanted to know if I would send him a copy of my letter to him, or outline what I had done. I said it would be easier to give him a copy of the letter I had written to Leon, because I have it, so I sent him a copy and those are the only notes I made or statements that I have made in writing regarding this transaction except I did reproduce a copy of the letter to Mr. Jaworski, which I furnished to you.

Mr. STERN. I show you now a copy of the letter dated February 10, 1964, to Mr. Jaworski. Is that the copy you furnished to me?

Mr. NICHOLS. That is the copy I furnished to you, and the copy of the letter which I wrote to Mr. Jaworski on that date.

Mr. STERN. Would you initial each of the four pages of that photostatic copy, please, which we'll attach to your deposition as Exhibit A.

Thank you, sir. I believe that completes all the questions I have, Mr. Nichols. Thank you very much for coming in today.

Mr. NICHOLS. You certainly are welcome.

Mr. STERN. The court reporter will transcribe the deposition and we can furnish a copy of it to you for your review and signature, or the reporter can send the transcript directly to the Commission without your review, if you care to waive—

Mr. NICHOLS. I would like to have a copy of it, if I may do so, and I understand that it will be available at some expense, whatever it costs—I want to furnish it to the bar association for their records.

Mr. STERN. Fine.

TESTIMONY OF FORREST V. SORRELS

The testimony of Forrest V. Sorrels was taken at 9:45 a.m., on May 7, 1964, at 200 Maryland Avenue NE., Washington, D.C. by Mr. Samuel A. Stern, assistant counsel of the President's Commission. Mr. David W. Belin, assistant counsel for the President's Commission, and Mr. Fred B. Smith, Deputy General Counsel, U.S. Treasury Department were present.

Mr. STERN. Good morning, Mr. Sorrels.

Mr. SORRELS. Good morning, sir.

Mr. STERN. You understand that this is a continuation of your deposition, and that you are still under oath?

Mr. SORRELS. Yes, sir.

Mr. STERN. Yesterday you covered with Mr. Hubert the events that transpired from the time of the shooting of Lee Harvey Oswald forward.¹

I would like to go back now with you and cover the advance preparations for the President's trip, and come up to the time of the shooting of Oswald.

Mr. SORRELS. Yes, sir.

Mr. STERN. You tell us first something of your experience in Presidential protection work through the course of your career in the Secret Service?

Mr. SORRELS. Yes, sir; the first real assignment that I had in connection with Presidential work was in 1936, at Dallas, Tex., when President Roosevelt came there, and there was a parade downtown, motorcade out to the Cotton Bowl at Fair Park, where he made a talk, and then from there to the Adolphus Hotel for luncheon, and from the Adolphus Hotel to Lee Park, where he unveiled a monument, and then motored to Fort Worth, Tex., where there was a reception committee that met him on the lawn at the Texas Pacific Railroad Station, and then motored to a park in Fort Worth where he made a talk, and then continued on out to his son Elliott's ranch, west of Fort Worth.

During the time that President Roosevelt was in office, there were a number of times that he came to Fort Worth to visit his son.

One in particular that I recall was during the Second World War, when it was necessary that his travels be kept secret, and we were able to get him into his son's home and visit the airplane factory where the B-36 was manufactured there at Fort Worth, and get him out of town, and it was some 2 hours after that before any reporter ever found out and called our office inquiring about the President.

I have been to Washington on inaugurations two times that I can recall, the last one being at the time that President Kennedy was inaugurated.

I have been assigned on surveys in connection with inaugurations. I have been in Mexico on three different occasions when the President visited there, to Mexico City, Monterey, the last one being at Falcon Dam, when the dam was dedicated by the two Presidents of Mexico and the United States.

Mr. STERN. That was President Eisenhower?

Mr. SORRELS. Yes, sir.

Mr. STERN. Have you worked on visits by President Kennedy to Texas before this?

Mr. SORRELS. Yes, sir; there were two visits that he made there—one a very short notice one of a matter of a few hours, when he came to Dallas to visit Mr. Rayburn in Baylor Hospital. Then when he came to Bonham, at the time Mr. Rayburn was buried—we had the assignments in connection with that.

Mr. STERN. These were informal trips, without publicity?

Mr. SORRELS. There was publicity. For example, the one that he came to the hospital, it wasn't announced until about 10 o'clock in the morning that he would be there.

He came there, I guess, a little over 2 or 3 hours after that—just a very quick trip, and not much time to make any preparation.

But, fortunately, everything went real good.

Mr. STERN. Mr. Sorrels, is there any significant difference that occurs to you in the protective arrangements, including the advance arrangements, for the November trip to Dallas by President Kennedy, and this trip you were telling us about that President Roosevelt made to Dallas, which involved a similar motorcade, in 1936, I believe you said?

Mr. SORRELS. No, sir.

Mr. STERN. About the same advance preparation?

Mr. SORRELS. Yes, sir.

Mr. STERN. Protective organization?

Mr. SORRELS. Yes, sir.

Of course in the one that President Roosevelt came there, it was more functions and more places to go, including two cities.

¹ That portion of the deposition of Forrest V. Sorrels appears in another volume, and can be found by consulting the Index.

Mr. STERN. Yes. But—

Mr. SORRELS. But the actual preparation was along the same lines.

Mr. STERN. You have been following a procedure and pattern as long as you have been doing this kind of work?

Mr. SORRELS. Yes, sir.

Mr. STERN. It has been pretty much the same procedure?

Mr. SORRELS. That is correct, sir.

Mr. STERN. When you know that a President is coming to the area under your jurisdiction, what arrangements do you try to work out with the Police Department?

Mr. SORRELS. We will have a conference with the Chief of Police and his key personnel, usually when it is determined what the program is going to be.

In some instances where there has to be a meeting with the advance man from the White House detail, and for the local committee and the plans are not entirely solid, we have found that to bring the police in at that time is a little bit premature, because I have known of instances where we have had such meetings and the orders have been cut, and then they had to be changed, because of some change.

So, insofar as is possible, the meeting with the police is held at a time when we know pretty much what the program is going to be. And that procedure is followed in every instance.

In some instances, as I mentioned a moment ago there, when President Kennedy came to the Baylor Hospital, we didn't have very much time—it is something we have to work out very rapidly, and which was done in this instance with the Chief of Police and his key men, and the security was set up on a very, very short notice.

Mr. STERN. But normally, when you have the time, you like, as I understand it, to try to make your arrangements—

Mr. SORRELS. Oh, yes; as far in advance as possible, because we realize that it is quite a task for them, because they have got many men involved, and many things that have to be taken into consideration, so that their orders can be properly drawn and the men dispatched to the proper places with a knowledge of what they are supposed to do.

Mr. STERN. But you do try to have the trip or the motorcade route, if there is to be a motorcade, pretty well worked out before you go to the police?

Mr. SORRELS. We usually have an idea what we would like to do, and we, of course, confer with the police because they may have in instances knowledge that we don't have about a certain area that it might not be appropriate to use or to go into.

Mr. STERN. Let's see if we can relate this now to President Kennedy's trip to Dallas in November.

When did you first hear that he was to make this trip, Mr. Sorrels?

Mr. SORRELS. On November 4, 1963, I received a long distance call from Special Agent in Charge Gerald A. Behn, of the White House Detail, stating that the President would probably visit Dallas about November 21, and that there had been a couple of buildings suggested, one of them being the Trade Mart, which he understood had about 60 entrances to it, and six catwalks over the area where the luncheon would be. And that the second choice that had been suggested then was the Women's Building at the State Fair Grounds. That was another place referred to as a trade center, which is actually Market Hall, which is across the street from the Trade Mart.

He instructed that I make a survey of these buildings and report back to him the conditions.

Mr. STERN. What did you do?

Mr. SORRELS. Accompanied by Special Agent Robert A. Stewart of my office, we went to the Trade Mart and looked the situation over there, and we did find that there were entrances coming into, you might call it, a courtyard where the luncheon was to have been—entrances coming into that area. And that there were two suspension bridges or catwalks on the second floor and on the third floor.

The outside entrances were no particular problem, but it did mean that it would take quite a bit of manpower to cover each one of the entrances that

could come on to the balcony, you might say, that was entirely around on the second and the third floors.

We then went to the Market Hall, which was ideal insofar as security measures were concerned, in that there were only three outside entrances, and it was a huge hall, 107,000 square feet, with no columns, and you could seat about 20,000 people in there.

But there was another function going to be there at that time—the American Bottling Association was going to have, as I recall, an exhibit there. So that part was out.

We then went to Fair Park, where we made a survey of the Women's Building. It is a place where they have exhibits during the fair of all kinds of handiwork and things like that.

That building had about 45,000 square feet in it, and you could seat about 5,000 people in it. Securitywise it wasn't bad at all, because there were two end openings to the building, and there was actually an area where you could drive a car in there. But the building was not satisfactory for that type of function—the President of the United States coming there—because the ceilings were quite low, the air-conditioning equipment and everything was all exposed, there were many steel suspension supports throughout the area.

I then returned to my office and telephoned to Mr. Behn and informed him of my findings and told him that securitywise the Women's Building appeared to be preferable, but that it wasn't a very nice place to take the President.

Then—

Mr. STERN. What did you tell him about the Trade Mart?

Mr. SORRELS. I told him that there were many entrances there and that it would pose a problem manpowerwise to have the proper security there.

Mr. STERN. But did you indicate to him that this could be handled?

Mr. SORRELS. I don't recall whether I specifically said it could be or not. Definitely I was under the impression that if the place was chosen, we would take the necessary precautions and would have it properly manned.

Mr. STERN. You did not, in any event, tell him that you didn't think the Trade Mart would be a safe place?

Mr. SORRELS. No, I don't recall I told him it would not be a safe place, no, sir.

Mr. STERN. When did all this happen, Mr. Sorrels? Was it immediately after November 4?

Mr. SORRELS. Yes, it was on November 4.

Mr. STERN. What was the next event in your advance preparations for the President's trip?

Mr. SORRELS. On November 13, Special Agent Winston G. Lawson, from the White House detail, and Mr. Jack Puterbaugh, had arrived at Dallas the evening before, and they came to my office, and we then went to the office of Mr. A. W. Cullum, President of the Chamber of Commerce, and we then went to the Trade Mart, and then to the Women's Building at the State Fairgrounds.

Mr. STERN. Mr. Sorrels, would you look at this Xerox copy of a two-page memorandum which appears to be signed by you, dated November 30, 1963, and carries the identifying number CO-2-34030. Can you identify that for me, please?

Mr. SORRELS. Yes, sir; that is a memorandum which was prepared by me on November 30, 1963.

Mr. STERN. Did you make this memorandum in the ordinary course of your work, or were you specially instructed to make it?

Mr. SORRELS. As I recall it, I was instructed to make the report, but it is a procedure we ordinarily follow in making memorandums of such surveys, in confirmation of the phone calls.

Mr. STERN. Did you make it from notes that you had or from memory?

Mr. SORRELS. Both, sir.

Mr. STERN. Did you preserve the notes from which this was made, or destroy them?

Mr. SORRELS. No, I preserved them. I have them here—regarding the phone call and the notes that I made, regarding the survey at the Trade Mart and Women's Club.

Mr. STERN. May I see them, please?

Mr. SORRELS. Yes, sir.

Mr. STERN. And this covers what you have just been telling us about in connection with the selection of the luncheon site for the President's visit?

Mr. SORRELS. Yes, sir.

Mr. STERN. Have you reviewed your memorandum of November 30 recently, Mr. Sorrels, in preparation for your testimony here?

Mr. SORRELS. Yes, sir.

Mr. STERN. Is there any respect in which you would like to change anything that is in the memorandum in view of your further consideration of the events described?

Mr. SORRELS. There is only one point there, about the date that we went by the police station.

Mr. STERN. Where is that covered in your memorandum?

Mr. SORRELS. That is in the last paragraph on the first page, where it is stated that on November 15, that we went to the office of the Chief of Police Curry.

I was under the impression that it was possibly the day before. I could be in error on that.

Mr. STERN. In any event, it was after Mr. Lawson had arrived, and that was on November 13?

Mr. SORRELS. Yes. I might state here that I had previously received two phone calls from Chief of Police Jesse Curry about the President's trip there. He was, of course, wanting to get the information as soon as possible, so that they could start their preparations. And he actually called me before Mr. Lawson got there, and he called me again after Mr. Lawson had gotten there, before we had gone to see him. And I explained to the chief that, on the first call, there would be someone from the White House detail coming to Dallas, and he requested that I get in touch with him just as soon as he got there.

On the second call, I told him that the man from the White House detail had arrived, but that we were still working on the plans, that it was not definitely known at that time where the luncheon was going to be, and that just as soon as it was determined where the luncheon was going to be, that we would then get in touch with him.

And it was at my suggestion to Mr. Lawson that we go by the Police Department on the first time, because I did not want the chief to feel that we were leaving him out in the dark, so to speak. And, for that reason, I suggested that we go by at the time we did—because, actually, we were still in the process of having these meetings to work out the final plans, and so forth.

Mr. STERN. That is the visit you refer to in this last paragraph on page 1?

Mr. SORRELS. That is right.

Mr. STERN. Your memorandum, Mr. Sorrels, gives me enough information on many of the points we are interested in, and I don't think we have to cover those, unless you would like to add something to them.

I would like to have you tell us about the selection of the motorcade route, what you had to do with that, and what you know of that.

Mr. SORRELS. After it was determined that there was going to be a motorcade, which was actually after Mr. Lawson got there, we had discussed the ways to get to the Trade Mart, and one of my questions was why don't we bring the President from the Texas Hotel to the Trade Mart by motorcade.

Mr. STERN. Texas Hotel—

Mr. SORRELS. In Fort Worth—because I knew we would be able to pick the President up at the Texas Hotel in Fort Worth, and by motor get him to the Trade Mart in a shorter time than it would take him to go from the Texas Hotel to the Air Force Base, and go by plane to Love Field, and from Love Field go to the Trade Mart.

But that was ruled out because the previous plans were that he was to come by plane. And, of course, it would not have been practical to have brought him by motor from Fort Worth if there was going to be a downtown parade, because it would have meant coming in from the west side of the city, and we would have to go right back to the west side of the city to get to the Trade Mart, which would have meant a complete loop through the downtown section.

So when it was determined that there was going to be a downtown parade, Mr. Lawson, of course, wanted to know which would be the best route to take him to the Trade Mart from Love Field.

So Mr. Lawson and I drove what I thought would be the best route and the most direct route to the Trade Mart, bearing in mind that there would be a parade through the downtown section.

So we drove that route. And then later on we had the police go with us, and we went over the same route.

There were some discussions as to one section, whether it would be better to get onto what we have known as the Central Expressway there, and come off of it into Main Street. But that was ruled out because of safety measures, going into the expressway, and it would only be for such a short distance.

Another thing, too, they wanted as many people as possible to see him, that would not have any opportunity to see him on the Central Expressway.

So the route that we chose was from Love Field approach to Mockingbird Lane, left on Mockingbird Lane to Lemmon, down Lemmon to Turtle, right on Turtle Creek to Cedar Springs, left on Cedar Springs to Harwood, right from Harwood on Main Street, continue down Main Street to Houston Street, and then make a right-hand turn to Elm Street and then under the underpass to Stemmons Expressway, which was the most direct route from there and the most rapid route to the Trade Mart.

Mr. STERN. Excuse me—you said right-hand turn to Elm. I think you mean left.

Mr. SORRELS. A right-hand turn on Houston—I am sorry—and a left-hand turn on Elm.

Now, Elm is one way going west in the direction which we would have gone, but that street is not the street that they use for parades.

Main Street is right through the heart of the city. It is the best choice for parades. It gives an opportunity for more people—tall buildings on the side of the street—and it is almost invariably—every parade that is had is on Main Street. The one in 1936, when President Roosevelt was there, was the same route in reverse, so to speak.

We came up on Houston Street from Union Station, turned right on Main Street, right on Main Street, through the very heart of the town.

Mr. STERN. And went right past the School Book Depository then on Houston Street?

Mr. SORRELS. Just within 1 block of it, because we were coming, in that instance, from the Union Station, which is south of the Depository, to Main Street, right on Main Street, which is just 1 block from the Depository.

Mr. STERN. I take it, then, that once you were told there was to be a motorcade, and approximately 45 minutes was allotted to the motorcade, this route pretty well mapped itself, apart from the question whether to use the expressway or Harwood Street to get on to Main Street, is that right?

Mr. SORRELS. Yes, sir; that is right.

Mr. STERN. Why didn't you route the motorcade on Main Street under the triple overpass and on to Stemmons Freeway that way, instead of going to Houston and Elm?

Mr. SORRELS. Well, because you cannot get to the entrance to Stemmons Expressway on Main Street. The traffic is not routed that way. It is impractical.

On the other side of the first underpass there is a section built up to prevent cars from cutting in from Main Street to get over to Elm Street there. And if a person would go from—try to go from Main Street over to Stemmons Expressway, they would have to either hurdle this built-up place there, island, you might call it, or an extension of an island—

Mr. STERN. Do you know what this built-up place is constructed of?

Mr. SORRELS. It is, I am sure, asphalt, or concrete—probably concrete. You would have to go down on Main Street, pass where you would ordinarily turn off, and then come back against traffic, which would be one way that way, and make a hairpin turn, and come back and get on there. It just is not done.

Mr. STERN. Could that reverse-S turn which you have described have been done conveniently with a car the size of the Presidential limousine?

Mr. SORRELS. No, it would not be convenient with an ordinary car, because it

would be a very sharp hairpin turn, and the place that is built there is there specifically to prevent anyone from getting over on the wrong way there.

Mr. STERN. When you laid out the motorcade route and drove over it—and I take it you drove over it several times—

Mr. SORRELS. Yes, sir.

Mr. STERN. Did you consider or discuss with Mr. Lawson the possibility of any danger to the President from the buildings along the route?

Mr. SORRELS. Well—

Mr. STERN. Did you think about any of the buildings as presenting any particular problem?

Mr. SORRELS. All buildings are a problem, as far as we are concerned. That, insofar as I have been concerned—and I am sure that every member of the Service, especially the Detail—that is always of concern to us. We always consider it a hazard. During the time that we were making this survey with the police, I made the remark that if someone wanted to get the President of the United States, he could do it with a high-powered rifle and a telescopic sight from some building or some hillside, because that has always been a concern to us, about the buildings.

Mr. STERN. Do you recall any further conversation, any further remarks in that conversation? Did anybody respond to that remark? Only if you recall.

Mr. SORRELS. I don't recall any particular response. Probably there was confirmation of that fact, because I think that anyone that has had any experience in security measures would have the same opinion. I don't recall anyone specifically making any comment like that.

Mr. STERN. But there was no suggestion that anything might be done to minimize that risk?

Mr. SORRELS. Nothing more than what we always do—try to scan the windows, and if we see something suspicious, take proper action.

Mr. STERN. When you went over the parade route with the police officials, did they confirm your view that this was the proper route to use?

Mr. SORRELS. Yes, they did.

Mr. STERN. And there was no concern expressed by them that some other route might be better for some reason?

Mr. SORRELS. No, sir; no, sir.

Mr. STERN. I would like you now, Mr. Sorrels, to tell us something of the Protective Research activities that took place in preparation for the President's visit to Dallas, that you recall.

Mr. SORRELS. At that time, we had no known Protective Research subjects that we were making periodic checks on in that area. Mr. Lawson informed me that he had checked with PRS, and that was confirmed.

However, bearing in mind the incidents that had taken place some time before with Mr. Stevenson, I had instructed Special Agent John Joe Howlett, to work with the Special Services Bureau of the Police Department, and I also conferred by phone with the chief of police at Denton, Tex., because some of those individuals who were involved in the Stevenson affair were going to college there.

Mr. STERN. What was the Stevenson affair, as far as you knew?

Mr. SORRELS. That was an instance where a number of people were at a theatre, as I recall it, theatre building, when Mr. Stevenson came out, and they were there with placards, and one woman is alleged to have hit him over the head with a placard, and another individual spat upon Mr. Stevenson, and also a police officer that took him into custody. And I did not want any such instance to happen when the President of the United States was there.

Mr. STERN. How soon had that happened before the President's visit?

Mr. SORRELS. I don't remember. It was probably some 60 days, maybe, before.

It was quite some time before.

But within recent time. And so Mr. Anderson, chief of police, informed me that he had an informant that was keeping in touch with the situation. I arranged with the Dallas Police Department for Lieutenant Revill to accompany Special Agent Howlett to Denton, and confer with the police there, and to also get photographs of these individuals.

When we were conferring with Mr. Felix McKnight, the managing editor of the Dallas Times Herald, I learned that—from him—that they had photographs

taken at the Stevenson incident. So arrangements were made whereby Special Agent Howlett and the members of the Dallas Police Department, together with the informant in the case, would view those films, so that there could be pointed out to them individuals known to have been in the incident.

We had duplicate pictures made, and they were furnished to the special agent assigned to the Trade Mart, and were shown to the police officers that were assigned out in that area.

- Mr. STERN. Did anything else occur in the field of Protective Research?

Mr. SORRELS. That is all I can recall at the present time.

Now, we had received, I think, some time before, a report from the FBI of an individual that might be considered a subject that we should check into. On October 30, Special Agent Vince Drain of the FBI reported a person, a member supposedly of the Ku Klux Klan in Denison, Tex., who might be suspected as a person that might try to cause some trouble if and when the President came to that area.

Lieutenant Revill got a photograph of that individual and he was checked on, and it was determined that he would not be in that area at that time.

Mr. STERN. Did the FBI report anything else to your office?

Mr. SORRELS. On the morning of November 21, as I recall it, Special Agent Hosty came to the office early in the morning with a number of handbills which bore a picture of the President of the United States, Mr. Kennedy, with the caption, "Wanted for Treason," with a number of numbered paragraphs supposedly outlining the reason.

Mr. STERN. Did your office make an investigation of that pamphlet?

Mr. SORRELS. I had previously received the information early in the morning from the sheriff's office that such handbills had been found on the streets. We contacted the police department, Lieutenant Revill, and they had a number of the handbills, and they were just found on the street. We could not from the police investigation or from our inquiries, find anyone that had seen anyone actually distributing them.

And we had no other leads on the handbills at that time.

Mr. STERN. Did the Dallas police give you any information of this nature—I am not referring specifically to the handbills, but to the Protective Research area, in advance of the President's trip?

Mr. SORRELS. Nothing more than what I believe I have outlined with Lieutenant Revill's department there.

Mr. STERN. Was there anything else that you recall involving any person or group that might present a danger to the President?

Mr. SORRELS. There was some individuals from Grand Prairie, Tex., that were mentioned to us by the police department that were known to be the type that might appear with handbills or placards—not handbills, but with placards in the area where the President might appear. And it developed that they did show up with placards at the Trade Mart, and they were taken into custody by the police department.

Mr. STERN. Did your office also take steps to assure that there would be no interference with free speech and lawful public demonstrations?

Mr. SORRELS. Yes, we discussed with the police what action would be taken if people showed up with placards and attempted to interfere. And it was very definitely stated that if they had placards, just the mere fact that they had placards would not cause them to be picked up. But that we did not want them close enough to where the President would come or where he would be that these might be used to cause any harm to the President or the Vice President or members of their families.

There had recently been passed in Dallas an ordinance making it unlawful for any person to interfere or attempt to interfere with or intimidate another from freely entering premises where a private or public assembly was being held. We obtained copies of that ordinance and studied them to see what action the police would be able to take in the event that any instance arose whereby this ordinance might need to be enforced.

Mr. STERN. Now, you have told us, Mr. Sorrels, that you had no record of any PRS subject that you were checking on in your office, and that Lawson advised you that he had been told of no subject in your area in his advance check before

he left Washington. Did this surprise you, that there were no individuals who had previously been identified as potential threats to the President in the territory of the Dallas office?

Mr. SORRELS. No. We had records of some subjects that were in institutions, but they were not out where they would be available.

Mr. STERN. Had there been in the past, during your tenure in the Dallas office, PRS subjects who were not in institutions?

Mr. SORRELS. Oh, yes.

Mr. STERN. But there were none at this particular time?

Mr. SORRELS. That is right.

Mr. STERN. When the incident involving Ambassador Stevenson had occurred, did you consider obtaining information on the participants and referring that information to the Protective Research Section in Washington for their files?

Mr. SORRELS. Not unless the President or the Vice President would come to that area, I had no intention doing that, because there was no actual threat, nor was the President of the United States involved in name or otherwise, insofar as I knew, in connection with the Stevenson affair.

Mr. STERN. How has the cooperation been with local authorities and local officers of Federal agencies in advising you of any potential danger to the President?

Mr. SORRELS. We have received reports of phone calls and threats or something like that from time to time. I think that all of the Federal offices that come into any information about a threat concerning the President of the United States have certainly in the past, to my recollection—I don't recall any specific instance—but I do know we have received such reports.

Mr. STERN. And from the local police authorities?

Mr. SORRELS. I can't recall any specific instance, but I am sure that in the past there have been instances where such a report has been reported to us.

Mr. STERN. Have you made known to the local authorities the kind of information in which you would be interested in this area?

Mr. SORRELS. Yes. We have participated in the training schools of the Dallas Police Department, and the Fort Worth Police Department, the auxiliary schools conducted by the sheriff's office and the Dallas Police Department.

We have participated in schools at Austin, Tex., given by the Department of Public Safety to investigative officers, to sheriffs-elect, deputy sheriffs and other sheriffs.

We have participated at Texas A & M College, at College Station, Tex., in their program of police training, where they have students that are members of various police departments, and other law enforcement organizations that attend their classes.

And in our course of instruction, we have discussed with them the protective measures that are required and taken in connection with the protection of the President of the United States, members of his family, and the Vice President.

Mr. STERN. How is your liaison with the local police and local offices of Federal agencies?

Mr. SORRELS. I consider it very, very good.

Mr. STERN. In all respects?

Mr. SORRELS. In all respects; yes, sir.

Mr. STERN. Had you requested any local Federal agency, for example FBI or Internal Revenue, to participate in any way in the actual protection measures for the day of the President's visit?

Mr. SORRELS. I had offers from some of the other agencies, offering their services in case there was anything they could assist in.

The usual reply to that is that we are working with the local officials, police department, sheriff's department, Department of Public Safety, and we feel that we have sufficient manpower to take care of the program as we have in the past, and we have always suggested, in not only this instance but in other instances, that if any member of their department should hear of anything, or see anything unusual, that they felt we should know about, to please get in touch with us immediately, along those lines.

Mr. STERN. You felt, then, that the local police forces would supply all the outside assistance you needed for this visit?

Mr. SORRELS. Yes, sir; the Dallas Police Department, in my opinion, has some very good leaders, career men who have been there for many years, and due to the fact I have been located in Dallas for many, many years I know these people personally, and I have never yet called upon the Dallas Police Department, the Sheriff's Office, or the Department of Public Safety, for any assistance that we have not gotten and gotten cheerfully and willingly.

For example, the time that Mr. Kennedy came there to the hospital to see Mr. Rayburn, is a case where I could tell nobody until just a matter of 2 or 3 hours before the President would get there, that he was coming, because the afternoon before, when I heard that he was coming, it was supposed to have been off the record, and there was not supposed to be any publicity about it.

The next morning I got a call and said it would be announced at 10 o'clock in the morning.

Well, immediately after that I called Chief Curry and he met me at the hospital with some of his key men, and the arrangements were set up in a matter of minutes, you might say, arrangements for the street to be blocked by the hospital, for sufficient detectives and men to be around the area, in various places in the hospital, and arrangements were made to have the police cars to accompany us from the airport down there.

I consider that our relationship with the local enforcement agencies, not only in the Dallas area, but throughout Texas, is as good as it can be any place in the country.

Mr. STERN. On the occasion of President Kennedy's visit, they supplied all the manpower you felt was necessary?

Mr. SORRELS. Yes, sir.

Mr. STERN. Were all the police that had various functions along the motorcade route full-time policemen, Mr. Sorrels?

Mr. SORRELS. There may have been, and probably was, some auxiliary police which may have been along the route that the parade traveled on. I am not sure about that.

They do have reserves that they call in. But those reserves, they are not armed—they are in uniform, but they are not armed.

And my records do not show that there were auxiliary police there. But I do know that they use them on occasion.

Mr. STERN. Mr. Smith, if you have any questions on this aspect of our interview, please feel free to ask them, because I am going to turn now to the actual events of the day. I believe that the other advance preparations are covered adequately for our purposes in Mr. Sorrel's memorandum, which I am about to introduce.

Mr. SMITH. I have no questions.

Mr. STERN. Mr. Sorrels, I am going to mark this copy of your memorandum "Exhibit 4, Deposition of F. V. Sorrels, May 7, 1964."

Would you initial each page, please?

(Brief recess.)

Mr. STERN. Mr. Sorrels, I would like to turn now to the morning of November 22 and get from you an account of what you observed as a passenger in the motorcade and thereafter.

In what car were you riding in the motorcade?

Mr. SORRELS. I was riding in what we call the lead car, which is the one immediately in front of the President's car.

Mr. STERN. What was your function in the lead car?

Mr. SORRELS. To be there with the special agent who had made the survey, and with the Chief of Police, and to observe the people and buildings as we drove along in the motorcade.

Mr. STERN. One of your responsibilities was to observe the buildings and the windows of the buildings?

Mr. SORRELS. Yes, sir.

Mr. STERN. Looking for what?

Mr. SORRELS. We always do that.

Mr. STERN. What would you be looking for?

Mr. SORRELS. Anything that to us might mean danger.

For example, if someone had an object that appeared to be a gun, or something like that—that, of course, would attract our attention. Or if someone appeared to have something they were fixing to throw or toss, we definitely would take cognizance of that immediately.

Mr. STERN. Do you recall remarking on anything you observed in the windows as you drove along Main Street?

Mr. SORRELS. Yes, I do; there was a tremendous crowd on Main Street. The street was full of people. I made the remark "My God, look at the people. They are even hanging out the windows." Because I had observed many people in the windows of the buildings as we were coming along.

Mr. STERN. Now, as you made the right turn from Main Street onto Houston Street, did you observe anything about the windows of any building in your view?

Mr. SORRELS. Yes, I did. Of course the Court House is on the right-hand side, and the windows there appeared to be closed.

Mr. STERN. To the right-hand side of Houston Street?

Mr. SORRELS. Of Houston Street; yes, sir.

The Book Depository, as we turned to the right on Houston Street, of course, was right directly in front of us, and just to the left side of the street. I saw that building, saw that there were some windows open, and that there were some people looking from the windows. I remember distinctly there were a couple of colored men that were in windows almost not quite to the center of the building, probably two floors down from the top. There may have been one or two other persons that I may have seen there. I don't recall any specific instance. But I did not see any activity—no one moving around or anything like that.

Mr. STERN. Do you think you had an opportunity to view all the windows of the building?

Mr. SORRELS. I did, yes; because it was right in front.

Mr. STERN. Do you recall seeing anything on the side of the building to your right, any of the windows on that side of the building—the far right side of the building?

Mr. SORRELS. Yes. There was at least one or two windows that were open in that section over there. I do not recall seeing anyone in any of those windows. I do not, of course, remember seeing any object or anything like that in the windows such as a rifle or anything pointing out the windows. There was no activity, no one moving around that I saw at all.

Mr. STERN. But you believe you could observe all of the windows on the side of the building facing you?

Mr. SORRELS. Yes. In other words, it is just right down at the end of the street.

Mr. STERN. Now, the car you were riding in was a closed car, was it not?

Mr. SORRELS. Yes, sir; it was a Ford sedan.

Mr. STERN. And you were in the rear seat?

Mr. SORRELS. Right rear.

Mr. STERN. Did the roof of the car obscure your view at all?

Mr. SORRELS. Oh, yes.

Mr. STERN. But you were still able to observe the whole building?

Mr. SORRELS. Yes. Of course I was sitting close to—as far over to the right as I could get, and I could look out the window. I could not, of course, look up and see any building straight up, or over to my left I would not have been able to see anything that was any higher than the view of the window on the left.

Mr. STERN. You didn't have your head actually out of the window?

Mr. SORRELS. No, sir; I did not. But the glass was down in the window.

Mr. STERN. As you turned into Houston Street, Mr. Sorrels, can you estimate how far in front of the President's car the lead car was?

Mr. SORRELS. Oh, probably about 30 feet—fairly close.

Mr. STERN. As you approached the Book Depository Building along Houston Street, did your ability to see all of the building diminish because of the angle of your vision and the roof of the car coming in the way?

Mr. SORRELS. Yes, it would have. The closer you got to it, looking out from the front part of the car, naturally your vision would diminish as you approach.

But we turned to the left on Main Street, and at that time just glancing by, I could see the side of the building from the window where I was sitting in the car.

Mr. STERN. I believe you mean left onto Elm Street.

Mr. SORRELS. Elm Street—I am sorry.

Mr. STERN. So that when you turned from Houston left onto Elm, you again had a look at the building?

Mr. SORRELS. Yes, sir; you see, as you make the turn—of course, as we pulled on down Elm Street, after having made the turn, it is actually more than a right angle turn. It bends even more to the left. And you can, of course, glance up like that as you go by. But as you go on by the building, the building is getting away from you, and unless you would turn clear on around and look out to the right, you would not be able to see the building after you got a little distance down Elm Street there.

Mr. STERN. Did you turn to your right and look at the building again as your car negotiated this turn onto Elm Street?

Mr. SORRELS. As the car was making the turn, yes, I was looking at the crowd, and just glancing up at the building as we made the turn.

Mr. STERN. Do you believe that you saw all of the windows on the building at that time?

Mr. SORRELS. As we were making the turn, yes, I would say that I saw all the windows in the building—just looked at the windows as we made the turn. But then I was looking at the people along the side of Elm Street, along each side.

Mr. STERN. Can you estimate, going back to the first turn into Houston Street, how long an opportunity you had to observe the building, in time?

Mr. SORRELS. On Houston Street?

Mr. STERN. Yes. As you turned right off Main onto Houston Street, the building first came into view.

Mr. SORRELS. That is right.

Mr. STERN. How long did you see the building before the roof obscured your view?

Mr. SORRELS. Of course I wasn't looking at it all the time. As we came to the right on Houston Street, of course, the building loomed up in front, and I just looked at it, and looking at the people along the side, and as we were making the turn I was just glancing like that, and saw the building.

I saw nothing unusual or any activity at that time. And then after making the turn, I did not look at the building any more, or in that direction, until after the first shot.

Mr. STERN. Are you saying that you only glanced at the building then, because you were looking at other things?

Mr. SORRELS. Yes. I looked at the building. I didn't study it intently and look at that and nothing else around there. I looked at the building, didn't see any activity, and looked at the people as we had been doing during the entire motorcade route.

Mr. STERN. Would this have been a matter of several seconds or longer than that, or can you estimate?

Mr. SORRELS. I think it would be a matter of seconds, yes.

Mr. STERN. It is rather a large building, with a number of windows along that side, is it not?

Mr. SORRELS. Yes; it is a good-sized building. I believe it is seven stories high.

Mr. STERN. And you think you had enough time, though, to see all the windows, or is it a general impression?

Mr. SORRELS. Just a general impression.

In other words, I did not specifically study any specific window or anything like that. It is just like you glance out and see the building there, you would see some open windows, and maybe some people in them—that is all. There wasn't any activity or anything like that that I saw.

Mr. STERN. Now, as you turned left from Houston onto Elm and looked again at the building, did you have as long a look this time as you had before?

Mr. SORRELS. No; because he was making a left-hand turn, and, of course, getting in front of the building, I just glanced out—just as we made the turn, just in a general way, you are looking at the crowd and the building, just a glance at it at that time.

Mr. STERN. And at this point you are traveling directly in front of the building?

Mr. SORRELS. Yes, sir.

Mr. STERN. I imagine it would have been difficult to look up and see the whole building.

Mr. SORRELS. No; I don't mean to say that after we made the turn I looked up and saw the whole building. But just as we made the turn I looked towards the building and saw people in front, and just glanced up—I would not say that I saw the entire building at all at that time.

Mr. STERN. And it is your testimony that you saw nothing unusual, that you observed no one there with a weapon?

Mr. SORRELS. No, sir.

Mr. STERN. Or any other implement?

Mr. SORRELS. No, sir.

Mr. STERN. That several windows were open on the side of the building at different places?

Mr. SORRELS. Yes, sir.

Mr. STERN. And that the only people you observed were at one particular location?

Mr. SORRELS. I recall distinctly about two floors down seeing two colored men there at the windows. I do not recall seeing—specifically seeing anyone else. There may have been some one other person over there. But I do not recall specifically seeing anyone on the right-hand side of the building, where the window was open. I do not recall that.

Mr. STERN. And the location of the two Negro men that you observed was in what part of the building?

Mr. SORRELS. I would say that it was about, oh, maybe a third of the distance from the right to the left, maybe not quite that far.

Mr. STERN. And about two stories down?

Mr. SORRELS. From the top; yes, sir.

Mr. STERN. And when did you observe these Negro men, when you first turned into Houston, or when you turned from Houston onto Elm?

Mr. SORRELS. I observed them first, when I first looked at the building I saw them, and I don't recall that I actually saw them again after that. When we were making the turn I glanced, and as you say, I would not have been able to see, I don't think all the way to the top of the building, unless I put my head almost out the window.

But I saw people out in front, and I would not say that I saw the people as I was making the turn or subsequent to that time.

Mr. STERN. When you looked at the crowd along Houston and Elm, did you notice anything unusual?

Mr. SORRELS. No, sir; I did not.

Mr. STERN. You have turned now onto Elm, Mr. Sorrels.

Mr. SORRELS. Yes, sir.

Mr. STERN. Why don't you tell us now in your own words and in as much detail as you remember exactly what you recall transpired next.

Mr. SORRELS. The crowd had begun to thin out after we made the turn on Elm Street there. As a matter of explanation, Elm Street goes at a downgrade—in other words, as I said a moment ago, it makes more than a left-hand—oblique left-hand turn. It curves back—I mean it is more of a sharp angle than a right angle. And then it swings down a little curve to go into the underpass.

There is a sidewalk and terrace that goes up to the right, increasing in height as you approach the underpass from the corner at Elm and Houston Streets.

We were running late, because the President arrived at Love Field late.

Mr. Lawson was particularly concerned, as we all are, in keeping the schedule.

I looked back to see how close the President's car was in making the turn, because we had begun to pick up speed after we made the left-hand turn.

Then I looked back to the right.

Mr. STERN. How close was the President's car?

Mr. SORRELS. At that time we were probably, oh, I would say, several car lengths ahead of it, because we had begun to pick up speed.

Mr. STERN. You think somewhat further than you estimated before?

Mr. SORRELS. As we came around Houston, yes, sir; came around on Houston, yes, because we had begun to pick up speed there. And I remember Mr. Lawson turned around and said, "I wish he would come on, because we are late now," or words to that effect.

And I expressed to him, I said, "Oh, we are not going to be very late."

And I looked at my watch, and it was just about 12:30.

And I said, "We are not going to be over 5 minutes late," and the Chief of Police, I believe, spoke up and said, "We are about 5 minutes away now."

And so they called on the radio to the Trade Mart that we were 5 minutes away.

And it seemed like almost instantly after that, the first shot was heard.

Mr. STERN. Now, did you recognize it at the time as a shot?

Mr. SORRELS. I felt it was, because it was too sharp for a backfire of an automobile. And, to me, it appeared a little bit too loud for a firecracker.

I just said, "What's that?" And turned around to look up on this terrace part there, because the sound sounded like it came from the back and up in that direction.

At that time, I did not look back up to the building, because it was way back in the back.

Within about 3 seconds, there were two more similar reports. And I said, "Let's get out of here" and looked back, all the way back, then, to where the President's car was, and I saw some confusion, movement there, and the car just seemed to lurch forward.

And, in the meantime, a motorcycle officer had run up on the right-hand side and the chief yelled to him, "Anybody hurt?"

He said, "Yes."

He said, "Lead us to the hospital."

And the chief took his microphone and told them to alert the hospital, and said, "Surround the building." He didn't say what building. He just said, "Surround the building." And by that time we had gotten almost in under the underpass, and the President's car had come up and was almost abreast of us.

When I saw them get so close, I said, "Let's get out quick," or "Get going fast," or something to that effect. In other words, I didn't want them to pass us, because I knew we were supposed to be in front.

And that is when they floor-boarded the accelerator on the police car and we got out in front. And someone yelled loudly to go to the nearest hospital.

Mr. STERN. Let's stop there and go back, and then we will pick up again.

You testified that you heard three reports?

Mr. SORRELS. Yes, sir.

Mr. STERN. Are you pretty certain about that?

Mr. SORRELS. Positive.

Mr. STERN. And no more and no fewer?

Mr. SORRELS. No, sir.

Mr. STERN. Can you tell us anything about the spacing of these reports?

Mr. SORRELS. Yes. There was to me about twice as much time between the first and second shots as there was between the second and third shots.

Mr. STERN. Can you estimate the overall time from the first shot to the third shot?

Mr. SORRELS. Yes. I have called it out to myself, I have timed it, and I would say it was very, very close to 6 seconds.

Mr. STERN. It sounds like you can still hear the shots.

Mr. SORRELS. I will hear them forever—it is something I cannot wipe from my mind ever.

Mr. STERN. And you had little doubt that this was gunfire at the time?

Mr. SORRELS. After—as I said before, on the first shot, it was too sharp to be a backfire of an automobile. It just didn't sound like that at all. And then, of course, the other two coming as quickly as they did, and the confusion,

there was no question, because I said, "Get out of here," meaning to move out, because certainly if there is anything going on like that, we don't want to even be stationary or near stationary—it is to get out of the vicinity as quickly as we can from the source of danger. I thought in my mind—my thought was that I should maybe get out to try to help apprehend who it was and so forth. There was no chance for that, because we were moving too fast.

Mr. STERN. Now, as to the apparent source of these reports, did you feel that all three reports came from the same direction?

Mr. SORRELS. Yes. Definitely so.

Mr. STERN. And that direction, as nearly as you can place it, was what?

Mr. SORRELS. To the right and back. That is about the only way I can express it.

And, as I said, the noise from the shots sounded like they may have come back up on the terrace there. And that is the reason I was looking around like that when the first shot. And I continued to look out until the other two shots. And then I turned on around and looked back to where the President's car was, and that is when I saw some movement there, and the car just seemed to leap forward.

Mr. STERN. When you looked at the terrace to the right of Elm Street, did you observe any unusual movement?

Mr. SORRELS. No; I didn't see anything unusual at that time.

Mr. STERN. Were you looking at that terrace when either the second or third shot was fired?

Mr. SORRELS. Yes; I was. And I saw just some movement of some people, but no firearms or anything like that, because we began to move out rather rapidly. And we were quite a ways down the street at that time.

Mr. STERN. How do you mean movement of people?

Mr. SORRELS. It seems I recall someone turned around and was going in the other direction, like moving away from the street. And that is all I can recall.

Mr. STERN. But you didn't observe anything that led you to feel that the shots might have been fired from that terrace there?

Mr. SORRELS. No, sir.

Mr. STERN. It sounded to you at first as though it came from there?

Mr. SORRELS. That is the way it sounded—back into the rear and to the right, back up in that direction. And in the direction, of course, of the building.

But the reports seemed to be so loud, that it sounded like to me—in other words, that was my first thought, somebody up on the terrace, and that is the reason I looked there.

As we were approaching the overpass there, Mr. Lawson remarked that there was an officer on the overpass there. I saw a police officer standing there, with two or three other persons over to his right.

Mr. STERN. Where is this?

Mr. SORRELS. On the overpass, on Elm Street, after we leave the corner of Elm and Houston.

There was no activity there. They were just standing there.

And I remarked, as I recall, "A policeman is there," or words to that effect, because Mr. Lawson had been checking, as well as myself, all of the overpasses, to see that the officer was there, because that is one of the specific things that was checked all the way through.

Mr. STERN. And you observed nothing unusual on the overpass?

Mr. SORRELS. No, sir.

Mr. STERN. Were the people on the overpass in a fairly tight group, or spread out over the overpass?

Mr. SORRELS. As I recall it, the police officer was about the center of the overpass on Elm Street, and then to his right—I mean to my right which would have been his left, there seemed to be, as I recall it, about three other persons up there that appeared to be workmen or dressed like that, and they were to his right.

They were not right close together, but standing within walking distance.

Mr. STERN. As far as you can recall, were all the people you saw on the overpass within the sight of the policeman on the overpass?

Mr. SORRELS. Oh, yes; they were in the same vicinity.

Mr. STERN. Do you have any reason to believe that any of these shots might have come from the overpass?

Mr. SORRELS. None whatsoever; no, sir.

Mr. STERN. And are you certain in your own mind that they did not come from the overpass?

Mr. SORRELS. Positive.

Mr. STERN. Do you have any reason to believe that the shots could not have come from the Book Depository Building?

Mr. SORRELS. No, sir.

Mr. STERN. Would shots from the Book Depository Building have been consistent with your hearing of the shots?

Mr. SORRELS. Yes; they would have.

Mr. STERN. What happened next, Mr. Sorrels?

Mr. SORRELS. We proceeded to Parkland Hospital just as fast as we could.

Mr. STERN. Did you go into the hospital?

Mr. SORRELS. No; I did not go into the hospital.

Of course the lead car was in front. We went around to the emergency entrance. I jumped out of the car, and I expected to see stretchers there, out waiting, but they were not. And I ran to the entrance door there, and at that time they began to bring stretchers out, and I said, "Hurry up and get those stretchers out," and someone else, probably one of the police officers, also said to hurry up and get the stretchers out.

There was a lot of confusion around at that time.

And they did get the stretchers out. And then Mr. Johnson—they brought him into the hospital, he rushed into the hospital. And they took Mr. Connally in, loaded him first, and then the President, and just as quick as they got in there, I immediately went into a police car that was leaving and asked them to take me to the building as fast as they could, and when I said the building I meant the one on the corner there, which was the Book Depository.

Mr. STERN. Why did you designate the Book Depository?

Mr. SORRELS. Because I wanted to get there and get something going in establishing who the people were that were in that vicinity. And upon arrival at the Book Store, we pulled up on the side, and I went in the back door.

Mr. STERN. Just a minute. Had you heard any mention of the Book Depository on police broadcasts as you drove to the hospital?

Mr. SORRELS. No; I never heard anything.

Mr. STERN. And, at this point, you were not certain that the shots came from the Book Depository?

Mr. SORRELS. No; I didn't know at that time.

Mr. STERN. You just wanted to get to that general area?

Mr. SORRELS. Yes, sir; because I knew that there would be witnesses around there, there would have to be somebody in that vicinity.

And upon arrival at the Book Depository, I went in the back door.

There were people moving around.

I asked, "Where is the manager here?"

Mr. STERN. Just a minute.

How much time do you think elapsed from the time the shots were fired until the time you returned to the Book Depository?

Mr. SORRELS. I don't believe it could have been over about 20 minutes, because we went to the hospital just as fast as we possibly could, and I wasn't there very long.

And we came back as fast as we could.

Of course we didn't get back as fast as we went out there, because traffic was moving.

The other way it was just cleared out to the Trade Mart. We had clear sailing from the time that the shots were fired until we got to the Trade Mart, because that was the route that we were going to go anyway. And that was cleared out.

But coming back, of course, there was traffic. We did come back under lights and siren, as fast as we could.

But there was traffic that slowed us up some.

Mr. STERN. So you estimate not more than 20 minutes?

Mr. SORRELS. I don't believe it could have been more than 20 or 25 minutes at the very most.

Mr. STERN. Then you arrived at the Book Depository Building, and did you see any police officers outside the building?

Mr. SORRELS. Yes; there were officers. I recall seeing officers. I could not say any specific one.

Now, as I came into the back of the building, there was a colored man standing on the rear platform, a loading platform. And he was just standing there looking off into the distance. I don't think he knew what happened.

And I said to him, "Did you see anyone run out the back?"

He said, "No, sir."

"Did you see anyone leave the back way?"

"No, sir."

Mr. STERN. Did you get his name?

Mr. SORRELS. No, sir; I did not. I did not stop to do that, because I figured he was an employee of the building.

I went on the inside of the building and asked someone for the manager and they pointed to Mr. Truly.

I identified myself to Mr. Truly.

Mr. STERN. Just a minute.

Did you establish how long that man had been on the loading platform?

Mr. SORRELS. No, sir; I did not.

Mr. STERN. There was no policeman stationed at the loading platform when you came up?

Mr. SORRELS. I did not see one; no, sir.

Mr. STERN. And you were able to enter the building without identifying yourself?

Mr. SORRELS. Yes, sir.

Mr. STERN. Then you got inside the building and what did you do?

Mr. SORRELS. I asked for the manager, and I was directed to Mr. Truly. He was standing there.

I went up and identified myself to him. I said, "I want to get a stenographer, and we would like to have you put down the names and addresses of every employee of the building, in the building."

And I then walked on out the front door and asked, "Did anyone here see anything?"

And someone pointed to Mr. Brennan.

Mr. STERN. What was your purpose in asking for a list of the employees of the building?

Mr. SORRELS. Because I knew that they would have to be interviewed. I was trying to establish at that time without any delay, who all was in that building or was employed there, because I knew they would have to be talked to later.

In other words, I was looking for someone that saw something.

Mr. STERN. You were looking for potential witnesses?

Mr. SORRELS. Yes, sir.

Mr. STERN. And at that time you had no basis for suspecting any employee might be involved one way or the other?

Mr. SORRELS. No, sir; and I did not know at that time that the shots came from the building.

When I was—when Mr. Brennan was pointed out to me, I went up and told him who I was and asked him if he saw anything. And he told me what he had seen. And, at that time, that is the first time that I knew definitely that any shots had come from the building.

Mr. STERN. Now, what precisely did Mr. Brennan tell you?

Mr. SORRELS. Mr. Brennan said that he was standing across the street, watching the parade, and that he, of course, was looking in the direction where the President was, and he heard a sound which he thought at first was a backfire of an automobile. And that shortly afterwards there was another sound, and that he thought that somebody might be throwing firecrackers out of the building.

And he glanced up to the building, and that he saw a man at the window on the right-hand side, the second floor from the top.

And he said, "I could see the man taking deliberate aim and saw him fire the third shot," and said then he just pulled the rifle back in and moved back from the window, just as unconcerned as could be.

Mr. STERN. How did you happen to talk to Mr. Brennan?

Mr. SORRELS. I asked—I don't know who, someone there—"Is there anyone here that saw anything?" And someone said, "That man over there."

He was out in front of the building and I went right to him.

Mr. STERN. Did Mr. Brennan tell you anything else?

Mr. SORRELS. I asked him whether or not he thought he could identify the person that he saw, and he, of course, gave me a description of him, said that he appeared to be a slender man, he had on what appeared to be a light jacket or shirt or something to that effect, and that he thought he could identify him—said he was slender build. Because I was definitely interested in someone that had seen something that could give us some definite information.

And I also asked if he had seen anybody else, and he pointed to a young colored boy there, by the name of Euins. And I got him and Mr. Brennan, and I took them over to the sheriff's office where we could get statements from them.

Mr. STERN. What was the name of that young man?

Mr. SORRELS. Euins, I believe it is, or pretty close to that.

Mr. STERN. Did you interview Mr. Euins?

Mr. SORRELS. Yes, sir; I did. And he also said that he had heard the noise there, and that he had looked up and saw the man at the window with the rifle, and I asked him if he could identify the person, and he said, no, he couldn't, he said he couldn't tell whether he was colored or white.

Mr. STERN. Do you remember anything unusual about the way Mr. Brennan was dressed?

Mr. SORRELS. He was dressed as a workman, or a laborer, and he had on a hard hat.

Mr. STERN. Construction hat?

Mr. SORRELS. Yes, sir.

Mr. STERN. Did Mr. Brennan tell you anything else about anything else he had observed at that time?

Mr. SORRELS. I can't recall any specific thing.

Mr. STERN. Did he mention seeing any other person or persons in the windows of the Book Depository Building?

Mr. SORRELS. I don't recall whether he did or did not.

Mr. STERN. Did he say anything about observing anyone leave the Book Depository Building hurriedly after the shooting?

Mr. SORRELS. No, sir.

Mr. STERN. Did he point out to you precisely the window from which he said he saw the shot fired, the window in which he saw the sniper?

Mr. SORRELS. Yes, sir.

Mr. STERN. Where was that window in relation to the windows at which you saw several Negro men as you drove on Houston Street?

Mr. SORRELS. It was one floor above and a little bit to the right, as I recall it.

Mr. STERN. Can you give us these directions in terms of compass points?

Mr. SORRELS. Yes. That would be on the east side of the building.

Mr. STERN. So the window that Mr. Brennan pointed out to you was on the extreme east side?

Mr. SORRELS. Yes, sir.

Mr. STERN. And the window or windows at which you had observed several Negro men was more to the west?

Mr. SORRELS. A little bit more to the west—not very much—but to the west, on the floor below.

Mr. STERN. Are you certain in your mind about the floor below?

Mr. SORRELS. Yes, I am.

Mr. STERN. Is there any particular reason for that? You said before that you essentially glanced at the building, and didn't have very long to observe it, and you saw these men at the window.

What makes you certain about placing the men on any particular floor?

Mr. SORRELS. Well, because I remember that they were not near the top—I can just remember that—it seemed to me like two floors down from the top, as I recall having seen them. And, of course, when I got back to the building down there, there were windows open on the floor below at the place where I recall having seen the colored men.

Mr. STERN. So it was the open window afterwards that helped you recall?

Mr. SORRELS. That is right.

Mr. STERN. And are you certain that those were the same open windows?

Mr. SORRELS. Yes, I think they were. I don't have any reason to think otherwise.

Mr. STERN. Then you accompanied Brennan and Euins where?

Mr. SORRELS. To the sheriff's office, which was right across the street from the Book Depository.

Mr. STERN. Did you have any further conversation with them on the way over there?

Mr. SORRELS. Oh, yes; we discussed—I was talking to him on the way over there about what they saw and observed, and told them we would like to come in there where we could get their statements down in writing.

Mr. STERN. Did they tell you anything that you have not already told us?

Mr. SORRELS. Not that I recall.

The little colored boy mentioned he was there with another colored boy that ran off when this thing happened—at the first shot this boy ran off. He said he stayed there, but the other boy ran off. I didn't make any effort to get in touch with him, because he apparently saw nothing.

Mr. STERN. Then you took them into the sheriff's office?

Mr. SORRELS. Yes, sir.

Mr. STERN. What was going on in the sheriff's office?

Mr. SORRELS. At that time one of the deputy sheriffs was in the interrogation room taking a statement from some witness there. And I did not want to just stay there and wait too long, so I asked him would he also write up the statements on it—Mr. Brennan and the colored boy. And I then started out in the hall of the sheriff's office there with the idea of going back to see if I could locate other witnesses, when Chief Deputy Sheriff Mr. Allan Sweatt told me there was another witness across the hallway, near Mr. Sweatt's office—he is the polygraph operator there, and his office is not in the same area as the sheriff's office but across the hall—that there was an FBI agent taking a statement over there from a person.

So I accompanied him over there and hadn't been in there but just a few minutes until Mr. Sweat came and called me out and says "Forrest, there are some people here I think you ought to talk to."

Mr. STERN. Whose statement was being taken by the FBI?

Mr. SORRELS. I don't recall. And, at that time—

Mr. STERN. Do you recall what their statement was—what their testimony was?

Mr. SORRELS. No, I don't, because I wasn't in there but just a very short time. And this FBI agent was questioning about what they had seen and so forth. I don't recall—it was being taken down at the time.

So I went out, and they had Mr. and Mrs. Arnold there. And Mr. Arnold, a young man, and his wife, very young, said that they were standing on the side of the street on Houston Street, there by the courthouse building, and that they—this is prior to the time of the arrival of the President there, some 20 to 25 minutes beforehand, he said.

Mr. STERN. This is the east side?

Mr. SORRELS. That would be the east side of Houston Street.

Mr. STERN. Are you certain about the name of this couple? I believe you said Arnold.

Mr. SORRELS. Well—

Mr. STERN. Could that have been his first name?

Mr. SORRELS. Yes, that could have been his first name.

Mr. STERN. Can you recall his second name?

Mr. SORRELS. I would know it if I heard it.

Mr. STERN. Could it have been Roland?

Mr. SORRELS. Yes, Roland is right.

Mr. STERN. What did they tell you?

Mr. SORRELS. He said that they were standing there waiting for the President to come by, and they were talking about security. And he said that right after that, that he looked up at this building over there, which is the Book Depository, and that there were a couple of windows open towards the west side, and that he saw a man standing in there with what appeared to be a rifle with a telescopic sight.

Mr. STERN. Towards the west side?

Mr. SORRELS. Yes—two windows towards the west side.

And that he remarked to his wife, "I guess that is a Secret Service man."

And I asked her if she saw it, and she said, no, that she had left her glasses home, and she is nearsighted, and she could not see him. And, of course, I asked him the description of the man. I asked him "How could you determine— what made you think it had a telescopic sight on it?"

He said, "Well, it seemed like it was wider on the light background."

I said, "How was he holding it?"

He said, port arms—he was standing several feet back away from the window.

And I asked him, "Could you identify that man?"

He said, "No, I could not."

Mr. STERN. Did Mrs. Roland confirm that he had discussed this with her?

Mr. SORRELS. She confirmed the conversation, but she said she could not see anything, because she didn't have her glasses.

Mr. STERN. Did Mr. Roland tell you he had seen anyone else in the windows of the Book Depository Building?

Mr. SORRELS. I don't recall that he did. I don't recall that at all. He may have, but I don't recall that.

Mr. STERN. Did he mention anyone on the sixth floor, and particularly on the extreme east side of the sixth floor?

Mr. SORRELS. No, I don't recall that he mentioned anyone there.

Mr. STERN. What was your impression of what he told you?

Mr. SORRELS. Well, of course, the thing that hit me first thing is why—he was right there by the sheriff's office, if he had just gone in there and said, "Look, I saw a man with a rifle over there."

I said, "Why didn't you say something to somebody about it?"

He said, "I just thought he was a Secret Service man."

And at that time he appeared to be, as far as I was concerned, truthful about the matter.

Mr. STERN. You didn't have any reason to doubt him?

Mr. SORRELS. No.

Mr. STERN. And would the same be true of what Mr. Brennan told you, and Euins?

Mr. SORRELS. Yes, sir.

Mr. STERN. Did you look towards the window that Roland had pointed out from the spot at which he said he was standing, to see whether it was possible to observe from there someone standing several feet back from the window? Did you have occasion to check that?

Mr. SORRELS. Well, no, not specifically.

Later on I heard that he had—I believe in his statement that he wrote up down there at the sheriff's office, something about 15 feet back. And I thought to myself, well, I don't think you could see anybody that far back.

Mr. STERN. But he didn't tell you that?

Mr. SORRELS. No, he just said he was standing back of the window there, just kind of looking around there. He said after he saw him there, he didn't pay any more attention, because he just thought it was a Secret Service man.

Mr. STERN. What happened next?

Mr. SORRELS. There was another witness there that I started talking to—I don't recall the name now, because I told him to go in—somebody that saw a truck down there—this is before the parade ever got there—that apparently had stalled down there on Elm Street. And I later checked on that, and found out that the car had gone dead, apparently belonged to some construction com-

pany, and that a police officer had come down there, and they had gone to the construction company and gotten somebody to come down and get the car out of the way.

Apparently it was just a car stalled down there.

But this lady said she thought she saw somebody that looked like they had a guncase. But then I didn't pursue that any further—because then I had gotten the information that the rifle had been found in the building and shells and so forth.

At that time Mr. Harry McCormack, who is a reporter for the Dallas Morning News, and whom I have known for many years, came to me and says, "Forrest, I have something over here you ought to know about."

I said, "What have you got here?"

He said, "I have a man over here that got pictures of this whole thing."

I said, "Let's go see him."

So we went on to a building at the corner of Elm and Houston, on the east side of Houston, and across the street from the court house building there, and up to the office of a Mr. Zapruder, they have a dress manufacturing place there in that building. And he was there with another man connected with the business there, and apparently some magazine representatives there. And Mr. Zapruder was real shook up. He said that he didn't know how in the world he had taken these pictures, that he was down there and was taking the thing there, and he says, "My God, I saw the whole thing. I saw the man's brains come out of his head."

And so I asked Mr. Zapruder would it be possible for us to get a copy of those films.

He said, yes.

So then accompanied by Mr. Zapruder, and this other gentleman in the business there with him, whose name I don't recall at the moment, and Mr. McCormack, we went then to the Dallas Morning News Building, which is about three blocks from Mr. Zapruder's building, three or four blocks from there, with the idea of getting those films developed right away.

There was no one there that would tackle the job. We then went to the television section, WFAA, of the Dallas Morning News, to see if we could get them to handle it there, and they said, no, they would not attempt to do that, but they did assist us by calling Eastman Kodak Co., and they said if we came out there right away, that they would get right on it.

We got a police car, and went right on out to the Eastman Kodak Co., and while there I met another gentleman who had seen some still pictures, and I arranged with him for us to get copies of those.

Mr. STERN. What was his name—do you recall?

Mr. SORRELS. He is a salesman for the Ford Co. on West Commerce Street—Mr. Willis.

And so he said, yes, that he would be glad to furnish me with a copy of the pictures.

At that time, I made a phone call to my office, because I had not been in contact with them since we had departed from Love Field. I was informed that an FBI agent had called the office and said that Captain Fritz of the Homicide Bureau had been trying to get in touch with me, that he had a suspect in custody.

Mr. STERN. About what time was that?

Mr. SORRELS. That would be fairly close to 2 o'clock, I imagine.

Mr. STERN. About an hour after you had returned—

Mr. SORRELS. Yes. I would say that it was at least that long—maybe a little bit longer.

So when I got that information, I told Mr. Zapruder that I would contact him later and get the pictures, because I wanted to get right down to Captain Fritz' office.

So I left then with the same police car and had them take me to Captain Fritz' office.

And upon arrival there, there was many officers around there, there was already cameras out in the hall, tripods, and so forth, and all of the city hall down there. And there was a number of officers in the detective bureau of-

vice there, and Captain Fritz' office, which is an office within the large office, was closed, and the blinds were drawn in his office there.

I did not knock on the door or anything, because I did not want to interfere with him if he was talking to someone. So I just waited there until Captain Fritz opened the door, and he had a man who I later found out to be Oswald in custody at the time.

And I told Captain Fritz, I said, "Captain, I would like to talk to this man when I have an opportunity."

He said, "You can talk to him right now."

And he just took him on back around to the side of Captain Fritz' office, and there was a number of other officers there, might have been some FBI agents, too, there, because there were numbers of FBI agents around in that vicinity almost all the time from that time on. And some of the detectives there.

And I started talking to Oswald, started asking him some questions, and he was arrogant and a belligerent attitude about him.

And he said to me, "I don't know who you fellows are, a bunch of cops."

And I said, "Well, I will tell you who I am. My name is Sorrels and I am with the United States Secret Service, and here is my commission book."

I held it out in front of him and he said, "I don't want to look at it."

And he held his head up and wouldn't look at it at all. And he said, "What am I going to be charged with? Why am I being held here? Isn't someone supposed to tell me what my rights are?"

I said, "Yes, I will tell you what your rights are. Your rights are the same as that of any American citizen. You do not have to make a statement unless you want to. You have the right to get an attorney."

"Aren't you supposed to get me an attorney?"

"No, I am not supposed to get you an attorney."

"Aren't you supposed to get me an attorney?"

I said, "No, I am not supposed to get you an attorney, because if I got you an attorney, they would say I was probably getting a rakeoff on the fee," or words to that effect, and kind of smiled and tried to break the ice a little bit there.

I said, "You can have the telephone book and you can call anybody you want to."

I said, "I just want to ask you some questions. I am in on this investigation. I just want to ask you some questions."

Mr. STERN. Was there anything further said about an attorney?

Mr. SORRELS. Not that I recall at that time. I don't recall anything further said about an attorney. I asked him where he worked. He told me worked at this Book Depository. And as I recall it, I asked him what his address was, and where he was living, and he explained to me that he was living apart from his wife, and that she was living over in Irving, Tex. I asked him, as I recall it, what his duties were at this Book Depository, and he said filling orders.

I asked him if he had occasion to be on more than one floor, and he said, yes.

I asked him if he had occasion to be on the sixth floor of the building. He said, yes, because they fill orders from all the floors.

But he said most of his activity was down on the first floor.

And I think I asked him whether or not he had ever been in a foreign country, and he said that he had traveled in Europe, but more time had been spent in the Soviet Union, as I recall it.

And then he just said "I don't care to answer any more questions."

And so the conversation was terminated.

Mr. STERN. Did he give you his address?

Mr. SORRELS. As I recall it, he did give me an address. I don't remember what it was offhand.

Mr. STERN. Then were you finished with your questions, or did he refuse to answer any more?

Mr. SORRELS. He just said, "I don't care to answer any more questions."

Mr. STERN. You wanted to ask him other questions?

Mr. SORRELS. Oh, yes.

Mr. STERN. And what happened then?

Mr. SORRELS. He was taken by the officers, as I recall it, and was taken out of that area and I suppose put back in jail.

Mr. STERN. Did you then talk to Captain Fritz?

Mr. SORRELS. Yes. As I recall it, I asked Captain Fritz whether or not he had gotten anything out of him or not, and Captain Fritz said that he hadn't been able—that he had not made any admissions or anything like that at that time, and that he was going to talk to him again.

That is all I recall that transpired at that time.

Of course I contacted the Chief's office, when I got that information as to who he was, and gave that information to them.

Mr. STERN. This is Chief Rowley?

Mr. SORRELS. I think I talked to Deputy Chief Paterni.

Mr. STERN. Of the Secret Service here in Washington?

Mr. SORRELS. Yes, sir.

Mr. STERN. Did anything else transpire between that time and the Friday night showup?

Mr. SORRELS. I did not talk to Oswald again, and I was around there. When I contacted Washington, I was informed that Inspector Kelley was being directed to be there, and he would be there later on that evening, that they had caught him out on the road, and he would come there to help out.

I also got information to Captain Fritz that I had this witness, Brennan, that I had talked to, and that I would like very much for him to get a chance to see Oswald in a lineup. And Captain Fritz said that would be fine.

So I instructed Special Agent Patterson, I believe it was, after I had located Brennan—had quite a difficult time to locate him, because he wasn't at home. And they finally prevailed upon his wife to try to help me locate him, and she, as I recall it, said that she would see if she could locate him by phone. I called her, I believe, the second time and finally got a phone number and called him and told him we would like for him to come down and arrange for him to meet one of our agents to pick him up at the place there. And when they came down there with him, I got ahold of Captain Fritz and told him that the witness was there, Mr. Brennan.

He said, "I wish he would have been here a little sooner, we just got through with a lineup. But we will get another fixed up."

So I took Mr. Brennan, and we went to the assembly room, which is also where they have the lineup, and Mr. Brennan, upon arrival at the police station, said, "I don't know if I can do you any good or not, because I have seen the man that they have under arrest on television," and he said, "I just don't know whether I can identify him positively or not" because he said that the man on television was a bit disheveled and his shirt was open or something like that, and he said "The man I saw was not in that condition."

So when we got to the assembly room, Mr. Brennan said he would like to get quite a ways back, because he would like to get as close to the distance away from where he saw this man at the time that the shooting took place as he could.

And I said, "Well, we will get you clear on to the back and then we can move up forward."

They did bring Oswald in in a lineup.

He looked very carefully, and then we moved him up closer and so forth, and he said, "I cannot positively say."

I said, "Well, is there anyone there that looks like him?"

He said, "Well, that second man from the left," who was Oswald—"he looks like him."

Then he repeated that the man he saw was not disheveled.

Now, mind you, Oswald had a slight wound over here, and he had a black eye, a bruised eye.

Mr. STERN. When you say "over here"—

Mr. SORRELS. Oh, on the left side. He had a mark on his forehead, and his left eye was a bit puffed.

Mr. STERN. How many other people were in the lineup?

Mr. SORRELS. As I recall it, there were five. In other words, all told there was five or six—I don't remember. I believe there were five.

Mr. STERN. Were the others reasonably similar to Oswald in height and physical appearance, and color?

Mr. SORRELS. Yes.

Mr. STERN. Dress?

Mr. SORRELS. I noted that to me I thought it was a very fair lineup, because they didn't have anyone that was a lot taller than he was, or anyone a lot shorter. They didn't have any big fat ones or anything like that.

In other words, to me it was a good lineup.

Mr. STERN. At that time, did Mr. Brennan say anything else to you that you have not told us, or to anyone else?

Mr. SORRELS. Not that I recall. He says, "I am sorry, but I can't do it. I was afraid seeing the television might have messed me up. I just can't be positive. I am sorry."

Mr. STERN. As far as you know, had Mr. Brennan been interviewed by anyone after he gave his statement to the deputy sheriff until the time you had him brought to the police headquarters?

Mr. SORRELS. No; not to my knowledge.

Mr. STERN. Was he then interviewed by anyone?

Mr. SORRELS. I couldn't say.

Mr. STERN. Did you arrange for him to return to his home?

Mr. SORRELS. As I recall it, I did. I told him "they will take you back to your home."

Mr. STERN. Immediately after the lineup?

Mr. SORRELS. Yes, sir.

Mr. STERN. Have you ever spoken to Mr. Brennan again after that day?

Mr. SORRELS. Yes; I have.

Mr. STERN. When was that?

Mr. SORRELS. We were assisting the Commission in locating witnesses to come to Washington, to the Commission, and I got in touch with him and arranged for him to go and procured his ticket and delivered his ticket to him.

Mr. STERN. And when you talked to him then, did he say anything that bears upon our inquiry that he hadn't said before?

Mr. SORRELS. Not that I recall.

Mr. STERN. Mr. Sorrels, when you were at the police headquarters, after this interview with Oswald that you have told us about, do you recall talking to any representative of the FBI?

Mr. SORRELS. Yes.

Mr. STERN. Who was that?

Mr. SORRELS. Now, let's get that question again, because I talked to them several times down there.

When was that you said?

Mr. STERN. After you interviewed Oswald.

Mr. SORRELS. Oh, yes, yes.

Mr. STERN. Do you know an FBI agent attached to the Dallas office named James Hosty?

Mr. SORRELS. Yes, sir; I do.

Mr. STERN. Did you talk to Mr. Hosty that you recall?

Mr. SORRELS. Not that I recall; no, sir.

Mr. STERN. Might you have spoken to him, or do you think you would remember that?

Mr. SORRELS. I think I would remember it.

Mr. STERN. Do you recall his being there?

Mr. SORRELS. I think I saw him there.

Now, whether it was on the 22d or not, but I think during along this period, I saw him there one time.

But I don't recall talking to Mr. Hosty at all down there.

Mr. STERN. Did any of the agents attached to your office tell you that they had talked to Hosty? Or that Hosty had told them anything?

Mr. SORRELS. Yes; I think Special Agent Patterson, I believe, said that he had seen Hosty down there, and that Hosty, I believe, had said that he had a file on Oswald.

Mr. STERN. Do you recall anything else that Agent Patterson told you that Mr. Hosty had told him?

Mr. SORRELS. No; I cannot recall anything else. Because I had information—had also gotten information from others. In other words, there was general information around the Police Department there that the FBI had a file on this individual.

Mr. STERN. Any other of your agents tell you that Hosty had said anything to them about Oswald that you can recall?

Mr. SORRELS. You mean at that specific date, regarding that specific date?

Mr. STERN. Either on Friday or on Saturday.

Mr. SORRELS. No. During the course of this thing, it was my understanding that—I don't remember how the information came to me—that Hosty had been checking on this Oswald, and that they had information or knew that he was in this building. I cannot pinpoint it any way specifically, because the information came several different times to that effect.

Mr. STERN. Now, you told us something of Oswald's physical appearance when you saw him at the interview.

Mr. SORRELS. Yes, sir.

Mr. STERN. And at the showup.

Mr. SORRELS. Yes, sir.

Mr. STERN. Did his appearance change in the course of that time?

Mr. SORRELS. Not that I recall.

Mr. STERN. Over that 3-day period, did you see any sign that force or any other form of coercion was used on Oswald by anyone?

Mr. SORRELS. No, sir.

Mr. STERN. Did you observe or hear of any intimidation of Oswald or the offer of any benefit to Oswald if he were to confess?

Mr. SORRELS. No, sir.

Mr. STERN. Did you participate in or observe any other interrogation of Oswald following your own brief interrogation?

Mr. SORRELS. Yes, sir.

Mr. STERN. When was that?

Mr. SORRELS. On the following day—

Mr. STERN. That is Saturday, the 23d?

Mr. SORRELS. Yes, sir; I sat in on part of an interview with him, with Captain Fritz. And then, again, on Sunday the 24th, just before he was shot.

Mr. STERN. Did the question of counsel come up again—that is, a lawyer for Oswald?

Mr. SORRELS. Yes. During the interview with Captain Fritz, when I was in there, he mentioned the fact that he wanted to get a man by the name of Abt, or some similar name like that. I never had heard of him before. Apt, or some similar name.

And Captain Fritz said, "Well, you can use the phone and you can call him."

Mr. STERN. When was this?

Mr. SORRELS. That was Saturday morning. And it is my understanding that Oswald did attempt to reach this man on the phone.

Mr. STERN. But you didn't observe it?

Mr. SORRELS. I did not observe that; no.

Mr. STERN. Did you hear him mention at any time a lawyer from the American Civil Liberties Union?

Mr. SORRELS. Yes. He said if he could not get this man—I wish I could remember his name—a very short name, Apt or something like that.

Mr. STERN. A-b-t?

Mr. SORRELS. Yes, A-b-t. Yes—if he couldn't get him, he wanted a lawyer supplied by the Civil Liberties Union.

Mr. STERN. What else occurred at the interview on Saturday that you can remember?

Mr. SORRELS. He was questioned about the rifle, because, at that time, as I recall it, it had been determined that the rifle had been purchased from Kleins in Chicago, and shipped to a person using the name of A. Hidell. And he was questioned by Captain Fritz along those lines. And he denied that the rifle was his. He denied knowing or using the name of A. Hidell, or Alek Hidell.

He was, of course, questioned about his background and he at that time still maintained an arrogant, defiant attitude. The questions were, of course, directed towards getting information. A lot of them he would not answer. And a lot of the answers, of course, were apparent falsehoods.

And he gave me the impression of lying to Captain Fritz, and deliberately doing so, maybe with an attempt to get Captain Fritz to become angered, because he, Oswald, would flare up in an angry manner from time to time.

Mr. STERN. But you think that was acting—not genuine?

Mr. SORRELS. That is the impression I got, that he was just deliberately doing that, possibly to agitate Captain Fritz and maybe get him to become angry, and maybe do or say something that he shouldn't do.

That is just the impression I gained from him. And the reason—I guess one reason I gained that impression is because on the last interview, on Sunday morning, Oswald seemed to have taken a little bit different attitude. In other words, he was talking a little bit freer—he wasn't giving out any information of any value particularly, but he wasn't flaring up like he did before.

Mr. STERN. Was that Sunday interview extended beyond any time that you know of that it was scheduled to end?

Mr. SORRELS. Yes; it was, because the papers seemed to have gotten the impression that he was going to be moved at exactly 10 o'clock in the morning, and Captain Fritz was talking to him even after 11 o'clock in the morning—we were still there. And I recall that Chief Curry came around and asked Captain Fritz how long he was going to be, or what was holding it up, or something like that, that they wanted to go ahead and get him moved as quick as they could.

Mr. STERN. Did he indicate or did you understand that they wanted to move him at 10 o'clock?

Mr. SORRELS. It was after 10 o'clock then, considerably. As a matter of fact, it was after 11 at that time. Captain Fritz remarked to me afterwards, he said, "Well, as long as it looks like he might talk, I hesitate to quit, or move him out at that time," and he told Chief Curry, "We will be through in a few minutes."

And shortly after that, Captain Fritz asked if anyone wanted to ask him any questions, and, at that time, the postal inspector had obtained a change of address card which Oswald had apparently filled out in which one of the names shown on that change of address card that was to receive mail at that particular address in New Orleans was named A. Hidell. And I desired to question Oswald about that thing, because he had denied purchasing this rifle under the name of A. Hidell, and he denied knowing anybody by the name of A. Hidell.

So I showed Oswald this change of address card and said to him, "Now, here is a change of address card that you filed in New Orleans," and he looked at it.

He did not deny that he had filed the card, because it was apparently in his handwriting, and his signature. And I said, "Now you say that you have not used the name of A. Hidell, but you show it on this card here as the name of A. Hidell, as a person to receive mail at this address. If you do not know anyone by that name, why would you have that name on that card?"

He said, "I never used the name of Hidell."

Mr. STERN. That was the last question he was asked?

Mr. SORRELS. As far as I know.

Mr. STERN. And then what happened?

Mr. SORRELS. He was told that they were going to move him to the county jail, and he requested that he be permitted to get a shirt out of his—the clothes that had been brought in, that belonged to him, because the shirt he was wearing at the time he had been apprehended was taken, apparently for laboratory examination. And so Captain Fritz sent and got his clothes and, as I recall it, he selected a dark colored kind of a sweater type shirt, as I recall it. And then he was taken out, and, at that time, as I recall it, Inspector Kelley and I left and went up to—I say up—down the hall to the executive office area of the police department, and to the office of Deputy Chief Batchelor.

And we remained in that vicinity. I looked out the window, and saw the people across the street, on Commerce Street, people were waiting there. And I saw an individual that I know by the name of Ruby Goldstein, who is known

as Honest Joe, that has a second-hand tool and pawnshop down on Elm Street, and everyone around there knows him. He was leaning on the car looking over in the direction of the ramp there at the police station. And we were just waiting around there.

And for a few minutes I was talking to one of the police officers that was on duty up there in that area. And he had made the remark, "talking about open windows, I see one open across the street over there" at a building across the street.

I looked over there. I didn't see any activity at the window. And we had walked out into the reception area of the executive office of the Chief of Police there when this same police officer said that he just heard that Oswald had got shot in the stomach in the basement by Jack Rubin, as I understood at that time, R-u-b-i-n—who was supposed to run a night club.

Inspector Kelley and I then went just as hurriedly as we could to the basement.

Mr. STERN. As I understand it, Mr. Sorrels, you covered all the relevant information from this point of time on with Mr. Hubert yesterday.

Mr. SORRELS. Yes. And actually back just a little bit.

Mr. STERN. Is there anything that has occurred to you since your interview with Mr. Hubert that you would like to add now, to amplify anything you said yesterday to him?

Mr. SORRELS. We were trying to establish something about the time yesterday morning that this transpired and so forth. And I could not fix any exact time.

But knowing the fact that Oswald, I believe, is reported to have been shot at 11:21, I believe it is, and the fact that when we got into the basement of the City Hall there at a time when Oswald was still on the floor there, and was being given artificial respiration, as I said yesterday, and I immediately called my headquarters office in Washington and told them about Oswald being shot by Jack Rubin, a night club operator. And they asked me, of course, to get additional information and call them back.

And from that telephone call, which went through very rapidly, I went back upstairs—didn't tarry there at all. And Oswald was still there when I left and went back upstairs to Captain Fritz' office, because my thought was to talk to this man Jack Rubin as fast as I could.

Captain Fritz was not there. They said he went to the hospital. I asked where Ruby was. They said he was up on the fifth floor. I said I would like to talk to him. And I was sent with an officer to the jail elevator, went right on up there. So—

Mr. STERN. Have you been able to establish the time of your phone call to Deputy Chief—

Mr. SORRELS. No, I have not been able to establish it. But after thinking the thing over, and the fact that Oswald was still there at the time this call was made, I would say that that phone call was probably made between 11:25 and 11:30, I would say.

Mr. STERN. Fine.

Mr. Sorrels had you discussed with any official of the Dallas Police the plans to move Oswald during a scheduled daylight hour, before the move was made?

Mr. SORRELS. When I heard that he was supposed to be moved at 10 o'clock in the morning, I said to Captain Fritz—and as I recall this conversation—I said to him, "Captain, I wouldn't move that man at an announced time. I would take him out at 3 or 4 o'clock in the morning, when there is nobody around."

And Captain Fritz said, "Well, the chief has gone along with these people," talking about the press and television people, and said that he wanted to continue going along with them and cooperating with them all he can. And that was all that was said about that.

I did not make that suggestion, or have a conversation like that with Chief Curry, as I recall, because I did not want to appear that I was trying to tell them how to run their business.

Mr. STERN. What were conditions like in the third floor corridor of police headquarters from Friday through Sunday?

Mr. SORRELS. Mr. Stern, you would almost have to be there to see it, to actually realize the conditions. The press and the television people just, as the ex-

pression goes, took over. I would almost every time I went up there, definitely after the 22d, I would have to identify myself to get in past the entrance of the elevator on the third floor, if I was going to the chief's office or the deputy chief's office or Captain Fritz' office. You would have to elbow your way through, and step over tripods and cables and wires, and every time almost that I would come out of Captain Fritz's office, the minute the door opened, they would flash on those bright lights, and I got where I just shadowed my eyes when I walked down there to keep the light from shining in my eyes. They had cables run through one of the deputy chief's office, right through the windows from the street up the side of the building, across the floor, out to the boxes where they could get power—they had wires running out of that, had the wires taped down to keep people from actually falling or stumbling over the wires. And it was just a condition that you can hardly explain. It was just almost indescribable.

I know at one time when Mr. Jim Underwood of KRLD, that is the Dallas Time Herald Television Station down there, was in Captain Fritz' office with Jack Ruby's sister, and a lady friend of hers, trying to arrange for her to get up to talk to Jack Ruby, that the police officer who was stationed at the door to the detective's office had a terrific time keeping them—I thought they were going to barge on in there. They were yelling like mad—because Mr. Underwood was in there, and one of them was there yelling—"if he has got a right to be in here, we have a right to be in there."

Just as loud as he could. And Mr. Underwood had to leave Captain Fritz' office and say, "Listen, fellows, I am not going upstairs. I am trying to make arrangements for this woman to see her brother—I am not going upstairs."

That was just the situation you were booked up against there.

And, of course, every time you would turn around, they would ask me something, and I would say, "No comment, I don't have any comment to make."

And I don't think at any time you will see that there is any statement made by the newspapers or television that we said anything because Mr. Kelley, the Inspector, told me "Any information that is given out will have to come from Inspector Peterson in Washington."

Finally, after they found out I would not say anything, they didn't bother me any more.

Many times when I would be going into the third floor area there, they would start to stop me, and a lot of the guys that would know me would say, "That is Sorrels of the Secret Service."

That happened more than once.

And, of course, I would have to go ahead and identify myself. The officers that were on duty that had seen me before would recognize me and pass me through.

Mr. STERN. Can you estimate how many press representatives there were in that corridor?

Mr. SORRELS. I am not too good in estimating anything like that, but there were dozens of them.

Mr. STERN. Was any effort made to restrict them to a far part of the corridor, or to remove them from the floor entirely that you know of?

Mr. SORRELS. Not that I know of.

Mr. STERN. Did you ever learn why this was not done—did you ever ask?

Mr. SORRELS. No, I did not. I just thought to myself—well, if this was being handled in a Federal building, this situation would not exist. That is what I thought.

But, of course, that is a public building. I thought to myself—well, they are in here, and the chief would have a heck of a time getting them out. That is just my own thoughts about the thing, because I do know that the Dallas Police Department, the Dallas Sheriff's Office, they do try to go along with the press and everything like that.

After this thing happened, Mr. Felix McKnight, who I mentioned before, who is a personal friend of mine, executive editor of the Dallas Times Herald, he said to me, "Forrest, those people should have been out of there, and that includes us."

Of course the thing was all over then. I would imagine that Chief Curry

or anybody else that would have tried to have gotten them out of there would have really had a tough time and they probably would have really blasted them in the press.

Mr. STERN. Mr. Sorrels, that covers the ground that I wanted to ask you about.

Is there anything you would like to add to anything you said this morning with respect to the advance preparations, the actual events in front of the Book Depository, your return there, anything that elapsed while you were at the police headquarters from Friday afternoon through Sunday morning—or with respect to anything you told Mr. Hubert about yesterday?

Just take a moment and think about it.

And if there is anything you would like to amplify or add to what you have said that you think the Commission should know, please tell me.

Mr. SORRELS. I cannot recall anything right now, Mr. Stern.

Mr. STERN. I would like you to identify this one page memorandum entitled "Statement of Forrest V. Sorrels, Special Agent in Charge, U.S. Secret Service, Dallas, Tex., November 28, 1963."

I have marked this "Exhibit 5," deposition of F. V. Sorrels, May 7, 1964.

Mr. SORRELS. Yes, sir; that is a copy of a statement that I wrote up.

Mr. STERN. Would you initial that for me, please?

Mr. SORRELS. Yes.

Mr. STERN. Would you review the statement and see if there is anything you would like to add to it?

I think you might just tell us what it covers.

Mr. SORRELS. This is a statement which was written up by me on November 28, 1963, relating the fact that the presidential motorcade—

Mr. STERN. The statement will be in the record, Mr. Sorrels. I meant just tell us the subject matter of it.

Mr. SORRELS. Relating to the events that I observed when the presidential motorcade went from Love Field until the time that I left the Parkland Hospital to go to the Texas School Book Depository.

Mr. STERN. Is there anything you want to add to that statement that you have not already told us—because we have gone into this in much greater detail now.

Mr. SORRELS. No, not that I can recall, because as you say we went into it in more detail.

Mr. STERN. Thank you very much, Mr. Sorrels. We appreciate very much your coming to Washington to help us.

Mr. SORRELS. I want to express my appreciation to you and to the Commission for permitting me to not come on the week of the 19th, due to the fact that my little daughter had to go to the hospital. I certainly appreciate your consideration in letting me come at a later date.

Mr. STERN. We were very happy we could arrange that, and we are glad to know she is well.

Mr. SORRELS. Thank you, sir.

TESTIMONY OF WILLIAM J. WALDMAN

The testimony of William J. Waldman was taken on May 20, 1964, at 4540 West Madison Street, Chicago, Ill., by Mr. David W. Belin, assistant counsel of the President's Commission.

William J. Waldman, called as a witness herein, having been first duly sworn, was examined and testified as follows:

Mr. BELIN. Would you please state your full name?

Mr. WALDMAN. William J. Waldman.

Mr. BELIN. And where do you live, Mr. Waldman?

Mr. WALDMAN. 335 Central Avenue, Wilmette, Ill.

Mr. BELIN. Is that a suburb of Chicago?

Mr. WALDMAN. It's a suburb of Chicago.

Mr. BELIN. And what is your occupation?

Mr. WALDMAN. Vice president of Klein's Sporting Goods, Inc.

Mr. BELIN. How long have you been with Klein's?

Mr. WALDMAN. Approximately 12 years.

Mr. BELIN. And in your capacity as vice president, what are your general areas of work?

Mr. WALDMAN. Supervising office, warehouse, and retail operations, participating in the merchandising and advertising.

Mr. BELIN. What kinds of products does Klein's sell?

Mr. WALDMAN. Sporting goods in the majority, with some few specialty items which appeal to the male consumer.

Mr. BELIN. Would these include goods such as fishing items or hunting items?

Mr. WALDMAN. Yes.

Mr. BELIN. What is the fact as to whether or not included in the products handled by Klein's are rifles?

Mr. WALDMAN. Would you restate the question?

Mr. BELIN. Does Klein's Sporting Goods, Inc., handle rifles in their line of sporting goods?

Mr. WALDMAN. They do.

Mr. BELIN. For the record, we would like to have a little bit more of your overall background. Were you originally born in Chicago?

Mr. WALDMAN. No; I was born in Sedalia, Mo., November 16, 1912. Education: I don't know just what you're after.

Mr. BELIN. Well, you went through high school?

Mr. WALDMAN. I completed high school, attended Carnegie Institute of Technology, New York University. I don't know the nature of how far you want this developed.

Mr. BELIN. Well, you had some college work then?

Mr. WALDMAN. Yes.

Mr. BELIN. And after you got out of college, what did you do?

Mr. WALDMAN. I got out of college and I was employed by Sears and Roebuck, Spiegel's, Inc., and various other employment, served in the U.S. Army, Air Corps branch.

Mr. BELIN. This is during World War II?

Mr. WALDMAN. During World War II. Following which I was employed for a brief period in a family business, and subsequently by Klein's Sporting Goods.

Mr. BELIN. Mr. Waldman, I hand you what is being marked as Waldman Deposition Exhibit 1 and ask you to state if you know what this is.

Mr. WALDMAN. I do.

Mr. BELIN. Could you please tell us what that statement constitutes?

Mr. WALDMAN. This constitutes a purchase order of Klein's directed to Crescent Firearms Co. for Italian Carcano rifles prepared on January 2, 19—, oh, wait a minute; hold that a moment, January 24, 1963, calling for 200 units at a cost of \$8.50.

Mr. BELIN. Now—

Mr. WALDMAN. I haven't finished.

Mr. BELIN. Let me just ask you this preliminary question: This is a photostatic copy of a document, is it not?

Mr. WALDMAN. It is.

Mr. BELIN. And is the original copy, or was the original copy prepared by someone under your direction or supervision?

Mr. WALDMAN. The original was prepared under a system which I originated and this particular order was not prepared at my direction. It would be—the merchandise was ordered in a routine basis at a time in which it was needed, and—

Mr. BELIN. Do you know who the person is that filled out this order?

Mr. WALDMAN. Yes; his initials are so indicated as "M.W."

Mr. BELIN. Would that be the name at the lower lefthand corner of Exhibit 1?

Mr. WALDMAN. It is.

Mr. BELIN. And that is who?

Mr. WALDMAN. Mitchell W. Westra.

Mr. BELIN. At that time was he an employee of your company?

Mr. WALDMAN. He was.

Mr. BELIN. Was he under your jurisdiction and supervision?

Mr. WALDMAN. He was not under my direct supervision, no. He was under the direct supervision of Sam Kasper.

Mr. BELIN. And where is Sam Kasper now?

Mr. WALDMAN. He may or may not be here.

Mr. BELIN. I don't mean this afternoon. Is he with the company?

Mr. WALDMAN. He is the vice president of our company.

Mr. BELIN. He is the other vice president of the company?

Mr. WALDMAN. Correct.

Mr. BELIN. All right. Now, you started to go into the detail of what Deposition Exhibit 1 constituted. I just wonder if you will pick up where you left off here.

Mr. WALDMAN. Yes; on the same form we show a record of the receipt of the rifles in question, specifically this extreme right-hand column which is filled in, indicating that on February 22, delivery was made to us by Lifschultz Trucking Co. I might explain the difference in the two dates here.

Mr. BELIN. Go ahead.

Mr. WALDMAN. The February 21 date is the date in which the merchandise came to our premises whereas the date of February 22, is the date in which they were officially received by our receiving department.

Mr. BELIN. Your receiving department checks each order to see that the physical contents match the stated shipment on the invoice; is that correct?

Mr. WALDMAN. They don't necessarily see that they match because they frequently do not match, but they determine actually how much was received by us.

Mr. BELIN. Now, I notice on Waldman Deposition Exhibit No. 1 a date—well, I might read everything under the column of description; it says Italian Mannlicher-Carcano, Model 91TS, bolt action 6-shot rifle; and then cal.—that's for caliber—6.5, and then there is an "X" and 52 mm Italian-select, clean, and test-fired, changed to Beretta Terni M19, then a slash line 38 EFF, and then the date of 4/16/62. Explain that date and that description.

Mr. WALDMAN. Yes; this general style of rifle was made by a number of different manufacturers over a period of time and there were minor modifications made by—developed by each of the manufacturers.

Mr. BELIN. Would this be similar to a number of manufacturers making the Springfield rifle in this country?

Mr. WALDMAN. As for example, the different manufacturers making the Springfield rifle. Basically, the weapons were of the same general design, but as I say, there were details that were different.

We originally had ordered one style of Carcano rifle, one that was known as the Model 91TS. As time went on, we changed to another model known as the Model 91/38EFF, this on April 13, 1962.

Mr. BELIN. Now, I also note on Waldman Deposition Exhibit No. 1, under the item number—some letters here or numbers—

Mr. WALDMAN. C20-T749.

Mr. BELIN. What does that signify?

Mr. WALDMAN. This is an identification number assigned by us for internal operating purposes.

Mr. BELIN. Would this be something akin to a catalog number?

Mr. WALDMAN. Yes.

Off the record now. Can I speak without being—

Mr. BELIN. Yes.

(Whereupon, discussion was had off the record.)

Mr. BELIN. On the record.

Now, Mr. Waldman, you just requested to go off the record and told me that this is, the number that you read is not necessarily the only number that is assigned to one of these model rifles. Do you ever have any other numbers assigned to them?

Mr. WALDMAN. Yes.

Mr. BELIN. What would be the occasion for assigning a different number?

Mr. WALDMAN. When the rifle is offered and sold together with a scope and

mount, we assign a different catalog number which describes the rifle, the scope and the mount.

Mr. BELIN. Did you ever sell any of these particular rifles with scopes and mounts?

Mr. WALDMAN. Yes.

Mr. BELIN. Were these scopes and mounts purchased from the same source as the rifle itself?

Mr. WALDMAN. No.

Mr. BELIN. Mr. Waldman, on Waldman Deposition Exhibit No. 1, does the date April 13, 1962, have anything to do with the time with which you received orders from customers of Klein's for any of these rifles?

Mr. WALDMAN. That date has no reference to our activity with consumers as such. It only indicates in our buying of these rifles we changed from one model to another, both models being very similar.

Mr. BELIN. Both being the Mannlicher-Carcano 6.5 caliber rifle?

Mr. WALDMAN. Correct.

Mr. BELIN. I'm going to hand you what has been marked as Waldman Deposition Exhibit 2 and ask you to state if you know what that is.

Mr. WALDMAN. I do.

Mr. BELIN. What is it?

Mr. WALDMAN. This is a delivery receipt from the Lifschultz Fast Freight covering 10 cases of guns delivered to Klein's on February 21, 1963, from Crescent Firearms.

Mr. BELIN. I note that there is some handwriting on Waldman Deposition Exhibit No. 2 that says, "Klein's Sporting Goods, Inc., J. A. Mueller, 2-21-63." Would that be one of your employees at that time?

Mr. WALDMAN. He was. Mr. Mueller was in charge of our receiving department at that time.

Mr. BELIN. And do you know how many guns or rifles would have been packed in each carton or case?

Mr. WALDMAN. Referring to the various delivery receipts, copies of which we have, these are packing slips, incidentally, not receipts; these were packing receipts included in each case. It was indicated there were 10 rifles in each case.

Mr. BELIN. I'm going to hand you what has been marked as Waldman Deposition Exhibit No. 3 and ask you to state if you know what this is.

Mr. WALDMAN. Yes; these are memos prepared by Crescent Firearms showing serial numbers of rifles that were shipped to us and each one of these represents those rifles that were contained in a case.

Mr. BELIN. Now, you earlier mentioned that these were packed with the case.

Mr. WALDMAN. Well, I would like to correct that. This particular company does not include these with the cases, but sends these memos separately with their invoice.

Mr. BELIN. Now, again, Waldman Deposition Exhibit No. 3 is a photostatic copy. Do you have the actual copies that came to you in front of you at this time?

Mr. WALDMAN. I do.

Mr. BELIN. And is Waldman Deposition Exhibit No. 3 an accurate photostat of these other copies?

Mr. WALDMAN. It is.

Mr. BELIN. I notice that there are numbers on each of these papers with 10 serial numbers each. I see here No. 3672, 3504 on the first photostat of Waldman Deposition Exhibit No. 3. Do you see that?

Mr. WALDMAN. I do.

Mr. BELIN. I'm going to ask you to search through these 10 photostats and see if you find any invoice number that has on it a serial number, C-2766.

Mr. WALDMAN. Crescent Firearms delivery memo No. 3620 covering carton or case No. 3376 does have a—indicate a rifle bearing serial No. 2766.

Mr. BELIN. Well, is it 2766 or is there a prefix to it?

Mr. WALDMAN. There is a prefix, C-2766.

Mr. BELIN. And you see that as also a part of Waldman Deposition Exhibit No. 3; I believe you are reading from the actual document in your possession

which Waldman Deposition Exhibit No. 3 is a photostat of; is that correct?

Mr. WALDMAN. That's correct.

Mr. BELIN. When a shipment of rifles is received, what is your procedure with regard to recordkeeping on the serial numbers of the rifles?

Mr. WALDMAN. We assign to each rifle a control number which is a number used by us to record the history of the gun while it is in our possession and until it is sold, thus each rifle will be tagged with both this control number and with the serial number of the rifle which is stamped on the—imprinted on the gun by the manufacturer.

Mr. BELIN. Do you have the same—does the same manufacturer give different serial numbers for each weapon that the manufacturer makes?

Mr. WALDMAN. The gun manufacturers imprint a different number on each gun. It's stamped into the frame of the gun and serves as a unique identification for each gun.

Mr. BELIN. Well, I hand you what has been marked as Waldman Deposition Exhibit No. 4 and ask you to state if you know what this is.

Mr. WALDMAN. This is the record created by us showing the control number we have assigned to the gun together with the serial number that is imprinted in the frame of the gun.

Mr. BELIN. Now, this is a photostat, I believe, of records you have in front of you on your desk right now?

Mr. WALDMAN. That's correct.

Mr. BELIN. Do you find anywhere on Waldman Deposition Exhibit No. 4 the serial number C-2766?

Mr. WALDMAN. Yes.

Mr. BELIN. And what is your control number for that?

Mr. WALDMAN. Our control number for that is VC-836.

Mr. BELIN. Now, I'm going to hand you what has been marked as Waldman Deposition Exhibit No. 5 and ask you to state if you know what this is.

Mr. WALDMAN. This is an invoice rendered us by Crescent Firearms on their date February 7, 1963, for one hundred each 6.5 Italian rifles.

Mr. BELIN. Is there anything on that invoice that shows how the rifles were shipped to you?

Mr. WALDMAN. It's indicated as having been shipped by the North Penn Transfer-Lifschultz and that there were 10 cases or cartons.

Mr. BELIN. Does it show whether or not this invoice was paid?

Mr. WALDMAN. It shows that payment was made on March 4, 1963.

Mr. BELIN. Mr. Waldman, were you ever contacted by any law enforcement agency about the disposition of this Mannlicher-Carcano rifle that had the serial number C-2766 on it?

Mr. WALDMAN. Yes; on the night of November 22, 1963, the FBI contacted our company in an effort to determine whether the gun had been in our possession and, if so, what disposition we had made of it.

Mr. BELIN. Do you know how the FBI happened to contact you or your company?

Mr. WALDMAN. The FBI had a record of a gun of this type and with this serial number having been shipped to us by Crescent Firearms.

Mr. BELIN. Do you mean that Crescent Firearms gave the FBI this information?

Mr. WALDMAN. Well, I—I must assume that's the case. I don't know it for a fact.

Mr. BELIN. All right. What did you and your company do when you were contacted by the FBI?

Mr. WALDMAN. We met with the FBI in our offices.

Mr. BELIN. Was this on Friday evening, November 22?

Mr. WALDMAN. On Friday evening, November 22.

Mr. BELIN. Did the FBI indicate at what time, what period that they felt you might have received this rifle originally?

Mr. WALDMAN. We were able to determine from our purchase records the date in which the rifle had been received, and they also had a record of when it had

been shipped, so we knew the approximate date of receipt by us, and from that we made—let's see, we examined our microfilm records which show orders from mail order customers and related papers, and from this determined to whom the gun had been shipped by us.

Mr. BELIN. Are these microfilm records part of your customary recording of transactions of your company?

Mr. WALDMAN. Yes; they are.

Mr. BELIN. I'm handing you what has been marked as an FBI Exhibit D-77 and ask you if you know what this is.

Mr. WALDMAN. This is a microfilm record that—of mail order transactions for a given period of time. It was turned over by us to the FBI.

Mr. BELIN. Do you know when it was turned over to the FBI?

Mr. WALDMAN. It was turned over to them on November 23, 1963.

Mr. BELIN. Now, you are reading from the carton containing that microfilm. Do you know whose initials are on there?

Mr. WALDMAN. Yes; the initials on here are mine and they were put on the date on which this was turned over to the FBI concerned with the investigation.

Mr. BELIN. You have on your premises a machine for looking at the microfilm prints?

Mr. WALDMAN. Yes.

Mr. BELIN. And you can make copies of the microfilm prints?

Mr. WALDMAN. Yes.

Mr. BELIN. I wonder if we can adjourn the deposition upstairs to take a look at these records in the microfilm and get copies of the appropriate records that you found on the evening of November 22.

Mr. WALDMAN. Yes.

(Whereupon, the following proceedings were had at the microfilm machine.)

Mr. BELIN. Mr. Waldman, you have just put the microfilm which we call D-77 into your viewer which is marked a Microfilm Reader-Printer, and you have identified this as No. 270502, according to your records. Is this just a record number of yours on this particular shipment?

Mr. WALDMAN. That's a number which we assign for identification purposes.

Mr. BELIN. And on the microfilm record, would you please state who it shows this particular rifle was shipped to?

Mr. WALDMAN. Shipped to a Mr. A.—last name—H-i-d-e-l-l, Post Office Box 2915, Dallas, Tex.

Mr. BELIN. And does it show any serial number or control number?

Mr. WALDMAN. It shows shipment of a rifle bearing our control number VC-836 and serial number C-2766.

Mr. BELIN. Is there a price shown for that?

Mr. WALDMAN. Price is \$19.95, plus \$1.50 postage and handling, or a total of \$21.45.

Mr. BELIN. Now, I see another number off to the left. What is this number?

Mr. WALDMAN. The number that you referred to, C20-T750 is a catalog number.

Mr. BELIN. And after that, there appears some words of identification or description. Can you state what that is?

Mr. WALDMAN. The number designates an item which we sell, namely, an Italian carbine, 6.5 caliber rifle with the 4X scope.

Mr. BELIN. Is there a date of shipment which appears on this microfilm record?

Mr. WALDMAN. Yes; the date of shipment was March 20, 1963.

Mr. BELIN. Does it show by what means it was shipped?

Mr. WALDMAN. It was shipped by parcel post as indicated by this circle around the letters "PP."

Mr. BELIN. Does it show if any amount was enclosed with the order itself?

Mr. WALDMAN. Yes; the amount that was enclosed with the order was \$21.45, as designated on the right-hand side of this order blank here.

Mr. BELIN. Opposite the words "total amount enclosed"?

Mr. WALDMAN. Yes.

Mr. BELIN. Is there anything which indicates in what form you received the money?

Mr. WALDMAN. Yes; below the amount is shown the letters "MO" designating money order.

Mr. BELIN. Now, I see the extreme top of this microfilm, the date, March 13, 1963; to what does that refer?

Mr. WALDMAN. This is an imprint made by our cash register indicating that the remittance received from the customer was passed through our register on that date.

Mr. BELIN. And to the right of that, I see \$21.45. Is that correct?

Mr. WALDMAN. That's correct.

Mr. BELIN. Is there any other record that you have in connection with the shipment of this rifle other than the particular microfilm negative frame that we are looking at right now?

Mr. WALDMAN. We have a—this microfilm record of a coupon clipped from a portion of one of our advertisements, which indicates by writing of the customer on the coupon that he ordered our catalog No. C20-T750; and he has shown the price of the item, \$19.95, and gives as his name A. Hidell, and his address as Post Office Box 2915, in Dallas, Tex.

Mr. BELIN. Anything else on that negative microfilm frame?

Mr. WALDMAN. The coupon overlays the envelope in which the order was mailed and this shows in the upper left-hand corner the return address of A. Hidell, Post Office Box 2915, in Dallas, Tex.

There is a postmark of Dallas, Tex., and a postdate of March 12, 1963, indicating that the order was mailed by airmail.

Mr. BELIN. Can you see the actual cancelled stamp in the upper right-hand corner?

Mr. WALDMAN. Yes.

Mr. BELIN. And the stamp itself says "United States Airmail"?

Mr. WALDMAN. That's correct.

Mr. BELIN. And underneath that, someone has written "airmail"; is that correct?

Mr. WALDMAN. That's true.

Mr. BELIN. And someone has written it addressed to you; is that correct?

Mr. WALDMAN. That's right.

Mr. BELIN. And is it possible on this machine to make prints of these negatives? (Whereupon, it was attempted to make copies of said documents.)

Mr. BELIN. I think the record should show that all of this testimony has been taken upstairs with the court reporter present in front of the actual microfilm machine itself; is that correct?

Mr. WALDMAN. That's correct.

Mr. BELIN. Now, let us adjourn to your office and continue the taking of this testimony, please.

(Whereupon, the following proceedings were had at the office where the deposition originally commenced.)

Mr. BELIN. Mr. Waldman, I'm going to mark what has FBI Exhibit D-77 on it as Waldman Deposition Exhibit No. 6, being the container with your initials and the microfilm record itself, which you placed on the microfilm reader and about which you have just testified upstairs.

Now, I'm going to hand you what has been marked as Waldman Deposition Exhibit No. 7 and ask you to state if you know what this is.

Mr. WALDMAN. This is a copy made from our microfilm reader-printer of an order received by Klein's from a Mr. A. Hidell, Post Office Box No. 2915, in Dallas, Tex. I want to clarify that this is not the order, itself, received from Mr. Hidell, but it's a form created by us internally from an order received from Mr. Hidell on a small coupon taken from an advertisement of ours in a magazine.

Mr. BELIN. This Waldman Deposition Exhibit No. 7 is a print from the microfilm negative which we just viewed upstairs; is that correct?

Mr. WALDMAN. That's correct.

Mr. BELIN. And Waldman Deposition Exhibit No. 8 is also a print from the

microfilm record we viewed upstairs showing the actual coupon and the envelope in which the coupon was enclosed; is that correct?

Mr. WALDMAN. That's correct.

Mr. BELIN. And do you have any general advertising program whereby you advertise in gun magazines?

Mr. WALDMAN. We do.

Mr. BELIN. Can you just give us one or more of the magazines in which this coupon might have been taken?

Mr. WALDMAN. Well, this coupon was specifically taken from American Rifleman Magazine, issue of February 1963. It's identified by the department number which is shown as—now, if I can read this—shown as Department 358 on the coupon.

Mr. BELIN. And that number also appears in the address on the envelope to you, is that correct, or to your company?

Mr. WALDMAN. That's correct.

Mr. BELIN. Now, I believe that you said the total amount was \$19.95, plus \$1.50 for shipping charges, or \$21.45; is that correct?

Mr. WALDMAN. The \$1.50 is for both shipping charges and handling.

Mr. BELIN. I hand you what has been marked as Commission Exhibit No. 788, which appears to be a U.S. postal money order payable to the order of Klein's Sporting Goods, and marked that it's from a purchaser named A. Hidell, and as the purchaser's street address is Post Office Box No. 2915, and the purchaser's City, Dallas, Tex.; March 12, 1963; and underneath the amount of \$21.45, the number 2,202,130,462. And on the reverse side there appears to be an endorsement of a bank.

I wonder if you would read that endorsement, if you would, and examine it, please.

Mr. WALDMAN. This is a stamped endorsement reading "Pay to the order of the First National Bank of Chicago," followed by our account No. 50 space 91144, and that, in turn, followed by "Klein's Sporting Goods, Inc."

Mr. BELIN. Do you know whether or not that is your company's endorsement on that money order?

Mr. WALDMAN. It's identical to our endorsement.

Mr. BELIN. And I hand you what has been marked as Waldman Deposition Exhibit No. 9 and ask you if you can state what this is.

Mr. WALDMAN. This is our endorsement stamp which reads the same as that shown on the money order in question.

Mr. BELIN. You have just now stamped Waldman Deposition Exhibit No. 9 with your endorsement stamp?

Mr. WALDMAN. Correct.

Mr. BELIN. Do you have any way of knowing when exactly this money order was deposited by your company?

Mr. WALDMAN. I cannot specifically say when this money order was deposited by our company; however, as previously stated, a money order for \$21.45 passed through our cash register on March 13, 1963.

Mr. BELIN. You're reading from Waldman—

Mr. WALDMAN. From a Mr. A. Hidell of Post Office Box No. 2915, from Dallas, Tex.

Mr. BELIN. And you are now reading from Waldman Deposition Exhibit No. 7?

Mr. WALDMAN. As indicated on Waldman Deposition Exhibit No. 7. Now, we cannot specifically say when this money order was deposited, but on our deposit of March 13, 1963, we show an item of \$21.45, as indicated on the Xerox copy of our deposit slip marked, or identified by—as Waldman Deposition Exhibit No. 10.

Mr. BELIN. And I have just marked as a document what you are reading from, which appears to be a deposit with the First National Bank of Chicago by your company; is that correct?

Mr. WALDMAN. That's correct.

Mr. BELIN. And on that deposit, one of the items is \$21.45, out of a total deposit that day of \$13,827.98; is that correct?

Mr. WALDMAN. That's correct.

Mr. BELIN. Now, when we examined Waldman Deposition Exhibit No. 1, you had a control number of which the last four numbers were T749, and when you shipped the rifle, you had the control number with the last four numbers as T750; otherwise the control number is the same. Could you tell us what accounts for the difference?

Mr. WALDMAN. Yes; these numbers that you referred to are not control numbers, as previously stated. These are known as catalog numbers. The number C20-T749 describes a rifle only, whereas the catalog No. C20-T750 describes the Italian carbine rifle with a four-power scope, which is sold as a package unit.

Mr. BELIN. Do you remember what the rifle would have cost without the scope?

Mr. WALDMAN. As I recall, it was either \$12.78 or \$12.95.

Mr. BELIN. Would the advertisement run in the Rifleman's Magazine of February 1963, have given the purchaser the option to buy with or without the scope, if you remember?

Mr. WALDMAN. Without specific reference to the ad, I would say that it did. Most usually we did.

Mr. BELIN. And the purchaser would signify his preference in what manner?

Mr. WALDMAN. The customer designates whether he wants the rifle only or whether he wants the rifle with the scope by his selection of catalog numbers.

Mr. BELIN. When this rifle came to your company, was the scope already mounted on it when you got it from Crescent?

Mr. WALDMAN. No.

Mr. BELIN. Who put the scope on the rifle?

Mr. WALDMAN. The scope was mounted on the rifle in our gun shop, most probably by a gunsmith named William Sharp.

Mr. BELIN. Would Mr. Sharp drill whatever holes were necessary for the mounting and do the actual mounting then himself?

Mr. WALDMAN. Yes.

Mr. BELIN. Would Mr. Sharp or anyone else in your company in any way sight in the sight, whether it would be boresighting or actual firing with the sight?

Mr. WALDMAN. No; it's very unlikely in an inexpensive rifle of this sort that he would do anything other than roughly align the scope with the rifle.

Mr. BELIN. Do you have any records which show where you purchased the scope?

Mr. WALDMAN. It's reasonably certain the scope was purchased from Martin B. Retting, Inc., 1129 Washington Boulevard, Culver City, Calif.

Mr. BELIN. Would it have any identification on the scope itself, if you know?

Mr. WALDMAN. It's most probable it carried the name "Ordnance Optics."

Mr. BELIN. Now, Mr. Waldman, perhaps we'd better further identify the microfilm which show your control numbers. We marked the microfilm as Waldman Deposition Exhibit No. 6. Do you have any control numbers on this at all which indicate which microfilm this is?

Mr. WALDMAN. This is our film No. 38, which covers our transactions Nos. 269688 through 270596.

Mr. BELIN. And I believe that you already testified to the control number or transaction number that appears on Waldman Deposition Exhibit No. 7 as being number what?

Mr. WALDMAN. 270502.

Mr. BELIN. Mr. Waldman, referring to Waldman Deposition Exhibit No. 3, which are the serial numbers of the 100 rifles which were made in this shipment from Crescent Firearms to you, and Waldman Deposition Exhibit No. 5, which is the invoice from Crescent Firearms which has stamped on it that it was paid by your company on March 4, is there any way to verify that this payment pertained to rifles which are shown on Waldman Deposition Exhibit No. 3?

Mr. WALDMAN. The forms submitted by Crescent Firearms showing serial numbers of rifles included in the shipment covered by their invoice No. 3178 indicate that the rifle carrying serial No. C-2766 was included in that shipment.

Mr. BELIN. Now, those forms—

Mr. WALDMAN. Those forms are your exhibit captioned Waldman Deposition Exhibit No. 3. Now, our payment voucher No. 28966 of March 1, 1963, which is your Waldman Deposition Exhibit No. 5 shows in the lower portion, second column from the left, the number 3178, which ties in with Crescent Firearms invoice No. 3178.

Mr. BELIN. And you have before you a carbon copy of a check that was written by your company to Crescent Firearms in the amount of \$850, and attached to it, the attachment that shows it's for invoice No. 3178?

Mr. WALDMAN. That's correct.

Mr. BELIN. Mr. Waldman, do your records show whether or not the rifle was shipped with the scope mounted on it or is there any way that you know whether or not it was?

Mr. WALDMAN. Our catalog No. C20-T750, which was the number indicated on the coupon prepared by A. Hidell, designates a rifle with scope attached. And we would have so shipped it unless the customer specifically specified that he did not wish to have it attached. There is nothing in our records to indicate that there was any request made by the customer, and therefore we would have every reason to believe that it was shipped as a rifle with scope mounted.

Mr. BELIN. Do you know whether or not the rifle would have been broken down in shipment or whether or not it would have been shipped fully assembled?

Mr. WALDMAN. It was customary for us to ship all of these rifles and scopes fully assembled, and I would have no reason to believe that this particular one would have been shipped otherwise.

Mr. BELIN. And do you know in what kind of a container it would have been shipped?

Mr. WALDMAN. It was customary for us to ship these rifles with scopes attached in a corrugated cardboard carton made for us by the Rudd Container Corporation of Chicago.

Mr. BELIN. About how long would that carton be in size, if you know?

Mr. WALDMAN. Approximately 60 inches.

Mr. BELIN. Did you ever furnish any samples of this carton or any wrapping paper or tape to the FBI?

Mr. WALDMAN. Yes; we did furnish a sample of the carton together with the type of sealing tape that was generally used and such craft paper that may have been used for inner cushioning packing.

Mr. BELIN. Mr. Waldman, when we testified upstairs in front of the microfilm machine, was the microfilm itself more clear or less clear than the photostats or prints that have been made from it?

Mr. WALDMAN. More clear.

Mr. BELIN. So it would be possible to read items on the microfilm itself that might not come out clear on the printed copies?

Mr. WALDMAN. That's correct.

Mr. BELIN. Mr. Waldman, the President's Commission on the Assassination of President Kennedy appreciates all the cooperation which your company, and in particular you, have given to this situation. And we know that it's not a happy situation to you, and that the gun could have been purchased anywhere. As it happens, this particular gun was purchased with your company, and we want to thank you very much for your cooperation.

Mr. WALDMAN. Thank you.

Mr. BELIN. Do you want to see the deposition before you sign it? Mr. Waldman, you have the right to read the deposition and sign it before anything further is done with it, or you can waive the signing of it, whatever you like.

Mr. WALDMAN. It would be well for me to read this because of the possibility of a transposition of numbers or other errors in the recording.

Mr. BELIN. All right. (To reporter.) Perhaps you can keep the original copy here, if you would, and give it to Mr. Waldman and mail the other copies directly to us in Washington, and then could you make whatever corrections there are and send it directly to us in Washington, and I'll give you my name if you would mail it to my attention.

TESTIMONY OF MITCHELL J. SCIBOR

The testimony of Mitchell J. Scibor was taken on May 20, 1964, at 4540 West Madison Street, Chicago, Ill., by Mr. David W. Belin, assistant counsel of the President's Commission.

Mitchell J. Scibor, called as a witness herein, having been first duly sworn, was examined and testified as follows:

Mr. BELIN. Would you please state your name for the record?

Mr. SCIBOR. Mitchell J. Scibor.

Mr. BELIN. And where do you live?

Mr. SCIBOR. 2942 North Sayre Avenue, Chicago, Ill.

Mr. BELIN. What is your occupation?

Mr. SCIBOR. Employed by Klein's Sporting Goods.

Mr. BELIN. In what capacity?

Mr. SCIBOR. General operating manager.

Mr. BELIN. Were you so employed on or about November 22, 1963?

Mr. SCIBOR. Yes.

Mr. BELIN. Were you at any time on that date contacted by any law enforcement agency with regard to a particular rifle, Serial No. C-2766?

Mr. SCIBOR. Yes.

Mr. BELIN. And could you tell us the circumstances surrounding this?

Mr. SCIBOR. I got a call Friday evening, November 22, asking if it would be possible to get at the records—at our records to see if that gun had been in our possession or sold by us. I got permission from one of the executives to open the store and view our records, and I came down here somewhere between 10 and 11 o'clock.

Mr. BELIN. And what did you do when you got down here?

Mr. SCIBOR. We went in with the Government men and—just before we went in, Mr. Waldman came down and we came in and he took over as far as getting—trying to find the information that we needed.

Mr. BELIN. How did you try to find that information?

Mr. SCIBOR. By looking in our microfilm records of sales of merchandise for that particular gun.

The FBI furnished us with information stating that we had received the gun from Crescent Firearms.

Mr. BELIN. Well, did you look at the microfilms of your purchasers or your sales or what?

Mr. SCIBOR. Yes; we used two machines and looked at the microfilms of our sales until we had found that particular gun with the serial number.

Mr. BELIN. You were upstairs when Mr. Waldman was looking at the microfilm of which a printed copy is Waldman Deposition Exhibit No. 7; is that correct?

Mr. SCIBOR. Correct.

Mr. BELIN. And on Waldman Deposition Exhibit No. 7, there is a Serial No. C-2766?

Mr. SCIBOR. Correct.

Mr. BELIN. Was this serial number on Waldman Deposition Exhibit No. 7 the first contact you had on Friday evening that led you to believe that you had shipped this particular rifle?

Mr. SCIBOR. That's correct.

Mr. BELIN. When did you discover or find out this information, if you know—strike the question.

I believe you said you got down here about 10 o'clock that night?

Mr. SCIBOR. Between 10 and 11.

Mr. BELIN. And then you started going through your microfilm records?

Mr. SCIBOR. Right.

Mr. BELIN. About when did you actually find the microfilm of which Waldman Deposition Exhibit No. 7 is a print?

Mr. SCIBOR. About 4 o'clock in the morning, as far as I can remember.

Mr. BELIN. You then turned this information over to the FBI?

Mr. SCIBOR. Mr. Waldman did.

Mr. BELIN. Now, I'm going to hand you what has been marked as Waldman Deposition Exhibit No. 4 and ask you to state if you know what this is.

Mr. SCIBOR. Yes; it's a copy of our receiving record which we use to identify firearms or guns by assigning a weapon a particular booking number or control number along with the serial number so at a future date we can identify that particular gun.

Mr. BELIN. Have you ever seen Waldman Deposition Exhibit No. 7 before?

Mr. SCIBOR. Yes.

Mr. BELIN. I notice the date and the notations in the upper lefthand corner, RR-1243; underneath that, the date 2-22-63. Do you know what that has reference to?

Mr. SCIBOR. Yes; the "RR" stands for receiving record No. 1243, and that merchandise was booked or actually received by our receiving department on 2-22-63.

Mr. BELIN. Does it show from whom it was received?

Mr. SCIBOR. Yes; Crescent Firearms.

Mr. BELIN. And underneath the "Crescent Firearms," what does it say?

Mr. SCIBOR. Italian Carcano T38, 6.5 Italian caliber rifle.

Mr. BELIN. Now, there are some notations in the upper righthand corner, what does that have reference to?

Mr. SCIBOR. Those are notations strictly for the receiving department. I have the men back there keep these in rotation so that I can always fill—in the same rotation as they come out of.

Mr. BELIN. And did you do any of that writing at all?

Mr. SCIBOR. No.

Mr. BELIN. What is the fact as to whether or not these serial numbers are assigned by people under your supervision?

Mr. SCIBOR. Repeat that.

Mr. BELIN. Well, do you have any supervision or control over the people making the entries on the serial numbers and your control numbers?

Mr. SCIBOR. Yes.

Mr. BELIN. I don't believe we went into your background, general background. You might state where you were born and what educational background you have, for the record.

Mr. SCIBOR. I was born in Chicago, November 27, 1920. I finished 4 years of high school, 6½ years in the Marine Corps, and Klein's Sporting Goods.

Mr. BELIN. You're married?

Mr. SCIBOR. I have been with Klein's for 18 years.

Mr. BELIN. You have been with Klein's for 18—

Mr. SCIBOR. Approximately 18 years.

Mr. BELIN. And you're married?

Mr. SCIBOR. Married and two children.

Mr. BELIN. Where is Waldman Deposition Exhibit No. 4 filed customarily?

Mr. SCIBOR. That is filed in a desk drawer back in the receiving department, which I designated that those should be filed.

Mr. BELIN. Do you have any master control ledger or book of any kind that has these control numbers on them?

Mr. SCIBOR. Yes. One copy is sent to what we call the booking department, and those are put into a master book, control book.

Mr. BELIN. Are you required by law to keep records of serial numbers of guns?

Mr. SCIBOR. Yes.

Mr. BELIN. And do you find on Waldman Deposition Exhibit No. 4 your control number for a rifle with the serial number C-2766?

Mr. SCIBOR. Yes.

Mr. BELIN. What is your control number?

Mr. SCIBOR. VC-836.

Mr. BELIN. How are these serial numbers obtained for placement on Waldman Deposition Exhibit No. 4?

Mr. SCIBOR. Directly off the guns.

Mr. BELIN. Does someone actually look at the gun?

Mr. SCIBOR. Yes; someone looks; visually they are taken off the guns.

Mr. BELIN. We want to thank you very much, sir, for your cooperation in helping obtaining this information.

TESTIMONY OF HEINZ W. MICHAELIS

The testimony of Heinz W. Michaelis was taken at 10 a.m., on May 11, 1964, at 1200 North Soto Street, Los Angeles, Calif., by Mr. Joseph A. Ball, assistant counsel of the President's Commission. Mr. George A. Rose, president of George Rose & Co., was present.

Mr. BALL. Will you state your full name for the record, please?

Mr. MICHAELIS. Heinz W. Michaelis, M-i-c-h-a-e-l-i-s.

Mr. BALL. What is your first name?

Mr. MICHAELIS. Heinz, H-e-i-n-z.

Mr. BALL. Heinz Michaelis.

Mr. Michaelis, you received a letter last week from Mr. Rankin, counsel for the Commission, did you not?

Mr. MICHAELIS. Yes.

Mr. BALL. That was what date that you received it?

Mr. MICHAELIS. I received it on Thursday.

Mr. BALL. That would be—

Mr. MICHAELIS. 11—the 7th.

Mr. BALL. The 7th of May. And you were invited to give your testimony today by way of this deposition, weren't you?

Mr. MICHAELIS. Yes.

Mr. BALL. You are willing to do so, are you not?

Mr. MICHAELIS. Yes.

Mr. BALL. And you understand that the purpose of the inquiry is to inquire into the facts surrounding the assassination of President Kennedy in Dallas on November 22, 1963?

Mr. MICHAELIS. Yes.

Mr. BALL. What is your address?

Mr. MICHAELIS. 5227 West Olympic Boulevard.

Mr. BALL. In Los Angeles?

Mr. MICHAELIS. Los Angeles.

Mr. BALL. And your business address?

Mr. MICHAELIS. Pardon me. Correction. 5755. I am sorry.

Mr. BALL. And your business address?

Mr. MICHAELIS. 1200 North Soto, Los Angeles.

Mr. BALL. Have you recently changed your business address?

Mr. MICHAELIS. Yes.

Mr. BALL. From what address?

Mr. MICHAELIS. From 1225 South Grand Avenue.

Mr. BALL. Are you employed, self-employed, or do you work for some company?

Mr. MICHAELIS. I work for the George Rose & Co.

Mr. BALL. What business is the George Rose & Co. engaged in?

Mr. ROSE. You work for Merchanteers.

Mr. MICHAELIS. Oh, pardon me; Merchanteers, Inc.

Mr. BALL. Your immediate employer is Merchanteers, Inc.?

Mr. MICHAELIS. Merchanteers, Inc.

Mr. BALL. Is that associated with the George Rose & Co.?

Mr. MICHAELIS. Yes.

Mr. BALL. In what business is Merchanteers, Inc., engaged?

Mr. MICHAELIS. Merchanteers, Inc. has mail order—

Mr. ROSE. Mail order and management.

Mr. MICHAELIS. And management.

Mr. BALL. And does it do work for George Rose & Co.?

Mr. MICHAELIS. Do I work for George Rose & Co.?

Mr. ROSE. Yes.

Mr. BALL. Well, Merchanteers, Inc.—it is the mail order agency for George Rose & Co., is it?

Mr. ROSE. No; may I clarify it?

Mr. BALL. Yes; well, I better have him, and then I may ask you to clarify it.

Mr. ROSE. Yes; all right.

Mr. BALL. Tell me what you know of the relationship between George Rose & Co. and Merchanteers?

Mr. MICHAELIS. Well, Merchanteers, Inc. is a mail-order business. But, it is also a management company and makes out the paychecks for employees from the George Rose & Co.

Mr. BALL. I see. Now, what business is George Rose & Co. engaged in?

Mr. MICHAELIS. George Rose & Co. are wholesalers and sell to retail stores.

Mr. BALL. What do they sell?

Mr. MICHAELIS. Musical instruments, cutlery, firearms, watches, clocks, and various others.

Mr. BALL. Does George Rose & Co. engage in any mail-order business?

Mr. MICHAELIS. Yeah; we get mail orders, too.

Mr. BALL. You take mail orders as George Rose & Co.?

Mr. MICHAELIS. Yes.

Mr. ROSE. Wholesale.

Mr. BALL. At wholesale?

Mr. MICHAELIS. Wholesale, yeah.

Mr. BALL. Now, there is also a company called Seaport Traders, isn't there?

Mr. MICHAELIS. Seaport Traders is another mail-order business.

Mr. BALL. It is another mail-order business?

Mr. MICHAELIS. Correct.

Mr. BALL. Do you work for them?

Mr. MICHAELIS. Only in a supervisory position.

Mr. BALL. That is the company that you work for, Merchanteers, you say?

Mr. MICHAELIS. Merchanteers; yes.

Mr. BALL. Is it Merchanteers, Inc.?

Mr. MICHAELIS. Merchanteers, Inc.; yes.

Mr. BALL. They manage the business of Seaport Traders?

Mr. MICHAELIS. That is correct.

Mr. BALL. Now, last fall did the Federal Bureau of Investigation visit your place of business and inquire as to the sale of a certain Smith & Wesson revolver?

Mr. MICHAELIS. Correct.

Mr. BALL. About what date?

Mr. MICHAELIS. I believe it was November the 30th, a Saturday.

Mr. BALL. And in searching your records for any such sale, to what particular record did you first look?

Mr. MICHAELIS. We started first, after having received the serial number, through our serial number book for this particular type of gun.

Mr. BALL. Now, what serial number did the FBI give you?

Mr. MICHAELIS. V, as in victory, 510210-65248.

Mr. BALL. Now, those two numbers signify what?

Mr. MICHAELIS. The first number, V510210, is commonly described as the butt number, while the second number, 65248, usually is described as the crane number.

Mr. BALL. Now, the serial numbers are stamped where on the gun?

Mr. MICHAELIS. As mentioned before, the first number is on the butt of the gun.

Mr. BALL. I see.

Mr. MICHAELIS. And also it appears on the lower part of the barrel.

Furthermore, it appears also on the outside rim of the cylinder of the gun. In other words, the first number, 510210, appears three times on the gun.

Mr. BALL. And that is usually known as the serial number of the gun; is that right?

Mr. MICHAELIS. Yes. But, we are—it is required that since Smith & Wesson revolvers carry two kinds of serial numbers, also to list the so-called crane number.

Mr. BALL. Is that also known as the assembly number, the crane number?

Mr. MICHAELIS. I am not familiar with the word assembly number, but it might be possible.

Mr. BALL. What is the meaning of the word crane?

Mr. MICHAELIS. The crane is when you flip off the cylinder, inside is a crane and there is a number on the stem, which is the second number.

Mr. BALL. Do you maintain a record of all sales of guns in a book?

Mr. MICHAELIS. Yes; in this book here.

Mr. BALL. You have the book before you, do you not?

Mr. MICHAELIS. Yes.

Mr. BALL. That is a black, looseleaf notebook; looseleaf notebook with a black cover. Is that correct?

Mr. MICHAELIS. Correct.

Mr. BALL. And you keep that in handwriting, or by typewriting?

Mr. MICHAELIS. Handwriting.

Mr. BALL. Do you keep a typewritten or handwritten record?

Mr. MICHAELIS. Handwritten.

Mr. BALL. When the agent from the Federal Bureau of Investigation called on you on Saturday, November 30, 1963, you looked to your book that carries a record in handwriting of your sales?

Mr. MICHAELIS. Yes.

Mr. BALL. And did you find this record of this particular gun?

Mr. MICHAELIS. Yes.

Mr. BALL. I hand you here a document which is identified as FBI Laboratory No. D-191, being a photostat. Do you recognize this?

Mr. MICHAELIS. Yes.

Mr. BALL. Will you compare that with the page in your notebook?

Mr. MICHAELIS. It is the same.

Mr. BALL. And that is identified in your notebook as Case No. 3?

Mr. MICHAELIS. Case No. 3.

Mr. BALL. What is the significance of the words "Case No. 3"?

Mr. MICHAELIS. It is a listing of a case which we received.

Mr. BALL. Of a case, a particular case, of guns; is that correct?

Mr. MICHAELIS. Correct.

Mr. BALL. It also has a 99 enclosed in a circle. What is the significance of that?

Mr. MICHAELIS. I presume that is the contents, the piece contents of the case.

Mr. BALL. You found, therefore, a record in your notebook, and that would indicate what? That you had sold the gun at some time?

Mr. MICHAELIS. That is correct.

Mr. BALL. Now, I would like to offer and have marked this photostat of a page of the looseleaf notebook, which is identified as Case No. 3, as Exhibit No. 1 to this deposition of Mr. Michaelis.

(Whereupon the document last referred to hereinabove was marked to the Michaelis deposition as Commission Exhibit No. 1 for identification by the notary public.)

Mr. BALL. Now, from that looseleaf notebook were you able to determine from what source you bought the gun?

Mr. MICHAELIS. Yes.

Mr. BALL. Can you tell me now where you bought the gun and when?

Mr. MICHAELIS. Yes. Yes.

Mr. BALL. And from whom?

Mr. MICHAELIS. Excuse me.

Mr. BALL. Now, you have before you now a file?

Mr. MICHAELIS. Yes, sir.

Mr. BALL. And does it refer to this particular purchase of 99 guns?

Mr. MICHAELIS. No. We bought altogether 500 guns.

Mr. BALL. 500? And what is the file, the title, that you are now showing?

Mr. MICHAELIS. Empire Wholesale.

Mr. BALL. All right. Now, tell me what you found as to the source of this gun; where you bought it and from whom.

Mr. MICHAELIS. We bought it from Empire Wholesale Sporting Goods, Ltd., 360 Craig Street West, Montreal 1, Quebec.

Mr. BALL. And what date did you buy it?

Mr. MICHAELIS. Invoice No. 1181 dated October 13, 1962.

Mr. BALL. And it was shipped to you by the Empire Wholesale Sporting Goods, Ltd., on what date?

Mr. MICHAELIS. It went—it was on 10/19/62, in St. Albans, Vt., and from then on it was directed to our place of business, which was at that time 1225 South Grand Avenue. However, the merchandise in question did not arrive before January 3, 1963.

Mr. BALL. Is that the date it did arrive?

Mr. MICHAELIS. Yes. It was received January 3, 1963.

Mr. BALL. Off the record.

(Discussion held off the record.)

Mr. BALL. Now, when this gun was first received, what was the length of its barrel?

Mr. MICHAELIS. Five inches.

Mr. BALL. And was it changed?

Mr. MICHAELIS. It was changed.

Mr. BALL. To what?

Mr. MICHAELIS. To a 2¼-inch barrel.

Mr. BALL. How did you happen to do that?

Mr. MICHAELIS. Well, we gave the guns out to Mr. L. M. Johnson and instructed him to make up the guns as far as barrel lengths are concerned to our specifications.

Mr. BALL. Why did you shorten them from 5 to 2¼ inches? Explain to me for the record.

Mr. MICHAELIS. Because we have quite frequently calls for the Smith & Wesson revolvers with shorter barrels such as 2¼ inch or 4 inch.

Mr. BALL. Did you shorten all of the consignment that you received?

Mr. MICHAELIS. No.

Mr. BALL. Just a certain number?

Mr. MICHAELIS. Yes, sir.

Mr. BALL. Now, this particular gun was shortened, then, from 5 to 2¼?

Mr. MICHAELIS. Correct.

Mr. BALL. Mr. Johnson's number—and is that M. L. Johnson?

Mr. MICHAELIS. Yes; just a minute. Or L. M. It is M. L.

Mr. BALL. And what is his address?

Mr. MICHAELIS. At that time, 13440 Burbank Boulevard, Van Nuys, Calif.

Mr. BALL. Now, that gun was sold, was it not, pursuant to a mail order?

Mr. MICHAELIS. Yes; mail order.

Mr. BALL. I hand you a document which has been marked Commission Exhibit No. 135. Will you examine that and tell me whether or not you ever saw that before?

Mr. MICHAELIS. I saw it the first time on November the 30th.

Mr. BALL. The first time?

Mr. MICHAELIS. Yes, sir.

Mr. BALL. And where did you find that? Where was it when you saw it on November 30?

Mr. MICHAELIS. It was attached to our invoice No. 5371, in the records, the red copy.

Mr. BALL. Now, this particular mail order, did you have anything to do with filling that order?

Mr. MICHAELIS. No.

Mr. BALL. What is your position here? Do you have charge of the office?

Mr. MICHAELIS. I am manager.

Mr. BALL. You are manager of the office?

Mr. MICHAELIS. That is correct.

Mr. BALL. And all of these records are under your control, are they?

Mr. MICHAELIS. Well, not particularly at that time because my actual supervision of the Seaport Traders, Inc., activities started later during the year. I mean in September and October, when the girl in charge left.

Mr. BALL. At least in November you were in charge and in possession of all of the records of the Seaport Traders?

Mr. MICHAELIS. That is correct.

Mr. BALL. You have no personal knowledge, then, of the transaction by which the gun was shipped and sold?

Mr. MICHAELIS. Not prior to the first investigation.

Mr. BALL. But you are providing me with records which were under your control as of November 1963?

Mr. MICHAELIS. Yes; correct.

Mr. BALL. Now, can you tell me who would have actually received the mail order through the mail and who would have filled the order and shipped it? Do you know what person would have done this?

Mr. MICHAELIS. There are various operations. The order was received by—

Mr. ROSE. I probably would have opened it.

Mr. MICHAELIS. Yes; Mr. Rose usually opens the mail and distributes the mail. This particular order would have gone to the person in charge at that time of the Seaport Traders, who was Emma Vaughn.

Mr. BALL. Who?

Mr. MICHAELIS. Emma Vaughn, V-a-u-g-h-n.

Mr. BALL. Then what would have happened?

Mr. MICHAELIS. She would have processed the order in writing up invoice No. 5371. After 1 week she gave out the order to the order filler and packer.

Mr. BALL. What is the name?

Mr. MICHAELIS. This is a title, order filler and packer. She is one person.

Mr. BALL. What is that last word?

Mr. MICHAELIS. Packer.

Mr. BALL. Packer. I see.

Mr. MICHAELIS. And the order was shipped on March the 20th, 1963.

Mr. BALL. You have been testifying from a record which you have before you?

Mr. MICHAELIS. That is correct.

Mr. BALL. And that is a paper which has been marked for identification by the Federal Bureau of Investigation DL-28, Seaport Traders, Inc., No. A-5371. Is that correct? You have been testifying from information contained on that?

Mr. MICHAELIS. Correct.

Mr. BALL. That was in your records, was it, as of November 30, 1963?

Mr. MICHAELIS. Yes; it was.

Mr. BALL. Will you tell me, describe that document and tell me its significance in your business?

Mr. MICHAELIS. This particular document is, after the order is processed, filed in our records under the name of the respective customer.

Mr. BALL. You mean after the revolver that was ordered by this mail order coupon, 135, has been packed and shipped, this invoice A-5371, is filed as a permanent record, is it, of the shipment?

Mr. MICHAELIS. Correct; filed under the name of the respective customer.

Mr. BALL. Now, this shows the words A. J. Hidell, P.O. Box 2915, Dallas, Tex. This appears on this invoice A-5371, does it not?

Mr. MICHAELIS. Yes.

Mr. BALL. It is described as an S. & W. .38 special, 2-inch Commando. What is the meaning of that?

Mr. MICHAELIS. Two inch is the barrel length. Commando is a description which we more or less gave because we have another 2-inch gun at a higher price and, in order that the order filler is able to identify between the two types, we have this type described as Commando.

Mr. BALL. Now, the No. 510210. What is the significance of that number?

Mr. MICHAELIS. It is the serial number of the gun in question.

Mr. BALL. And it shows deposit, \$10. Balance c.o.d., \$19.95. What is the significance of that?

Mr. MICHAELIS. We received, together with the order, the amount of \$10 in cash. Since the sales price is \$29.95, the merchandise was shipped with a c.o.d. for the balance of \$19.95.

Mr. BALL. Does this invoice show the date it was shipped?

Mr. MICHAELIS. Yes.

Mr. BALL. What was that?

Mr. MICHAELIS. March 20.

Mr. BALL. 1963?

Mr. MICHAELIS. 1963.

Mr. BALL. Does it also show which one of your companies shipped it?

Mr. MICHAELIS. The Seaport Traders, Inc.

Mr. BALL. I would like to have this document marked, Invoice No. A-5371, as the Exhibit No. 2 to the deposition of Mr. Michaelis.

(Whereupon the document last referred to hereinabove was marked to the Michaelis deposition as Commission Exhibit No. 2 for identification by the notary public.)

Mr. BALL. Now I also show you a white copy of invoice No. A-5371 which has been marked on the face as DL-27. Can you tell me what that document is?

Mr. MICHAELIS. This document is the first copy of the invoice No. 5371 which is kept in the office as permanent record and is filed in the numerical order.

Mr. BALL. Can you tell me what your business custom was in March of 1963 with reference to the preparing of invoices, original invoice and copies, and shipping an item which had been ordered by mail?

Mr. MICHAELIS. The order received by mail is written up and invoiced in quadruplicate on a snap-out form. The first white copy remains in the office and is filed on a numerical order.

The second copy is used as a packing slip whereby the upper part of the invoice is torn off and used as a shipping label and the lower part used as a packing slip.

The third copy is filed permanently in the office under the name of the respective customer after the order has been shipped.

The fourth copy is the acknowledgment of the order copy and lists on the back side a statement which has to be signed by the respective customer.

Mr. BALL. What statement?

Mr. MICHAELIS. A statement to the effect, I believe that it said that the buyer states that he is a citizen of the United States, and that he has never been convicted in any court of the United States, territories, possessions, et cetera. Do you want me—

Mr. BALL. Well, now, this fourth copy that has on the back this statement by the customer, is that mailed to the customer?

Mr. MICHAELIS. It is mailed to the customer, but not in this particular case. Indicated on the invoice are three X's, which indicates that we have already a statement to this effect on file because this particular mail order coupon has already the statement, and the name of the witness.

Mr. BALL. Now, the particular mail-order coupon that you refer to is Commission No. 135, and it has on it the statement required together with the witness?

Mr. MICHAELIS. With the witness; that's right.

Mr. BALL. And that witness' name is what?

Mr. MICHAELIS. Well, I identify it as D-r-i-t-t-a-l.

Mr. BALL. That's right. You are right.

Mr. MICHAELIS. Yes.

Mr. BALL. Then in this instance the fourth copy did not go to the purchaser?

Mr. MICHAELIS. Did not go to the purchaser; that is correct.

Mr. BALL. And the first copy is in white and is the one which you have identified?

Mr. MICHAELIS. Yes.

Mr. BALL. And we will mark that as Exhibit 3.

(Whereupon the document last referred to hereinabove was marked to the Michaelis deposition as Commission Exhibit No. 3 for identification by the notary public.)

Mr. BALL. The second copy is in red, is that correct?

Mr. MICHAELIS. The second copy is in yellow.

Mr. BALL. Yellow. That is the packing slip copy?

Mr. MICHAELIS. Correct.

Mr. BALL. The third copy is in red?

Mr. MICHAELIS. Correct.

Mr. BALL. And that is the one you have identified as Exhibit 2, is that correct?

Mr. MICHAELIS. Yes; that's correct.

Mr. BALL. And in this instance the fourth copy was not used, is that correct?

Mr. MICHAELIS. That is correct.

Mr. BALL. Exhibits 2 and 3 were also found as a part of your original records when you investigated, or looked through your records at the request of the Federal Bureau of Investigation on November 30, 1963. Is that correct?

Mr. MICHAELIS. Correct.

Mr. BALL. I will show you another document here which is a slip of red paper marked "Railway Express Agency" which has been heretofore identified with an FBI Exhibit No. DL-29. What is that document?

Mr. MICHAELIS. Just a minute, I have to get the original. Now, this exhibit number—

Mr. BALL. It is given a No. DL-29. Will you describe it, please?

Mr. MICHAELIS. Yes; that is a copy of the receipt which we got from the Railway Express Agency showing that on March 20, 1963, one carton with a pistol was shipped to A. Hidell, P.O. Box 2915, Dallas, Tex. It shows, furthermore, that Railway Express is instructed to collect a c.o.d. fee of \$19.95. And it shows furthermore the number of the original receipt, which is 70638.

Mr. BALL. Number of original receipt? Which receipt?

Mr. MICHAELIS. Of the Railway Express receipt.

Mr. BALL. Is this it here?

Mr. MICHAELIS. Yes.

Mr. BALL. Original receipt, Railway Express receipt, is that correct?

Mr. MICHAELIS. Yes.

Mr. BALL. Does it identify the invoice in any way?

Mr. MICHAELIS. No.

Mr. BALL. Except by name, is that right?

Mr. MICHAELIS. Except by name.

Mr. BALL. And does it describe the article shipped?

Mr. MICHAELIS. Only in broad terms.

Mr. BALL. What?

Mr. MICHAELIS. One carton consisting of a pistol.

Mr. BALL. One carton, pistol. I see. I would like to have this marked as Exhibit 4, being the pink copy of a Railway Express receipt.

(Whereupon the document last referred to hereinabove was marked to the Michaelis deposition as Commission Exhibit No. 4 for identification by the notary public.)

Mr. BALL. Now, a document identified as No. DL-30 by the Bureau of Investigation, receipt No. 70638. Will you describe that for me, please?

Mr. MICHAELIS. This document is required in addition by the Railway Express Agency for all c.o.d. shipments, and indicates again the name of the consignee, his address, and lists our invoice number which is, in this case, No. 5371. It directs the Railway Express Agency to remit the amount to be collected to Seaport Traders, Inc. The amount of the c.o.d. is \$19.95, and the service charge has to be collected from the consignee.

Mr. BALL. I would like to have that marked as Exhibit 5.

(Whereupon the document last referred to hereinabove was marked to the Michaelis deposition as Commission Exhibit No. 5 for identification by the notary public.)

Mr. BALL. Now, Exhibit 4 has been described as a Railway Express Agency receipt. Exhibit 5, which is an additional document entitled "A brief of information for c.o.d. shipment, Railway Express Agency," those were in your files when you searched for information regarding the sale of this pistol as of November 30, 1963. Is that correct?

Mr. MICHAELIS. Correct.

Mr. BALL. Is there anything in your files which shows that the Railway Express did remit to you the \$19.95?

Mr. MICHAELIS. The fact that the exhibit number—may I see this green one?

Mr. BALL. Five.

Mr. MICHAELIS. Was attached to the red copy of the invoice.

Mr. BALL. Red copy of the invoice being——

Mr. BALL. No; was attached to the red copy of the invoice, exhibit number——

Mr. BALL. Two.

Mr. MICHAELIS. Indicates that the money was received.

Mr. BALL. I see. Now, these documents were delivered to the Federal Bureau of Investigation by you, were they not?

Mr. MICHAELIS. Through Mr. Wood; yes.

Mr. BALL. And these documents, Exhibits 2 to 5, inclusive, are original documents, are they not?

Mr. MICHAELIS. Yes.

Mr. BALL. Exhibit 1 being a photostat of the page in your looseleaf notebook?

Mr. MICHAELIS. Correct.

Mr. BALL. Which carries the record of the sale, record of the item?

Mr. MICHAELIS. Correct.

Mr. BALL. And does anybody in your organization that you know of have any personal knowledge of packing this particular gun and shipping it?

Mr. MICHAELIS. I doubt very much that the packer would remember this particular parcel.

Mr. BALL. About how many guns of this type do you sell and ship out of here in a year?

Mr. MICHAELIS. In 1 year?

Mr. BALL. Yes; just a general estimate.

Mr. MICHAELIS. For Seaport Traders?

Mr. ROSE. That type of gun—we sell more .22's.

Mr. BALL. Well, about how many?

Mr. MICHAELIS. Seaport Traders, I would say that—this is a rough guess, Mr. Ball. This particular type, that Seaport Traders might have sold maybe 120 in a year; 120, 150 in a year.

Mr. BALL. Would that be sold through mail order, or both mail order——

Mr. MICHAELIS. I am talking about particularly mail-order business from Seaport Traders.

Mr. BALL. 120 or 125?

Mr. MICHAELIS. 120, 150, of this particular type of gun.

Mr. BALL. Is there anything else that you know about this particular transaction that you would like to tell me?

Mr. MICHAELIS. No, sir; I believe I answered all the questions of this transaction.

AFFIDAVIT OF J. C. CASON

The following affidavit was executed by J. C. Cason on May 22, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

STATE OF TEXAS,
County of Dallas, ss:

I, J. C. Cason, President and Treasurer, of the Texas School Book Depository declare the following statements:

The Texas School Book Depository was organized in 1908 as a sole proprietorship and continued in this manner until 1927 when it was incorporated under the laws of the State of Texas.

The Corporation's offices are located at Elm and Houston Streets, Dallas, Texas, and its warehouse and storage plant are located at 1917 North Houston Street, Dallas, Texas. It neither owns nor operated any other buildings in Dallas or in any other city.

The present officers are: J. C. Cason, President and Treasurer; and O. V. Campbell, Vice President and Secretary. The Directors are: J. C. Cason, O. V.

Campbell and R. S. Truly. The Shareholders of all outstanding Capital Stock are J. C. Cason and O. V. Campbell.

The Corporation acts as an independent agency for a group of thirty-three publishers to warehouse and distribute textbooks to the various schools in the states of Texas, Oklahoma, Arkansas, Louisiana, and New Mexico. It has no other business activity other than that afore mentioned. It is not connected in any way with any state or municipal government and operates solely as a private Corporation with a Charter from the State of Texas.

Signed the 22d day of May 1964.

(S) J. C. Cason,
J. C. CASON.

AFFIDAVIT OF C. N. DHORITY

The following affidavit was executed by C. N. Dhority on May 12, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

STATE OF TEXAS,
County of Dallas, ss:

Before me, Mary Rattan, a Notary Public in and for said County, State of Texas, on this day personally appeared Detective C. N. Dhority, Dallas Police Department, who after being by me duly sworn, on oath deposes and says:

The night of November 22, 1963 Captain J. W. Fritz gave me three 6.5 rifle hulls and told me to give them to Lt. J. C. Day in the Crime Lab. Captain J. W. Fritz told me to have Lt. Day to dust them for prints and return one of the 6.5 hulls to him. I took these three 6.5 rifle hulls to Lt. Day and gave them to him in an envelope which had been previously marked by Det. R. M. Sims. Lt. Day dusted the shells for prints and gave me one back. I returned this 6.5 shell back to Captain J. W. Fritz.

Signed this 12th day of May 1964.

(S) C. N. Dhority,
C. N. DHORITY.

TESTIMONY OF ROY S. TRULY

The testimony of Roy S. Truly was taken at 2:30 p.m., on May 14, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Now, Mr. Truly, this is a continuation of your deposition. I took the last one and you have been sworn and I don't know that it is exactly necessary for you to take the oath again, since this is a continuation of the deposition. I took the last one, didn't I?

Mr. TRULY. Oh, no; I gave a statement that was under oath.

Mr. BALL. Oh, no; this is a deposition. You appeared before the Commission—that's right.

Mr. TRULY. Mr. Belin took my sworn deposition also about a week before I went up there when you both were in Dallas and he also took a recorded deposition.

Mr. BALL. Yes; but that was just an investigation, an inquiry. We didn't record that. You weren't under oath then. Will you stand up and be sworn? Do you solemnly swear that 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. TRULY. I do.

Mr. BALL. Now, will you state your name, please?

Mr. TRULY. Roy S. Truly.

Mr. BALL. And you are superintendent of the Texas School Book Depository?

Mr. TRULY. That's correct.

Mr. BALL. Is that your title?

Mr. TRULY. And a director of the Depository.

Mr. BALL. You have been employed by the Depository for a number of years?

Mr. TRULY. Since 1934; since 1934.

Mr. BALL. You testified before the Commission in Washington, you say, on the 24th of March 1964; did you not?

Mr. TRULY. That's right.

Mr. BALL. Your testimony is filed in volume 28, I believe, of the Commission here. There are certain matters which have come to the attention of the Commission since then that I would like to inquire about, and that's the reason we are taking your deposition, which will be in addition to the testimony you have already given.

Do you recall anytime that you saw any guns in the Texas School Book Depository Building?

Mr. TRULY. Yes; I did.

Mr. BALL. Prior to November 22, 1963?

Mr. TRULY. Yes; I saw two guns on November 20.

Mr. BALL. Whose guns were they?

Mr. TRULY. They belonged to Mr. Warren Caster.

Mr. BALL. Now, before inquiring into the circumstances of seeing two guns that belonged to Mr. Warren Caster on November 20, 1963, I'll ask you whether or not you ever at anytime before that time or after that time saw guns in the Texas School Book Depository Building?

Mr. TRULY. Never before.

Mr. BALL. Never before, and between that date Wednesday, November 20, and Friday, November 22, did you ever see any guns in the Texas School Book Depository Building?

Mr. TRULY. I did see guns in there after the assassination.

Mr. BALL. That is, you saw guns of police officers?

Mr. TRULY. Of the police officers.

Mr. BALL. Carried by police officers?

Mr. TRULY. Yes; and I saw a rifle being carried from the building.

Mr. BALL. In other words, a rifle was found on the sixth floor?

Mr. TRULY. Yes.

Mr. BALL. You saw that in place on the sixth floor?

Mr. TRULY. No; I did not.

Mr. BALL. You didn't?

Mr. TRULY. I only saw the rifle as they were going out the front door.

Mr. BALL. Before the assassination, was there any other occasion besides the one we are inquiring about, when you saw guns in the Texas School Book Depository Building?

Mr. TRULY. Never.

Mr. BALL. On November 20, 1963, you saw two guns owned by Mr. Warren Caster, can you tell me where and when and the circumstances under which you saw these guns?

Mr. TRULY. It was during the lunch period or right at the end of the lunch period on November 20. Mr. Caster came in the door from the first floor and spoke to me and showed me two rifles that he had just purchased. I looked at these and picked up the larger one of the two and examined it and handed it back to Mr. Caster, with the remark that it was really a handsome rifle or words to that effect, at which time Mr. Caster explained to me that he had bought himself a rifle to go deer hunting with, and he hadn't had one and he had been intending to buy one for a long time, and that he had also bought a .22 rifle for his boy.

Mr. BALL. Did you handle the .22 rifle?

Mr. TRULY. Not that I recall.

Mr. BALL. You did see it, though?

Mr. TRULY. I did see it.

Mr. BALL. Was it out of the carton?

Mr. TRULY. The carton was open, I believe, and I saw it. I don't recall picking it up or taking it out of the carton, but I could see it lying in the bottom part of the carton.

Mr. BALL. And you did take the large rifle out?

Mr. TRULY. And raised it to my shoulder and go through the motion of sighting it, but not cocking it—just looking at it.

Mr. BALL. Who else was there besides you and Mr. Caster?

Mr. TRULY. Well, the only person I can recall being there was Mr. Shelley.

Mr. BALL. And what is his position with the Texas School Book Depository?

Mr. TRULY. He is manager of the miscellaneous department.

Mr. BALL. Was this in the open warehouse?

Mr. TRULY. Yes; right at the front. Mr. Caster had placed the cartons on the counter near the front door and that's where the rifles were when I saw them, and I picked one up out of the cartons.

Mr. BALL. And were they employees of the Texas School Book Depository company on the first floor at that time?

Mr. TRULY. Yes; they were—as I recall the time—that the boys had probably gone back to work and could have been walking around before they went in the shipping department.

Mr. BALL. That would have been about what time of the day?

Mr. TRULY. I'd say around 1 o'clock—very close to it. It could have been a little after or a little before. The boys go back to lunch at 12:45, so there I'm not too clear.

Mr. BALL. What happened to these two rifles, Mr. Truly, that Mr. Caster got during the noon hour?

Mr. TRULY. They were placed back in the carton and Mr. Caster carried them out of the lobby door with him. That's the last I saw them.

Mr. BALL. Did you ever see them again?

Mr. TRULY. Never—never.

Mr. BALL. Did you ever see from that day until Friday, November 22, did you ever see those guns in the School Book Depository Building?

Mr. TRULY. No, sir; I never did.

Mr. BALL. Now, you recall that in your testimony before the Commission you told them that at some time after the shooting, you advised Captain Fritz of the name of Lee Oswald and his address in Irving?

Mr. TRULY. Yes, I did.

Mr. BALL. And in order to place the time of it, was it before or after the rifle had been found on the sixth floor?

Mr. TRULY. I wouldn't know. I think it must have been around the time the rifle was found, because I was not on the sixth floor at that time, but when I told—let's go back a few minutes—pardon me—I told Chief Lumpkin a good many minutes after we came down from the roof and he went ahead and gave some orders to two or three policemen surrounding him and then said, "Let's go up and tell Captain Fritz."

Mr. BALL. Now, what did you tell Chief Lumpkin when you came down from the roof of the building?

Mr. TRULY. When I noticed this boy was missing, I told Chief Lumpkin that, "We have a man here that's missing." I said, "It may not mean anything, but he isn't here." I first called down to the other warehouse and had Mr. Akin pull the application of the boy so I could get—quickly get his address in Irving and his general description, so I could be more accurate than I would be.

Mr. BALL. Was he the only man missing?

Mr. TRULY. The only one I noticed at that time. Now, I think there was one or two more, possibly Charles Givens, but I had seen him out in front walking up the street just before the firing of the gun.

Mr. BALL. But walking which way?

Mr. TRULY. The last time I saw him, he was walking across Houston Street, east on Elm.

Mr. BALL. Did you make a check of your employees afterwards?

Mr. TRULY. No, no; not complete. No, I just saw the group of the employees over there on the floor and I noticed this boy wasn't with them. With no

thought in my mind except that I had seen him a short time before in the building, I noticed he wasn't there.

Mr. BALL. What do you mean "a short time before"?

Mr. TRULY. I would say 10 or 12 minutes.

Mr. BALL. You mean that's when you saw him in the lunchroom?

Mr. TRULY. In the lunchroom.

Mr. BALL. And you noticed he wasn't over there?

Mr. TRULY. Well, I asked Bill Shelley if he had seen him around and he said "No."

Mr. BALL. Now, you told Chief Lumpkin that there was a man missing?

Mr. TRULY. Yes; and he said, "Let's go tell Captain Fritz." Well, I didn't know where Captain Fritz was.

Mr. BALL. Now, did you tell Chief Lumpkin the man was missing before or after you called to the warehouse and got the name?

Mr. TRULY. No, I called the warehouse beforehand.

Mr. BALL. You didn't talk to any police officer before you called the warehouse and got the address?

Mr. TRULY. Not that I remember.

Mr. BALL. You did that on your own without instructions?

Mr. TRULY. That's right.

Mr. BALL. So, when you talked to Chief Lumpkin, you at that time had in your possession there the address of Lee Oswald in Irving?

Mr. TRULY. That's right, I had scribbled it down on a piece of map or something so I would remember it.

Mr. BALL. That is the address that he had put on his application form for employment?

Mr. TRULY. That's right.

Mr. BALL. And did you know of any other address?

Mr. TRULY. I didn't know of any other address at all.

Mr. BALL. Of Lee Oswald?

Mr. TRULY. I supposed that's where he was living.

Mr. BALL. Where was Captain Fritz when you saw him?

Mr. TRULY. He was on the sixth floor in the area where they found the rifle.

Mr. BALL. And was the rifle there at the time?

Mr. TRULY. No, I never saw the rifle.

Mr. BALL. Was this after or before the rifle had been taken from the building?

Mr. TRULY. It was before the rifle had been taken from the building.

Mr. BALL. And do you know whether it was before or after the rifle was found?

Mr. TRULY. Apparently the rifle had been found before I got to the sixth floor, but just how early, I don't know.

Mr. BALL. But you had heard that the rifle was found, had you, by your talk with Fritz?

Mr. TRULY. That's—I don't know—I learned it was found while I was on the sixth floor.

Mr. BALL. While you were on the sixth floor?

Mr. TRULY. While I was on the sixth floor.

Mr. BALL. In other words, you went with Chief Lumpkin to the sixth floor, didn't you?

Mr. TRULY. Yes.

Mr. BALL. And what was your purpose of going there?

Mr. TRULY. My purpose in going there was to inform Captain Fritz that this boy was missing and give him his telephone number, and his Irving address, at the suggestion of Chief Lumpkin, who accompanied me.

Mr. BALL. Did you give Captain Fritz this name and address?

Mr. TRULY. Yes, I did.

Mr. BALL. Was it while you were there that you learned the rifle had been found?

Mr. TRULY. I don't remember who I learned this from—

Mr. BALL. I didn't ask you that, I'm talking about time only.

Mr. TRULY. That was while I was on the sixth floor is when I learned the rifle was found, but I did not see it.

Mr. BALL. All right. Now, was it before or after you told Captain Fritz the

name and address of Lee Oswald, that you learned that the rifle was found?

Mr. TRULY. I can't remember, I believe it was afterwards.

Mr. BALL. You are sure it was after you told Captain Fritz—after what, you tell me?

Mr. TRULY. I told—well, when Chief Lumpkin and I went to the sixth floor, Captain Fritz was standing in the area where I later learned they had found the gun, and Chief Lumpkin told Captain Fritz that Mr. Truly had something to tell him, which I would like to tell him, so he stepped over 4 or 5 feet to where I was, away from the other men—officers and reporters, I would say, that were on the floor, and I repeated the words to Captain Fritz.

Mr. BALL. What did you tell him?

Mr. TRULY. I told him that we had a man missing—I told him what his name was and his Irving address and he said, "All right, thank you, Mr. Truly. We will get right on it," or words to that effect, and so I left the sixth floor shortly.

While I was up there, just as I left Captain Fritz, a reporter walked over and said, "What about this fellow Oswald?" And I said, "Where did you learn the name 'Oswald'?" Because I had talked rather low to Captain Fritz and I said, "He's just an employee here," and I left, and sometime—someone informed me that they had found the gun. I don't know who it was.

Mr. BALL. About that time?

Mr. TRULY. It was along about that time, as near as I can remember, and I went back down to the first floor and I don't think I was up on the sixth floor any other time that day. I possibly could have been, but I don't recall it, because I was besieged by reporters and everybody else on the first floor, and talking to officers and so forth and I had no occasion to go back up there.

Mr. BALL. Now, about what time of day would you say is your best estimate that you told Captain Fritz of the name "Lee Oswald" and his address?

Mr. TRULY. My best estimate would be a little before 1 o'clock—10 minutes.

Mr. BALL. The gun wasn't found until after 1 o'clock?

Mr. TRULY. It wasn't found until after 1 o'clock?

Mr. BALL. No, it wasn't found until after 1 o'clock. I won't tell you exactly the time the gun was found, but I will say that the gun was not found until after 1 o'clock.

Mr. TRULY. Well, I may be mistaken about where I learned they had found the gun. I thought it was on the sixth floor—it could have been some other place.

Mr. BALL. Captain Fritz said you didn't tell him that until after the gun was found and that seems to correspond with your memory too, is that correct?

Mr. TRULY. It sure does, because I remember clearly that Captain Fritz was over at where the gun was found and I'm sure they must have found it or he wouldn't have been standing in that area when we came up there.

Mr. BALL. Now, if the gun was found after 1 o'clock, when was it that you discovered that Lee Oswald wasn't there?

Mr. TRULY. I thought it was about 20 minutes after the shooting—the assassination, but it could have been longer.

Mr. BALL. In other words, you thought originally it might have been 10 minutes of 2 or so that you learned that?

Mr. TRULY. Ten minutes to 1.

Mr. BALL. Ten minutes to 1?

Mr. TRULY. It was around 1 o'clock—that period of time after I came down from the sixth floor to the first floor was rather hazy in my memory.

Mr. BALL. You think it might have been after 1 when you first noticed he wasn't there?

Mr. TRULY. I don't think so—I don't feel like it was. It could have possibly been so.

Mr. BALL. Well, if the gun was not found before 1:10, if it wasn't found before that, can you give me any estimate?

Mr. TRULY. That seems to be a longer time after the assassination.

Mr. BALL. You didn't wait 20 minutes from the time you learned Lee Oswald's address until the time you told Captain Fritz, did you?

Mr. TRULY. No, sir; I did stand there on the first floor waiting until Chief Lumpkin got through talking for a few minutes.

Mr. BALL. Tell me about how many minutes you think it was from the time you obtained the address of Lee Oswald until you told Captain Fritz the name and address?

Mr. TRULY. I think it was immediately.

Mr. BALL. Immediately?

Mr. TRULY. Immediately, after I called to the warehouse and got his name and address in Irving, I turned around and walked over and told Captain Fritz at that time.

Mr. BALL. Chief Lumpkin?

Mr. TRULY. Yes; Chief Lumpkin.

Mr. BALL. Yes; Chief Lumpkin.

Mr. TRULY. And I remember Chief Lumpkin talking to two or three officers and I stepped back and he went ahead and told them a few things—it could have been 2 or 3 or 4 minutes.

Mr. BALL. Not over that?

Mr. TRULY. I don't believe so, and then he came to me and said, "All right, Mr. Truly, let's go up and see Captain Fritz and tell him this."

Mr. BALL. Then, if the gun wasn't found until after 1:10, you think it might have been as late as 1:05 or so before you discovered that Oswald wasn't there?

Mr. TRULY. It could be—it could have been.

Mr. BALL. You have no exact memory as to the time you discovered he was not there?

Mr. TRULY. No, sir; I didn't believe after thinking things over—it was over in 15 or 20 minutes after the shots were fired, but after retracing my trip to the roof and the time delay and back, I would have to say that it was farther along in the day than I had believed, so it could have been 1 or 1:05 or something like that.

Mr. BALL. Before you discovered Oswald wasn't there?

Mr. TRULY. That's right, and at such time that you have information of the officers taking the names of the workers in the warehouse over in and around the wrapping tables, it was at such time that I noticed that this boy wasn't among the other workers.

Mr. BALL. You remember you had seen him on the second floor, didn't you?

Mr. TRULY. That's right.

Mr. BALL. That's when you were with Officer Baker?

Mr. TRULY. That's right.

Mr. BALL. Now, you heard that Tippit had been shot, didn't you?

Mr. TRULY. Not after—until after I had told Chief Lumpkin and Captain Fritz and come back down to the first floor, then I learned that he had been shot. The first I learned of it—there was a young officer ran in the front door and told another officer, possibly a lieutenant, that there was an officer shot in Oak Cliff and that was all I knew at that time. I did not know that they had captured Oswald then. Later on a newspaper reporter told me.

Mr. BALL. Now, you say that you knew that Givens was not there afterwards?

Mr. TRULY. I knew he wasn't there at the time of the shooting because I had seen him walk across the street—the street.

Mr. BALL. Toward what?

Mr. TRULY. Up Elm Street across Houston.

Mr. BALL. Toward Main—down toward Main?

Mr. TRULY. I saw him walking on the north side of Elm, crossing Houston—on the north side of Elm crossing Houston. However, at that time I saw two other boys with him and I later learned, I believe, that it was James Jarman and possibly Harold Norman—there were two or three—they were all standing in the crowd close to myself and they started across Houston Street up Elm. I didn't see them turn over to the right across Elm.

Mr. BALL. Wait a minute—you saw Norman and Jarman with Givens in front of the Texas School Book Depository Building first, didn't you?

Mr. TRULY. Right; sometime earlier—a good deal—a little while before the shooting—I believe they were the three.

Mr. BALL. Did you see Jarman and Norman going across Elm?

Mr. TRULY. I'm pretty sure there was the three of them.

Mr. BALL. And Jarman and Norman say that they went back into the building?

Mr. TRULY. Well, apparently they did, but I saw them out there—I noticed them there on the corner and starting across the street, but whether they completed it—I don't know.

Mr. BALL. Where is the last place you saw Givens?

Mr. TRULY. The last place I remember seeing Givens was in the middle of the crossing, in the middle of Houston Street.

Mr. BALL. Walking in which direction?

Mr. TRULY. Walking east.

Mr. BALL. Walking east on the north side of Elm?

Mr. TRULY. North side of Elm—he had not completely crossed the street—Houston Street.

Mr. BALL. Now, did Givens come back to the building later?

Mr. TRULY. I didn't see him—later on he did.

Mr. BALL. When—how much later?

Mr. TRULY. Much later—I suppose—I don't know his actions during that day.

Mr. BALL. Did he come back to the building?

Mr. TRULY. No.

Mr. BALL. After the shooting?

Mr. TRULY. I can't say—I think he came back to the front of the building—I can't answer for sure whether he came in the building—I know he was at the police station later on.

Mr. BALL. I think that's all right now.

(The deposition of the deponent Truly was adjourned from Room 301 Federal Building, Dallas, Tex., and continued at the office of the deponent Truly in the Texas School Book Depository Building, 411 Elm Street, Dallas, Tex., as follows:)

Mr. BALL. Mr. Truly, when you came into the building with Officer Baker you tried to look up the elevator shaft, didn't you?

Mr. TRULY. Yes; I sure did.

Mr. BALL. And where did you see the elevators?

Mr. TRULY. On the fifth floor—both of them on the same floor.

Mr. BALL. They were both up on the fifth floor?

Mr. TRULY. Yes.

Mr. BALL. You are sure of that?

Mr. TRULY. I am sure, because their bottoms were level.

Mr. BALL. When you went up to the floor, was there an elevator on any of the floors?

Mr. TRULY. When I reached the fifth floor, the east elevator was there, but west one was not.

Mr. BALL. Do you know where it was?

Mr. TRULY. No; I don't. I didn't look, I just remember it wasn't upstairs, so it was down below me somewhere.

Mr. BALL. You took the east elevator?

Mr. TRULY. I took the east elevator load to the seventh floor.

Mr. BALL. That's all.

Mr. TRULY. Fine.

TESTIMONY OF WARREN CASTER

The testimony of Warren Caster was taken at 2 p.m., on May 14, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Mr. Caster, would you please stand up and take the oath?

Do you solemnly swear that 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. CASTER. I do.

Mr. BALL. Will you state your full name, please?

Mr. CASTER. Warren Caster.

Mr. BALL. And where do you live?

Mr. CASTER. 3338 Merrell.

Mr. BALL. What is your business?

Mr. CASTER. Textbook publishing.

Mr. BALL. Are you with some company?

Mr. CASTER. Yes; I am assistant manager for Southwestern Publishing Co. with offices at 411 Elm Street.

Mr. BALL. You have offices in the Texas School Book Depository Building?

Mr. CASTER. Yes.

Mr. BALL. You rent those offices from the Texas School Book Depository?

Mr. CASTER. The offices are furnished in connection with our work with the Depository.

Mr. BALL. Will you tell me something about yourself, where you were born and where you were raised and educated?

Mr. CASTER. Yes; I was born in New Mexico, educated in New Mexico, received my college degrees at New Mexico Highlands University at Las Vegas, N. Mex. I taught school in New Mexico from 1939 until I started to work with Southwestern Publishing Co. in 1952. There was a period of about 2 years that I spent in the U.S. Navy.

Mr. BALL. And have you had your offices since 1952 in the Texas School Book Depository Building?

Mr. CASTER. The offices have been in the Texas School Book Depository Building, but not in this particular building here. We have occupied three places since I have been with the Southwestern Publishing Co.

Mr. BALL. Your office is on which floor?

Mr. CASTER. Second floor.

Mr. BALL. Did you ever bring any guns into the School Book Depository Building?

Mr. CASTER. Yes; I did.

Mr. BALL. When?

Mr. CASTER. I believe it was on Wednesday, November 20, during the noon hour.

Mr. BALL. Whose guns were they?

Mr. CASTER. They were my guns.

Mr. BALL. And what kind of guns were they?

Mr. CASTER. One gun was a Remington, single-shot, .22 rifle, and the other was a .30-06 sporterized Mauser.

Mr. BALL. Who owned them?

Mr. CASTER. I had just purchased them during the noon hour that day.

Mr. BALL. Well, tell us about it—what were the circumstances of the purchase?

Mr. CASTER. Well, I left the Depository during the noon hour and had lunch and, while out for the lunch hour, I stopped by Sanger-Harris sporting goods department to look for a rifle for my son's birthday—I beg your pardon, Christmas present—son's Christmas present, and while I was there I purchased the single-shot .22—single shot—and at the same time was looking at some deer rifles. I had, oh, for several years been thinking about buying a deer rifle and they happened to have one that I liked and I purchased the .30-06 while I was there.

Mr. BALL. And did they box them up?

Mr. CASTER. They were in cartons; yes.

Mr. BALL. And then you went back to work, I guess?

Mr. CASTER. Yes; I picked both rifles up in cartons just like they were, this was during the noon hour, and as I entered the Texas School Book Depository Building on my way up to the buying office, I stopped by Mr. Truly's office, and while I was there we examined the two rifles that I had purchased.

Mr. BALL. Did you take them out of the carton?

Mr. CASTER. Yes; I did.

Mr. BALL. Who was there besides you and Mr. Truly?

Mr. CASTER. Well, I'm not really sure who was there. I think you were there, Bill, and Mr. Shelley was there—and Mr. Roy Truly. The only people that I know about, in any event, were there; there were workers there at the time, but I'm not quite sure how many. I couldn't even tell you their names. I don't know the Texas School Book Depository workers there in the shipping department.

Mr. BALL. In that office, though, Truly's office, how many were there?

Mr. CASTER. We weren't in Mr. Truly's immediate office, we were just there over the counter.

Mr. BALL. In the warehouse?

Mr. CASTER. We were there in the hall—just right there over the counter in front of the warehouse; that's right.

Mr. BALL. And did you take the guns out of the carton?

Mr. CASTER. Yes; I did. They were removed from the carton.

Mr. BALL. Did you handle them?

Mr. CASTER. Yes; I did.

Mr. BALL. Did anybody else handle the guns?

Mr. CASTER. Mr. Truly handled them and I'm not sure whether Mr. Shelley had the guns in his hands or not; I'm not positive.

Mr. BALL. How long a time were you there with the guns, and by time, just estimate it.

Mr. CASTER. Well, it couldn't have been more than 10 minutes.

Mr. BALL. What did you do with the guns after that?

Mr. CASTER. I put them back in the carton and carried them up to my office.

Mr. BALL. And what did you do with them after that?

Mr. CASTER. I left at the end of the working day, oh, around 4 o'clock and took the guns in the cartons and carried them and put them in my car and carried them home.

Mr. BALL. Did you ever have them back in the Texas School Book Depository Building thereafter?

Mr. CASTER. They have never been back to the Texas School Book Depository Building since then.

Mr. BALL. Where were those guns on November 22, 1963?

Mr. CASTER. The guns were in my home, 3338 Merrell Road.

Mr. BALL. I think that's all. This will be written up and you will be asked to come in and it will be submitted to you for signature and you can correct it if you wish.

Mr. CASTER. That's all right.

Mr. BALL. Any corrections you make, make them in pen and ink and initial it and sign it. I want to thank you very much for giving this testimony.

Mr. CASTER. I thank you very much.

TESTIMONY OF EDDIE PIPER

The testimony of Eddie Piper was taken at 4 p.m., on May 14, 1964, at the Texas School Book Depository Building, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. You understand since this is a continuation of your deposition you are under oath still?

Mr. PIPER. Thank you; I appreciate it.

Mr. BALL. Your deposition has been taken?

Mr. PIPER. Yes; that's right.

Mr. BALL. I'm going to just ask you a few questions.

Mr. PIPER. Sure, that's all right.

Mr. BALL. You told us that after the shooting you came out onto the floor?

Mr. PIPER. That's right.

Mr. BALL. And the first people that you saw on the floor after the shooting was who?

Mr. PIPER. Mr. Truly and some fellow—I really don't know who it was; like I say, it was some fellow that was with Mr. Truly.

Mr. BALL. Some fellow; how was he dressed?

Mr. PIPER. Oh, I don't know.

Mr. BALL. Was he an officer?

Mr. PIPER. Yes; I believe he was an officer.

Mr. BALL. A police officer?

Mr. PIPER. Yes; a police officer.

Mr. BALL. Did he have a white helmet on?

Mr. PIPER. No; I don't think so. I didn't pay any attention to it. I was already excited over the shooting or something when he came running into the building.

Mr. BALL. And what did Truly and this—some fellow do?

Mr. PIPER. Well, Mr. Truly and this fellow run up the steps. He just hollered for the elevator and I said, "I don't know where it is at." and I'm still standing over there by that table and he ran up—on up the steps with this police officer—him and another fellow and I was standing there and the people began swarming out and around—different ones coming in, but it was where nobody could come out.

Mr. BALL. They were the first ones to go up the steps?

Mr. PIPER. That's right.

Mr. BALL. Had anybody come down the steps before they went up the steps?

Mr. PIPER. No, sir.

Mr. BALL. They weren't the first ones to come down?

Mr. PIPER. Yes; and when the elevators come down—I really don't know who brought the elevators down, but I know nobody ever come down the steps.

Mr. BALL. Did you ever see Vicki Adams come down the steps?

Mr. PIPER. No, sir; I don't know about that, if she said she did, it was after I got over here and walked over to the back door.

Mr. BALL. Did Vicki Adams come down before Truly and the man went up the steps?

Mr. PIPER. No, sir, no, sir; she didn't do it.

Mr. BALL. Did you at anytime after the shooting miss Lee Oswald—did you notice he wasn't around?

Mr. PIPER. No, sir; I didn't notice it until the lineup. You know, I just figured all the people was there.

Mr. BALL. You did notice it at the lineup, did you?

Mr. PIPER. Yes.

Mr. BALL. Tell us about that.

Mr. PIPER. I did notice it in the lineup.

Mr. BALL. What do you mean by the lineup?

Mr. PIPER. I mean, when they lined us all up and told us to give our name and address and just to go home.

Mr. BALL. You say "they"; who do you mean?

Mr. PIPER. The detective—whoever it was.

Mr. BALL. The police?

Mr. PIPER. Yes; they had the building all surrounded. They went to locking the doors back and front and told us to all come up and then go home, and I told him, I says, "I've got to go down in the basement and get my clothes," and he said, "You can go down and get your clothes and come on back up here, but give me your identification and your name and tell us where you are staying," and everybody heard me say that, I guess, and he let us out of the building, one by one, and I went on out the front door.

Mr. BALL. Did you say something to anybody about not seeing Oswald there?

Mr. PIPER. No, sir; I didn't say it, but I just saw he wasn't in the lineup—I didn't tell anyone because I didn't see him.

Mr. BALL. Just tell us what did you notice?

Mr. PIPER. I noticed he was not in the lineup.

Mr. BALL. You noticed that he was not in the lineup?

Mr. PIPER. Yes.

Mr. BALL. But you didn't mention it to anybody?

Mr. PIPER. No, sir; I didn't mention it but I knows he wasn't in the lineup, and Charles—I don't know whether he was, but he went out for lunch.

Mr. BALL. Was Charles Givens there?

Mr. PIPER. I couldn't remember seeing him. He went out for lunch and I don't remember whether he come out from the building again or not because I was getting dressed to get out of there myself.

Mr. BALL. That's all.

Mr. PIPER. Thank you, Mr. Chairman.

TESTIMONY OF WILLIAM H. SHELLEY

The testimony of William H. Shelley was taken at 3 p.m., on May 14, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Mr. Shelley, you have been sworn and this will be a continuation of your deposition. You are still under oath, you understand that?

Mr. SHELLEY. Yes, sir.

Mr. BALL. Do you recall seeing a couple of guns in the Texas School Book Depository Building on the 20th of November 1963?

Mr. SHELLEY. Yes, sir.

Mr. BALL. Where?

Mr. SHELLEY. Just outside Mr. Truly's office on the will-call counter.

Mr. BALL. And how did they get there?

Mr. SHELLEY. Mr. Warren Caster had just purchased them and brought them in and stopped by to see us.

Mr. BALL. Did you handle the guns?

Mr. SHELLEY. I held the .22.

Mr. BALL. And was there another make of gun too—there was, wasn't there?

Mr. SHELLEY. Yes; I believe there was a .30-06 Mauser that had been converted. It was a foreign make converted to a .30-06.

Mr. BALL. Did you handle that?

Mr. SHELLEY. No.

Mr. BALL. What happened to the guns?

Mr. SHELLEY. Well, we looked them over, like you do any new toy, and he puts them back in the box and goes out of the door.

Mr. BALL. And did you ever see them again?

Mr. SHELLEY. No, sir.

Mr. BALL. Had you ever seen any guns in that building before that date?

Mr. SHELLEY. No, sir.

Mr. BALL. Did you ever see any guns in that building between that date and the time the President was shot?

Mr. SHELLEY. No, sir.

Mr. BALL. On November 22, 1963, the day the President was shot, when is the last time you saw Oswald?

Mr. SHELLEY. It was 10 or 15 minutes before 12.

Mr. BALL. Where?

Mr. SHELLEY. On the first floor over near the telephone.

Mr. BALL. Did you ever see him again?

Mr. SHELLEY. At the police station when they brought him in.

Mr. BALL. Did you see him in the building at anytime after 12?

Mr. SHELLEY. No.

Mr. BALL. Did you at anytime after the President was shot see Oswald in the building?

Mr. SHELLEY. No, sir.

Mr. BALL. Did you at anytime after the President was shot tell Oswald to go home?

Mr. SHELLEY. No, sir.

Mr. BALL. Did you tell anybody to go home?
Mr. SHELLEY. No.
Mr. BALL. You didn't tell anybody to leave the building at all?
Mr. SHELLEY. No, sir.
Mr. BALL. Now, you recall going up to the sixth floor after the shooting, do you?
Mr. SHELLEY. Yes.
Mr. BALL. Did you go over to the southeast corner of the building where there was a window open?
Mr. SHELLEY. Not all the way; they had it blocked off.
Mr. BALL. Did you at a later time go over there?
Mr. SHELLEY. No, sir; not for several days afterwards.
Mr. BALL. Did you several days afterward go over there?
Mr. SHELLEY. After they released us to go back to work in the corner. We kept out for several days.
Mr. BALL. When you went back there, were there two Rolling Readers on top of a larger box?
Mr. SHELLEY. No, sir; those were carried in by the local authorities. The boxes—the Rolling Readers were there.
Mr. BALL. They were?
Mr. SHELLEY. But the boxes that they were originally packed in were gone—they had been carried up to the police station.
Mr. BALL. You have seen pictures of the window, haven't you?
Mr. SHELLEY. Oh, yes.
Mr. BALL. With the larger box on the floor and two Rolling Readers on the top?
Mr. SHELLEY. Yes, sir.
Mr. BALL. One Rolling Reader resting in the sill of the window?
Mr. SHELLEY. Yes.
Mr. BALL. Now, the Rolling Readers were stacked three aisles away, I believe you testified, haven't you, before?
Mr. SHELLEY. I'm not sure how many aisles we moved all that stock now, but it was at least three aisles.
Mr. BALL. Away from the southeast corner?
Mr. SHELLEY. Yes; they were at least half way across the building from this corner.
Mr. BALL. Had you ever instructed anybody to take two Rolling Readers over there?
Mr. SHELLEY. No, sir.
Mr. BALL. Would it have been unusual for two Rolling Readers to be out of the stack and over there?
Mr. SHELLEY. Very unusual, because they are different size cartons from everything else.
Mr. BALL. You mean from everything else in the southeast corner?
Mr. SHELLEY. Well, from any box on that floor.
Mr. BALL. They were?
Mr. SHELLEY. Yes; they were little boxes. The rest of them are pretty good sized.
Mr. BALL. You had had a special place for the Rolling Readers?
Mr. SHELLEY. Yes, sir.
Mr. BALL. Then, the two Rolling Readers that were over in the southeast corner were out of place, were they?
Mr. SHELLEY. They sure were.
Mr. BALL. Had you ever seen them out of place before?
Mr. SHELLEY. No, sir.
Mr. BALL. Had you ever seen those Rolling Readers in that corner before?
Mr. SHELLEY. No, sir.
Mr. BALL. Now, we have seen pictures of a large box on the floor.
Mr. SHELLEY. Yes, sir.
Mr. BALL. Do you recognize that?
Mr. SHELLEY. Yes, sir.
Mr. BALL. What is that?

Mr. SHELLEY. You mean the one under the Rolling Readers?

Mr. BALL. The one under the Rolling Readers.

Mr. SHELLEY. It was a carton of "Think and Do" books, first-grade level.

Mr. BALL. "Think and Do" books?

Mr. SHELLEY. Yes, sir.

Mr. BALL. Of the first-grade level?

Mr. SHELLEY. Yes.

Mr. BALL. Those cartons were larger than the Rolling Readers, aren't they?

Mr. SHELLEY. About four times as large.

Mr. BALL. Can you describe their size in inches?

Mr. SHELLEY. I would say they are around 22 long, 18 wide, and 20 tall, approximately.

Mr. BALL. What would you say is the size—was the size of the Rolling Reader?

Mr. SHELLEY. It's about 12 inches long—6 by 6.

Mr. BALL. Now, was there a place where things and those books were usually stacked on the sixth floor?

Mr. SHELLEY. Yes, sir.

Mr. BALL. Where?

Mr. SHELLEY. Along the west wall all the way across.

Mr. BALL. You had been doing work up there that day, had you?

Mr. SHELLEY. Yes; I mean the east wall; I'm sorry.

Mr. BALL. Had they ever been in the west wall?

Mr. SHELLEY. No, sir; when we moved in that building we put them on the west wall.

Mr. BALL. On the west wall?

Mr. SHELLEY. On the west wall; I mean the east wall.

Mr. BALL. Then, the "Think and Do" books were on the east wall?

Mr. SHELLEY. Yes.

Mr. BALL. And piled how many cartons high?

Mr. SHELLEY. Well, there were some of them as high as eight high.

Mr. BALL. Then, this carton of "Think and Do" books that was on the floor, near the window, under the two Rolling Readers, was stacked—would have been stacked along the east wall?

Mr. SHELLEY. No; that was a new title and we didn't have a place for it and it had been set up on the west wall and when we started laying the floor, we had to move all of the stock over there, including that particular type.

Mr. BALL. Then, when you moved the stock, where did you move these "Think and Do" book cartons?

Mr. SHELLEY. They are on the south side—along the south side of the building. We just had a big line of stock, you know; the first thing that was pulled out, we would roll it onto the southeast corner, and then the row went right on back toward the west wall.

Mr. BALL. Along the west wall?

Mr. SHELLEY. We started rolling it east and then it went back west and as you fill in an order, it goes back west, you see.

Mr. BALL. There was also a carton of books where they found some handprints and they cut a piece out of the top; do you remember that? Don't you?

Mr. SHELLEY. Yes.

Mr. BALL. Do you recognize that carton?

Mr. SHELLEY. That was another carton of "Think and Do" books—sixth grade.

Mr. BALL. Where were those cartons usually stacked?

Mr. SHELLEY. They were stacked in the southeast corner on the east wall.

Mr. BALL. About where that was found, was it not?

Mr. SHELLEY. Yes.

Mr. BALL. Now, the "Think and Do" books for the first-grade level, that was underneath the two Rolling Readers; was that out of place?

Mr. SHELLEY. Yes.

Mr. BALL. How far away from the place where those books were usually stacked?

Mr. SHELLEY. Where they were previously stacked was over near the west wall.

Mr. BALL. But where you had rolled them to ; how far was it?
Mr. SHELLEY. Oh, about 3 feet.
Mr. BALL. About 3 feet?
Mr. SHELLEY. Yes.
Mr. BALL. And the "Think and Do" books, sixth-grade level, where the piece had been cut out to examine for his palmprint, was it in its proper place?
Mr. SHELLEY. Well, all that stock was stacked clear to the south wall on the east side and some cartons had been moved and stacked on top of some more. There was an empty spot there and this one particular carton was sitting on it there.
Mr. BALL. By itself?
Mr. SHELLEY. Yes; by itself. By the side where the rest of them were.
Mr. BALL. Now, Lee Oswald was a checker, wasn't he?
Mr. SHELLEY. An order filler.
Mr. BALL. An order filler?
Mr. SHELLEY. Yes, sir.
Mr. BALL. And do you recall that when he came to work he used a clipboard to put his orders on; is that correct?
Mr. SHELLEY. Yes, sir; all of the boys do.
Mr. BALL. All the boys use clipboards?
Mr. SHELLEY. Yes.
Mr. BALL. Do you know where Oswald got the clipboard he used?
Mr. SHELLEY. Well, it was a piece of cardboard, actually, with a clip on it and it was homemade—he could have made it himself.
Mr. BALL. You don't know who made it?
Mr. SHELLEY. No; I'm not for sure.
Mr. BALL. Were you present when the clipboard was found on the sixth floor?
Mr. SHELLEY. It was Frankie Kaiser that found that and came down and told me and I told Mr. Pinkston with the FBI.
Mr. BALL. Did you go up and look at it?
Mr. SHELLEY. I went up with him and he got it.
Mr. BALL. Did you see a name on it?
Mr. SHELLEY. I think it had Frankie's name on it—Frankie Kaiser's name. He said he thought that might have been one he had made before—he was all times making them.
Mr. BALL. I believe that's all. Your other deposition is going to come down here and you can sign it at the same time you sign this one.
Mr. SHELLEY. OK; I was coming back up the next day and we were awful busy down there is the reason I didn't.
Mr. BALL. Anyway, it will come down for your signature and you can look it over and, if you have any corrections to make, correct them and initial them. That's all, and thank you.
Mr. SHELLEY. All right; thank you.

TESTIMONY OF EDWARD SHIELDS

The testimony of Edward Shields was taken at 4:25 p.m., on May 14, 1964, at the Texas School Book Depository Building, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Do you solemnly swear that 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. SHIELDS. I do.

Mr. BALL. State your name.

Mr. SHIELDS. Edward Shields.

Mr. BALL. Where do you live?

Mr. SHIELDS. I live now at 1432 Stirling. I was living at 414 Cleaves Street.

Mr. BALL. What is your occupation?

Mr. SHIELDS. I work in the shipping department, but some guy put it down that I worked as a shipping clerk. I do receiving and shipping with the shipping department.

Mr. BALL. Of what company?

Mr. SHIELDS. With the Texas School Book Co. at 1917 North Houston, at the warehouse.

Mr. BALL. That's how far from the building that is at the corner of Houston and Elm?

Mr. SHIELDS. Well, I'd say about three blocks down to this old building.

Mr. BALL. How long have you worked for the Texas School Book Co.?

Mr. SHIELDS. It will be 14 years the 14th of August.

Mr. BALL. But you work in the warehouse?

Mr. SHIELDS. I do.

Mr. BALL. On November 22, 1963, were you out watching the parade pass by?

Mr. SHIELDS. I was.

Mr. BALL. For what time?

Mr. SHIELDS. I'd say from about 5 to 12 to about 10 after 12; I mean, about 5 to 12 to 10 after 12—I heard the shooting.

Mr. BALL. The shooting was at 12:30.

Mr. SHIELDS. It was—that's when we was standing there watching the parade when it came through.

Mr. BALL. How did you get around to see him before?

Mr. SHIELDS. We just got on the parking lot there because we go up there and sit down there and talk with James Tracey.

Mr. BALL. Who is James Tracey?

Mr. SHIELDS. He was the manager of the lot—there's somebody else there now.

Mr. BALL. That lot is where?

Mr. SHIELDS. It's near Record and Elm.

Mr. BALL. Near Record and Elm?

Mr. SHIELDS. Yes.

Mr. BALL. You say you go up there to a parking lot?

Mr. SHIELDS. Well, we go over there every day at noon and talk to the fellow that ran it, but that's not the same fellow there now.

Mr. BALL. But had you, prior to November 22, 1963, had it been your custom of going over there to see him at noon?

Mr. SHIELDS. I had been going by there every day at noon.

Mr. BALL. What about Givens?

Mr. SHIELDS. I would be going some days when he wouldn't go, but I would see him—James Tracey—every day at noon.

Mr. BALL. On November 22, did you go over there?

Mr. SHIELDS. I was there—yes; I was there.

Mr. BALL. Approximately what time?

Mr. SHIELDS. That was around 5 to 12—that would be to 5 after 12.

Mr. BALL. What about Givens?

Mr. SHIELDS. He was there at noon after he had eaten his lunch, I mean, he come on up there.

Mr. BALL. Did you see the President's motorcade?

Mr. SHIELDS. I sure did.

Mr. BALL. Where was it when you saw it?

Mr. SHIELDS. I was just standing right around there at Mullendorf's Cafe.

Mr. BALL. At what address?

Mr. SHIELDS. On Record and Main.

Mr. BALL. Who was with you?

Mr. SHIELDS. Givens.

Mr. BALL. And did you hear any shots?

Mr. SHIELDS. Yes; I heard the shots.

Mr. BALL. And what did you and Givens do after you heard the shots?

Mr. SHIELDS. I said, "The President has been shot"; we walked back to the lot and where Tracey was. I heard one shot and then a pause and then this repetition—two shots right behind the other, and I thought it was backfire from a car and I said, "Someone shot the President."

Mr. BALL. You said, "Someone shot the President"?

Mr. SHIELDS. That's right, I did. I didn't know what had happened.
Mr. BALL. Then what did you do?
Mr. SHIELDS. Well, Givens run down here—right down here.
Mr. BALL. He ran down here to this building?
Mr. SHIELDS. He ran down to the next corner.
Mr. BALL. And what was the next corner?
Mr. SHIELDS. That was on Elm and Houston.
Mr. BALL. Did you come with him?
Mr. SHIELDS. No; I did not—he had me to stay there at the lot.
Mr. BALL. And they all ran down there?
Mr. SHIELDS. Yes.
Mr. BALL. Did you see Givens again?
Mr. SHIELDS. Yes; we came back to the building—he and Tracey.
Mr. BALL. Then what did you do?
Mr. SHIELDS. We came back down to the Texas School Book Depository Building here and tried to get in the building and they wouldn't let no one in—he couldn't get in and I went on back to the warehouse.
Mr. BALL. What did Givens do?
Mr. SHIELDS. Well, they came and got him because he was working here and I was at the warehouse.
Mr. BALL. Did you see him leave with the police?
Mr. SHIELDS. No; I didn't. I was at the warehouse and he had come here.
Mr. BALL. I believe that's all. This will be written up and you will be asked to sign it and to make any corrections that you wish, you may make them in your own handwriting, and somebody will call you from the U.S. attorney's office and let you know when to come up.
Mr. SHIELDS. OK.
Mr. BALL. Thank you very much.
Mr. SHIELDS. OK.

TESTIMONY OF SAM GUINYARD

The testimony of Sam Guinyard was taken at 10:15 a.m., on April 2, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Will you stand up, Sam, and hold up your right hand? Do you solemnly swear that the testimony you are about to give before the Commission will be the truth, the whole truth, and nothing but the truth, so help you God?
Mr. GUINYARD. Yes.
Mr. BALL. Will you state your name and address for the record?
Mr. GUINYARD. Sam Guinyard.
Mr. BALL. That's [spelling] G-u-i-n-y-a-r-d, and what is your address—where do you live?
Mr. GUINYARD. 2815 South Ervay Street.
Mr. BALL. Where were you working on November 22, 1963?
Mr. GUINYARD. On East Jefferson—501 East Jefferson.
Mr. BALL. Where is that?
Mr. GUINYARD. Harris Motor Co.
Mr. BALL. A used-car lot?
Mr. GUINYARD. Yes.
Mr. BALL. What kind of work were you doing?
Mr. GUINYARD. Porter.
Mr. BALL. How old are you, Sam?
Mr. GUINYARD. I am 28.
Mr. BALL. And where were you born?
Mr. GUINYARD. In Ennis.
Mr. BALL. Ennis, Tex.?

Mr. GUINYARD. Yes.

Mr. BALL. Where did you go to school?

Mr. GUINYARD. Ennis and Hillsboro.

Mr. BALL. And how far through school did you go?

Mr. GUINYARD. Well, I got to the sixth grade.

Mr. BALL. What have you done since then, what kind of work have you done mostly?

Mr. GUINYARD. Compress work.

Mr. BALL. What is that?

Mr. GUINYARD. Press cotton—pressing cotton.

Mr. BALL. When did you come to Dallas?

Mr. GUINYARD. Well, I have been back in Dallas ever since 1957. I lived in Plainview about 13 years.

Mr. BALL. At—what kind of work have you done since you came to Dallas?

Mr. GUINYARD. Well, a porter in a carlot.

Mr. BALL. A porter in a carlot?

Mr. GUINYARD. Yes.

Mr. BALL. Have you ever been in any kind of trouble in your life?

Mr. GUINYARD. No, sir; nothing but a little poker fines that otherwise I paid and I got a couple of tickets in my life.

Mr. BALL. Now, on the day of November 22, 1963, that's the day the President was killed, what were you doing?

Mr. GUINYARD. Working there.

Mr. BALL. And you heard about it, that he had been shot? Didn't you?

Mr. GUINYARD. Yes; at the time I did.

Mr. BALL. What were you doing and where were you then when you heard that?

Mr. GUINYARD. In Oak Cliff at 501 East Jefferson.

Mr. BALL. What were you doing?

Mr. GUINYARD. Polishing and waxing a station wagon.

Mr. BALL. And did something else happen that day that you remember?

Mr. GUINYARD. Yes, sir.

Mr. BALL. What?

Mr. GUINYARD. Well, this was when Oswald shot the policeman.

Mr. BALL. Tell me what you heard—I just want to know what you were doing and what you heard?

Mr. GUINYARD. Well, he was about—I guess—

Mr. BALL. Now, wait a minute, were you polishing cars when you heard something?

Mr. GUINYARD. When I heard a shot.

Mr. BALL. You heard a noise?

Mr. GUINYARD. Yes.

Mr. BALL. And it sounded like shots?

Mr. GUINYARD. Yes.

Mr. BALL. How many?

Mr. GUINYARD. I heard three.

Mr. BALL. Where did the sound come from?

Mr. GUINYARD. Right behind me, north of me—behind me.

Mr. BALL. What street is north of you?

Mr. GUINYARD. Tenth.

Mr. BALL. You were on what street—your carlot faces what street?

Mr. GUINYARD. It faces Jefferson and 10th.

Mr. BALL. And 10th Street is north?

Mr. GUINYARD. Yes; and I was in the back—I was about half way right in the back.

Mr. BALL. The cross street is Patton Street?

Mr. GUINYARD. Yes.

Mr. BALL. What did you do when you heard the shots?

Mr. GUINYARD. I raised up trying to see where they were coming from, where the sound was coming from.

Mr. BALL. Then what did you do?

Mr. GUINYARD. I was looking—trying to see and after I heard the third shot, then Oswald came through on Patton running—came right through the yard in

front of the big white house—there's a big two-story white house—there's two of them there and he come through the one right on the corner of Patton.

Mr. BALL. Could you see down to the corner of 10th and Patton to the house?

Mr. GUINYARD. I seen him when he come between the two houses, come around in front of the last house to get on Patton Street to come out to Jefferson.

Mr. BALL. Where were you when you saw this?

Mr. GUINYARD. Where was I?

Mr. BALL. Yes.

Mr. GUINYARD. I was there at the back, right at the alley back there about as far from Patton Street as—about twice as far from here as to that window.

Mr. BALL. Then, you were about 10 feet from Patton Street?

Mr. GUINYARD. Yes, sir.

Mr. BALL. So that you could look up Patton Street?

Mr. GUINYARD. Yes.

Mr. BALL. North on Patton?

Mr. GUINYARD. Yes.

Mr. BALL. And you saw a man, did you?

Mr. GUINYARD. Yes.

Mr. BALL. What did you see him doing?

Mr. GUINYARD. He came through there running and knocking empty shells out of his pistol and he had it up just like this with his hand.

Mr. BALL. With which hand?

Mr. GUINYARD. With his right hand; just kicking them out.

Mr. BALL. He had it up?

Mr. GUINYARD. Yes; he had it up just like this.

Mr. BALL. How was he kicking them out?

Mr. GUINYARD. He was rolling them with his hand—with his thumb.

Mr. BALL. Rolling them with his thumb?

Mr. GUINYARD. Checking them—he had the pistol up just like this [indicating].

Mr. BALL. Did he use his left hand any?

Mr. GUINYARD. No; I never did see him use his left hand.

Mr. BALL. He didn't?

Mr. GUINYARD. No, sir.

Mr. BALL. And where was he with reference to the corner of Patton and 10th when you saw him?

Mr. GUINYARD. Where was he?

Mr. BALL. Yes.

Mr. GUINYARD. Just as he come around the corner on Patton, he cut through the yard and missed the corner on 10th and Patton and cut through the yard.

Mr. BALL. He cut through the yard of the house on the corner of 10th and Patton?

Mr. GUINYARD. That's right.

Mr. BALL. That would be the southeast corner, wouldn't it?

Mr. GUINYARD. The west—southwest corner—the southeast corner is where he started across, but he come out on Patton on the southwest corner.

Mr. BALL. In other words, when you first saw him he was cutting across the yard of the house on the southeast corner?

Mr. GUINYARD. Yes, sir.

Mr. BALL. That's the white house?

Mr. GUINYARD. Yes; the big two-story white house.

Mr. BALL. Did he cross Patton?

Mr. GUINYARD. No, sir; he come down Patton until he got to about 5 feet from the corner of Jefferson and then he turned across and went across to the west corner on Jefferson.

Mr. BALL. What side of the street did you see him coming down on?

Mr. GUINYARD. He was on the left side—when he come down—it would be the east side.

Mr. BALL. Did you see Mr. Callaway there?

Mr. GUINYARD. We was together; yes, sir.

Mr. BALL. You were together?

Mr. GUINYARD. Yes, sir; he was at the front and I was at the back.

Mr. BALL. You and Callaway were standing at the alleyway?

Mr. GUINYARD. Yes.

Mr. BALL. The alleyway that runs along the north side of the lot?

Mr. GUINYARD. Yes.

Mr. BALL. Now, where was Oswald when he passed you going south toward Jefferson?

Mr. GUINYARD. Well, he was between the alley and the driveway coming off Patton.

Mr. BALL. And he was across the street from you, wasn't he?

Mr. GUINYARD. No; he was on this side of the street.

Mr. BALL. You were on the east side of the street?

Mr. GUINYARD. Yes, sir; and he was too—he was on the east side of the street until he got across our driveway and then he got onto the west side.

Mr. BALL. How close was he to you when you saw him?

Mr. GUINYARD. I guess he was about 10 feet from me—maybe.

Mr. BALL. About 10 feet?

Mr. GUINYARD. Yes, sir.

Mr. BALL. Mr. Callaway has told us and we measured it with a tape measure, that Oswald was on the west side of the street, and we measured it and he figured it was about 55 feet from him when he passed.

Mr. GUINYARD. Well, he crossed over after he crossed the driveway.

Mr. BALL. Well—

Mr. GUINYARD. Mr. Callaway followed him, you see, we was together—he was my boss at that time and he followed him.

Mr. BALL. Callaway?

Mr. GUINYARD. Yes; trying to see which way was he going.

Mr. BALL. And then, which way did he go after he got to Jefferson?

Mr. GUINYARD. He went west on Jefferson—on the right-hand side—going west.

Mr. BALL. And what did Callaway do?

Mr. GUINYARD. He turned around and run back to the street and we helped load the policeman in the ambulance.

Mr. BALL. He ran back up to 10th Street, did you say?

Mr. GUINYARD. Yes.

Mr. BALL. Did you go with him?

Mr. GUINYARD. Right with him.

Mr. BALL. Did you see a police car there?

Mr. GUINYARD. Yes.

Mr. BALL. What did you see besides the police car?

Mr. GUINYARD. The police that was laying down in the front of the car.

Mr. BALL. A policeman?

Mr. GUINYARD. Yes.

Mr. BALL. Was he dead or alive at that time?

Mr. GUINYARD. He looked like he was dead to me.

Mr. BALL. What did you do?

Mr. GUINYARD. Helped put him in the ambulance.

Mr. BALL. You stayed there until the ambulance came?

Mr. GUINYARD. Yes, sir.

Mr. BALL. Were you there when the truck came up that was driven by Benavides?

Mr. GUINYARD. Yes, sir.

Mr. BALL. He came up right after this?

Mr. GUINYARD. Yes; he came up from the east side—going west.

Mr. BALL. And then what did you do after that?

Mr. GUINYARD. Well, we stood there a while and talked and I called him Donnie, he picked up all them empty hulls that come out of the gun.

Mr. BALL. Who did—Benavides?

Mr. GUINYARD. Yes.

Mr. BALL. Did you pick them up—any of them?

Mr. GUINYARD. He picked them up—I didn't pick them up—I was there with him.

Mr. BALL. You were there?

Mr. GUINYARD. I was there with him.

Mr. BALL. You were there when he picked them up?

Mr. GUINYARD. Yes.

Mr. BALL. Where were they?

Mr. GUINYARD. Laying across the yard as he kicked them out all around the sidewalk.

Mr. BALL. Were they anywhere near the bushes?

Mr. GUINYARD. No, sir; there was just this little old shrub that was in the yard just laying down through the yard—that little old shrub that was there.

Mr. BALL. Later that day, did you go down to the police department?

Mr. GUINYARD. Yes, sir; I went down that night.

Mr. BALL. That same night?

Mr. GUINYARD. Yes.

Mr. BALL. Whom did you go down with?

Mr. GUINYARD. Me and Ted.

Mr. BALL. You and who?

Mr. GUINYARD. Ted—Ted Callaway.

Mr. BALL. Ted Callaway?

Mr. GUINYARD. Yes.

Mr. BALL. And where did you go when you went to the police station?

Mr. GUINYARD. I went to the identifying office.

Mr. BALL. You went into a place where there were police officers?

Mr. GUINYARD. Yes, sir.

Mr. BALL. And how did you identify him—tell me what happened to you, what you saw?

Mr. GUINYARD. Well, I just saw him.

Mr. BALL. Well, were you in a big room?

Mr. GUINYARD. Yes—in a big room.

Mr. BALL. With police officers?

Mr. GUINYARD. Yes, sir.

Mr. BALL. And what did you see?

Mr. GUINYARD. I don't understand you.

Mr. BALL. Did you see some men up ahead of you?

Mr. GUINYARD. Yes—four men.

Mr. BALL. Four men?

Mr. GUINYARD. Yes—four men—handcuffed together.

Mr. BALL. What did you say?

Mr. GUINYARD. They was handcuffed together.

Mr. BALL. They was handcuffed?

Mr. GUINYARD. Yes; all four of them.

Mr. BALL. Were they of different sizes?

Mr. GUINYARD. Well, they was pretty close together—there wasn't much difference in size.

Mr. BALL. In height—they were about the same?

Mr. GUINYARD. About the same.

Mr. BALL. Were they all about the same color?

Mr. GUINYARD. No, sir; they wasn't all about the same color.

Mr. BALL. All about the same color?

Mr. GUINYARD. No, sir; they wasn't all about the same color.

Mr. BALL. Did you say anything to any police officer there after you saw them?

Mr. GUINYARD. I talked to one—with the detective—after he came out there.

Mr. BALL. What did you tell him—I mean in this room—as you saw these four men up there?

Mr. GUINYARD. He just asked me reckon I could identify them and I said I sure could.

Mr. BALL. What did you tell him?

Mr. GUINYARD. I just told him I sure could.

Mr. BALL. What did you say to him about it?

Mr. GUINYARD. Well, I didn't say anything—I was just waiting on them to bring them in.

Mr. BALL. After they brought them in and after you looked at them, what did you tell the police officers?

Mr. GUINYARD. I told them that was him right there—I pointed him out right there. That was him right there.

Mr. BALL. Do you remember where he was standing in the lineup—what number he was?

Mr. GUINYARD. I don't know what his number was, but I can tell you where he was standing at.

Mr. BALL. Where was he standing?

Mr. GUINYARD. He was standing—the second man from the east side, and that lineup was this way [indicating] and he was the second man from that there end.

Mr. BALL. And did you tell any police officer that you thought that was the man?

Mr. GUINYARD. Yes, sir.

Mr. BALL. Whom did you tell; what police officer was it?

Mr. GUINYARD. I don't know his name.

Mr. BALL. You don't know his name?

Mr. GUINYARD. No, sir; I don't know his name but I know him now if I would see him.

Mr. BALL. Before you went in there, did the police officers show you any pictures?

Mr. GUINYARD. No, sir.

Mr. BALL. Did the police officer say anything to you before you went in there?

Mr. GUINYARD. No, sir.

Mr. BALL. Did he say that he thought they had the man that killed the police officer?

Mr. GUINYARD. No, sir; he didn't tell me that.

Mr. BALL. Did you hear Ted Callaway say anything before you said you thought that was the man?

Mr. GUINYARD. No, sir.

Mr. BALL. Were you with Ted at the time?

Mr. GUINYARD. Yes, sir.

Mr. BALL. How close was Ted to you?

Mr. GUINYARD. Oh—sitting about like that.

Mr. BALL. You mean 3 or 4 feet away from you?

Mr. GUINYARD. Yes; something like that.

Mr. BALL. How was this man dressed that had the pistol in his hand?

Mr. GUINYARD. He had on a pair of black britches and a brown shirt and a little sort of light-gray-looking jacket.

Mr. BALL. A gray jacket.

Mr. GUINYARD. Yes; a light gray jacket and a white T-shirt.

Mr. BALL. A white T-shirt?

Mr. GUINYARD. Yes; a white T-shirt on under it.

Mr. BALL. Now, he had a light gray jacket on?

Mr. GUINYARD. And a brown shirt on.

Mr. BALL. And a white T-shirt on?

Mr. GUINYARD. Underneath it, because this brown shirt was open at the throat and the white T-shirt under it like this [indicating].

Mr. BALL. That's all I've got to examine you about now, except to show you these clothes, and they are upstairs. We will go up now and take a look at them.

(At this time Counsel Ball, the witness Guinyard and the reporter Oliver left the deposing room on the third floor of the Federal Building and resumed in a deposing room on the fourth floor of the Federal Building and the deposition proceedings continued as follows:)

Mr. BALL. Sam, I'll show you an exhibit here, which is a piece of clothing and which is marked Commission Exhibit No. 150. Have you ever seen this before?

Mr. GUINYARD. Yes, sir.

Mr. BALL. When and where?

Mr. GUINYARD. In Oak Cliff.

Mr. BALL. Did you ever see anybody wearing it?

Mr. GUINYARD. Yes, sir.

Mr. BALL. Who?

Mr. GUINYARD. Oswald.
Mr. BALL. Where?
Mr. GUINYARD. Oak Cliff.
Mr. BALL. Tell me a little more about it.
Mr. GUINYARD. In Oak Cliff and down in the courtroom.
Mr. BALL. Where?
Mr. GUINYARD. Down in the examining room.
Mr. BALL. When this man came down Patton Street toward Jefferson with his gun, you have mentioned he had a shirt on?
Mr. GUINYARD. Yes, sir.
Mr. BALL. You described that shirt as a brown shirt?
Mr. GUINYARD. Yes.
Mr. BALL. Does this look anything like the shirt?
Mr. GUINYARD. It looks just like it does.
Mr. BALL. You saw that shirt before?
Mr. GUINYARD. Yes.
Mr. BALL. Where?
Mr. GUINYARD. Down at the city hall.
Mr. BALL. At the police station?
Mr. GUINYARD. Yes.
Mr. BALL. And what did you tell them when they showed you this shirt?
Mr. GUINYARD. I told them that that's the shirt he had on.
Mr. BALL. Now, the next exhibit here is Commission Exhibit No. 162; have you ever seen this before?
Mr. GUINYARD. That's the jacket.
Mr. BALL. This is a gray jacket?
Mr. GUINYARD. Yes; that's the gray jacket.
Mr. BALL. It has a zipper on it?
Mr. GUINYARD. Yes.
Mr. BALL. You say that's the jacket?
Mr. GUINYARD. Yes; that he had on in Oak Cliff when he passed the lot.
Mr. BALL. That the man with the pistol had on?
Mr. GUINYARD. Yes, sir.
Mr. BALL. I have no further questions for you, Sam, and I thank you for coming down, and you can go home now.
Mr. GUINYARD. Thank you.

AFFIDAVIT OF LT. J. C. DAY

The following affidavit was executed by Lt. J. C. Day on May 7, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

STATE OF TEXAS,
County of Dallas, ss:

Before me, Mary Rattan, a Notary Public in and for said County, State of Texas, on this day personally appeared Lt. J. C. Day, Dallas Police Department, who, after being by me duly sworn, on oath deposes and says:

When testifying before the President's Commission, I stated I did not remember who returned the two spent 6.5 hulls and envelope to my possession on the night of November 22, 1963. Since returning to Dallas Detective C. N. Dhority has called my attention to the fact he brought the three hulls in the envelope to me and asked me to check them again for fingerprints even though I had checked them when they were picked up on the sixth floor of the Texas School Book Depository about 1:20 p.m. November 22, 1963 by Detective R. M. Sims and myself and placed in a manila envelope. Since talking to Dhority I re-

member now that he was the one who returned the shells to me about 10:00 p.m. and stated that his office wanted to retain one. He left me two shells and the envelope that Detective Sims and I had previously marked. It was then that I scratched my name on the two shells that were released at 11:45 p.m. to Agent Vince Drain along with the rifle and other evidence.

Signed this 7th day of May 1964.

(S) J. C. Day,
J. C. DAY.

AFFIDAVIT OF LT. J. C. DAY

The following affidavit was executed by Lt. J. C. Day on June 23, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

STATE OF TEXAS,
County of Dallas, ss:

Before me, Mary Rattan, a Notary Public in and for said County, State of Texas, on this day personally appeared Lt. J. C. Day, Dallas Police Department, who, after being by me duly sworn, on oath deposes and says:

The following affidavit is made to clear up confusion regarding the three spent 6.5 hulls, commission numbers 543, 544, and 545, found by the 6th floor window of the Texas School Book Depository on November 22, 1963. The hulls were picked up by Detective R. M. Sims and Lieutenant J. C. Day and placed in an envelope. Detective R. L. Studebaker was also present. The envelope was marked and dated by Sims and Day. Detective Sims took the hulls after they were checked for fingerprints by Day. The third hull, commission number 545, was later released directly to the FBI by the Dallas Police Department Homicide Division. At 10:00 P.M. November 22, 1963, Detective C. N. Dhority brought the three hulls in the marked envelope back to Lieutenant Day in the Identification Bureau office to recheck for prints. Dhority retained one hull, commission number 545 and left the other two, commission numbers 543, 544 along with the envelope with me to be sent to the FBI. Vince Drain, FBI agent, took custody at 11:45 A.M. the same day. When I appeared before the commission April 22, 1964, I could not find my name on one of the hulls, identified as commission number 543, and thought this was the hull that had been retained by Dhority. On June 8, 1964, the three hulls, commission numbers 543, 544, and 545, were back in Dallas and were examined by Captain G. M. Doughty and myself at the local FBI office. Close examination with a magnifying glass under a good light disclosed that my name "Day" was on all three hulls, at the small end. Also GD for Captain George Doughty was on two of them. Commission numbers 543 and 544 were the first two sent to Washington on November 22, 1963. They have Doughty's initials where he marked the hulls as they were released to Vince Drain at 11:45 P.M. on November 22, 1963 by Doughty and Day. The third hull, commission number 545, does not have Doughty's mark, but is plainly marked "Day". In Washington, I had numbers 543 and 545 switched because I didn't find my name on number 543. I can identify commission numbers 543, 544, and 545 from my name on them, as the three hulls found on the sixth floor of the Texas School Book Depository on November 22, 1963. As to the time I scratched my name on the hulls, I do not remember whether it was at the window when picked up or at 10:00 P.M. November 22, 1963, when they were returned to me by Dhority in the marked envelope. It had to be one or the other, because this is the only time I had all three hulls in my possession. Both Detective R. L. Studebaker and Detective R. M. Sims, who were present at the window when the hulls were picked up, state I marked them as they were found under the window.

Signed this 23d day of June 1964.

(S) J. C. Day,
J. C. DAY.

AFFIDAVIT OF THOMAS J. KELLEY

The following affidavit was executed by Thomas J. Kelley on June 1, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

CITY OF WASHINGTON,
District of Columbia, ss:

I, Thomas J. Kelley, being first duly sworn do upon oath depose and state:

I am an Inspector in the United States Secret Service assigned to Secret Service Headquarters in Washington, D.C. On November 22, 1963, I was not in the City of Dallas at the time of the assassination of President John F. Kennedy. I was instructed through Deputy Chief Paul Paterni to go to Dallas directly from Lexington, Kentucky, where I had been engaged in a special assignment and arrived on Friday evening in Dallas at approximately 10:30 p.m.

I attended a total of four interviews with Lee Harvey Oswald, all of which were held in the office of Captain J. W. Fritz of the Homicide Bureau of the Dallas Police Department. Three of these interviews occurred on November 23 and the fourth on November 24. (Prior to my arrival in Dallas, Oswald had been interrogated on November 22.)

Subsequent to these interviews I dictated summaries from my notes of the subject matter discussed and these dictated summaries were transmitted to Chief James J. Rowley on November 29 and December 1, 1963.

Copies of these written summaries are attached to this affidavit as exhibit A and incorporated by reference herein and made a part hereof. The summary of my last interview with Oswald which occurred on Sunday, November 24, 1963, was the first portion of a four-page memorandum which included in addition to the report of the interview, my report on the circumstances immediately following the murder of Lee Harvey Oswald.

I hereby certify that the attached memoranda constitute my total written memoranda of the interviews with Lee Harvey Oswald at which I was present. I have no additional recollection at this time which I can add to the attached memoranda. I further certify that these memoranda accurately summarize my notes and recollections from these interviews.

Dated this 1st day of June 1964.

(S) Thomas J. Kelley,
THOMAS J. KELLEY.

AFFIDAVIT OF J. W. FRITZ

The following affidavit was executed by J. W. Fritz on June 9, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

STATE OF TEXAS,
County of Dallas, ss.:

Before me, Mary Rattan, a Notary Public in and for said County, State of Texas, on this day personally appeared J. W. Fritz, Dallas Police Department, who, after being by me duly sworn, on oath deposes and says: I wish to supplement the evidence given by me on Wednesday, April 20, 1964, before the President's Commission on the Assassination of President Kennedy, as follows:

The Spent Rifle Hulls

Three spent rifle hulls were found under the window in the southeast corner of the 6th floor of the Texas School Book Depository Building, Dallas, Texas, on the afternoon of November 22, 1963. When the officers called me to this window, I asked them not to move the shells nor touch them until Lt. Day of the Dallas Police Department could make pictures of the hulls showing where they

fell after being ejected from the rifle. After the pictures were made, Detective R. M. Sims of the Homicide Bureau, who was assisting in the search of the building, brought the three empty hulls to my office. These were delivered to me in my office at the police headquarters. I kept the hulls in an envelope in my possession and later turned them over to C. N. Dhority of the Homicide Bureau and instructed him to take them to Lt. Day of the Identification Bureau. I told Detective Dhority that after these hulls were checked for prints to leave two of them to be delivered to the FBI and to bring one of them to my office to be used for comparison tests here in the office, as we were trying to find where the cartridges had been bought. When Detective Dhority returned from the Identification Bureau, he returned the one empty hull which I kept in my possession. Several days later, I believe on the night of November 27, Vince Drain of the FBI called me at home about one o'clock in the morning and said that the Commission wanted the other empty hull and a notebook that belonged to Oswald. I came to the office and delivered these things to the FBI. We have Mr. James P. Hosty's receipt for these items in our report.

Reference to the Testimony of Roger Craig

I don't remember the name Roger Craig, but I do remember a man coming into my outer office and I remember one of my officers calling me outside the door of my private office. I talked to this man for a minute or two, and he started telling me a story about seeing Oswald leaving the building. I don't remember all the things that this man said, but I turned him over to Lt. Baker who talked to him. Lee Harvey Oswald was in my office at this time. I don't remember anything about Lee Harvey Oswald jumping up or making any remarks or gestures to this man or to me at this time, and had I brought this officer into my inner office I feel sure that I would remember it. There were other officers in my inner office at the time, and I have found no one who knows about the remarks that you have asked about.

Signed this 9th day of June 1964.

(S) J. W. Fritz,
J. W. FRITZ.

TESTIMONY OF MRS. MARY JANE ROBERTSON

The testimony of Mrs. Mary Jane Robertson was taken at 12:20 p.m., on May 28, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Leon D. Hubert, Jr., assistant counsel of the President's Commission.

Mr. HUBERT. This is the deposition of Mrs. Mary Jane Robertson.

Mrs. ROBERTSON. Right.

Mr. HUBERT. Mrs. Robertson, my name is Leon D. Hubert, and I am a member of the advisory staff of the general counsel on the President's Commission on the Assassination of President Kennedy. Under the provisions of Executive Order 11130, dated November 29, 1963, the joint resolution of Congress No. 137, and the rules of procedure adopted by the President's Commission in conformance with the Executive order and the joint resolution, I have been authorized to take a sworn deposition from you. I state to you now that the general nature of the Commission's inquiry is to ascertain, evaluate, and report upon the facts relevant to the assassination of President Kennedy and the subsequent violent death of Lee Harvey Oswald. In particular, as to you, Mrs. Robertson, the nature of the inquiry today is to determine what facts you know about the death of Oswald and any other pertinent facts you may know about the general inquiry.

Now, Mrs. Robertson, I believe that you appear here today by virtue of a general request made to you by Mr. J. Lee Rankin, general counsel of the President's Commission, in a letter addressed by him to Chief Curry, asking Chief Curry to request that you come here. Under the rules adopted by the Commission, you are entitled to a 3-day written notice prior to the taking of

this deposition, but the rules adopted also provide that a witness may waive this 3-day notice if he sees fit to do so. Now, I must first ask you if you wish to receive the 3-day notice, or whether you are willing to waive it?

Mrs. ROBERTSON. I am quite willing to.

Mr. HUBERT. Will you rise then, and raise your right hand so that I may administer the oath?

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?

Mrs. ROBERTSON. Yes; I do.

Mr. HUBERT. Will you please state your full name, please, ma'am?

Mrs. ROBERTSON. My name is Mary Jane Robertson or Mrs. Jim G. Robertson, as I go by.

Mr. HUBERT. What is your present residence address?

Mrs. ROBERTSON. 619 Lacewood, L-a-c-e-w-o-o-d [spelling] Drive, in Dallas, of course.

Mr. HUBERT. And your occupation?

Mrs. ROBERTSON. I am classified as a clerk-typist with the city civil service.

Mr. HUBERT. That's Dallas?

Mrs. ROBERTSON. Yes—Dallas—and I work in the special service bureau of the Dallas Police Department.

Mr. HUBERT. In other words, you are a civil service employee but assigned to the Dallas Police Department?

Mrs. ROBERTSON. Right.

Mr. HUBERT. How long have you been so assigned?

Mrs. ROBERTSON. Just about a year and a half—October the 1st I started to work there, so just about a year and a half.

Mr. HUBERT. Now, were you there on Friday, November 22, 1963?

Mrs. ROBERTSON. Yes.

Mr. HUBERT. The day the President was killed?

Mrs. ROBERTSON. Yes; I certainly was.

Mr. HUBERT. Do you remember what time you went to work there and what time you left?

Mrs. ROBERTSON. Yes; at that time I was coming to work at 7:15 and leaving at 4:15—those were my hours.

Mr. HUBERT. At 7:15 in the morning?

Mrs. ROBERTSON. At 7:15 in the morning and leaving at 4:15 in the afternoon. Now, as to the exact time I left that afternoon, I cannot tell you to the minute because, well, further on in the testimony you will probably want to ask, but Jack Revill, Lieutenant Revill, asked me to take a letter for him, the exact time of which I cannot tell you, but I do remember this very well—my husband had a vacation. He had been on a hunting trip and he was at home, so when Jack asked me to write this letter I went in and phoned home and I said, "I might run just a few minutes late because I don't know if this will be a long letter or a short letter, or what it will consist of," and I did have the car, and ordinarily I would have been home, say, leaving the office at 4:15, in 20 or 25 minutes, you know, but I did get home more or less around 5 o'clock—which was the usual time. I mean, I didn't run, you know, real late or anything, but that part—I definitely remember, and my husband does, too.

Mr. HUBERT. And the letter of Lt. Jack Revill you just talked about was the thing that caused you to be delayed?

Mrs. ROBERTSON. That was what I stayed to write—yes.

Mr. HUBERT. And that is a fact?

Mrs. ROBERTSON. That is a fact.

Mr. HUBERT. So, that was the last thing you did that day?

Mrs. ROBERTSON. Yes; when I completed the letter.

Mr. HUBERT. Normally, you would have left at 4:15?

Mrs. ROBERTSON. Yes; and I am saying that I didn't run too much after 4:15—the point of it—now, exactly what time I started on that—I don't know.

Mr. HUBERT. Normally, how long would it take you to get to your home from your office?

Mrs. ROBERTSON. Well, you see, if I leave at 4:15 I make a little better time than if you wait until 4:30 because the more traffic starts then, and it's hard to

say exactly, but I go on the freeway, and it's probably 20 minutes and if it's heavy traffic probably 25—you know what I mean?

Mr. HUBERT. Would it be fair to state, then, that you probably left at about 4:30?

Mrs. ROBERTSON. I would assume so. Now, I'm not saying to the very minute or anything like that, but I am saying that approximately—if it was after 5 o'clock, it was very shortly after when I got in the car, you know, I did not run what you would call late by hours or so.

Mr. HUBERT. Now, I'm going to show you two documents, but I want to identify them with reference to your deposition, so I am marking a document which has been already identified as Commission Exhibit No. 838, as follows: "Dallas, Texas, May 28, 1964, Exhibit No. 1, of the deposition of Mrs. Mary Jane Robertson," and I am signing my name below that, all of which appears in the left margin, and I am doing precisely the same to the other document, which bears the identification, Commission Exhibit No. 709, except that I am marking this as Exhibit No. 2 of the deposition of Mary Jane Robertson, signing my name to that.

Now, Mrs. Robertson, I would ask you to look at Exhibit No. 1 and Exhibit No. 2 which are identified and ask you if that is the letter to which you have previously referred as having been written or typed by you for Lieutenant Revill?

Mrs. ROBERTSON. I didn't this—because I know nothing about this down here [indicating].

Mr. HUBERT. You are pointing to Exhibit No. 1 and you are covering with your hand the affidavit portion?

Mrs. ROBERTSON. Yes.

Mr. HUBERT. You say you know nothing about that?

Mrs. ROBERTSON. No.

Mr. HUBERT. The letter itself, you have noticed that they are actually identical, one appears to be an original and the other a copy?

Mrs. ROBERTSON. That's right—I was trying to see if there was a difference.

Mr. HUBERT. Do you remember writing these letters yourself?

Mrs. ROBERTSON. Why, yes; I wrote them.

Mr. HUBERT. Is there anything on the letter that identifies you as having written them, I mean like the usual little marks put on the letter by a stenographer?

Mrs. ROBERTSON. No; that's something I always do, but what I mean, the state of confusion—well—I'm sure you can't have a conception of the state of confusion that office was in—our main secretary was out, she had a dental appointment and she had left earlier that morning, there were only two girls in the office and the two deskmen.

Mr. HUBERT. Well, you do identify the letter?

Mrs. ROBERTSON. Definitely—I identify the letter.

Mr. HUBERT. You identify it from the sense of it or what?

Mrs. ROBERTSON. Well, this is something that I did not memorize verbatim, and could not have repeated—what I mean—per word, but I could have told you the general gist of the letter, is what I mean, yes—the actual facts.

Mr. HUBERT. Was it dictated to you?

Mrs. ROBERTSON. Lieutenant Revill came in and said, "Mary Jane, I would like for you to take a letter," and like I said, our stenographer was out of the office on an appointment, and I said, "Of course, now, Jack, this has been a hard day and you know I don't take shorthand and if you will be patient with me and let me write it out in longhand, I will be happy to do it for you." That is when I made my phone call home, and so he said, "Well, you take your time," and he said, "I know you don't take shorthand and that's quite all right," and I had him even spell such names so as to be certain of—you know—the agent's name and all like that. He sat across the desk from me, as we are doing here.

Mr. HUBERT. In other words, it was written out in your hand?

Mrs. ROBERTSON. Yes; now, Jack, as I remember—I speak of him, we are very informal in our office, as Lieutenant Revill—Lieutenant Revill, as I recall, did have several papers or rough drafts that possibly he had written out or

something, but he did speak verbally to me and I wrote in my own handwriting and I used a shorthand notebook. I wrote in my own handwriting.

Mr. HUBERT. And then you used your own handwriting for the purpose of writing the letter?

Mrs. ROBERTSON. That's correct.

Mr. HUBERT. What did you do with your own handwriting notes?

Mrs. ROBERTSON. Anything like that I always take and I tear up and put in the wastebasket.

Mr. HUBERT. And you think that's what happened here?

Mrs. ROBERTSON. Well, I'm certain it did.

Mr. HUBERT. But you don't know the existence of those notes now, is what I am getting at?

Mrs. ROBERTSON. No, sir.

Mr. HUBERT. Do you know how many copies you made?

Mrs. ROBERTSON. There again, I could not swear to you under oath exactly. Ordinarily we make an original and five. Now, whether Lieutenant Revill just might have said that an original and three will be enough, I cannot tell you.

Mr. HUBERT. You don't know how many you made?

Mrs. ROBERTSON. No—I cannot—I absolutely do not remember that.

Mr. HUBERT. But the normal practice would have been to make more than one copy?

Mrs. ROBERTSON. More than the original?

Mr. HUBERT. More than the original and one copy—normally you would write the original and how many copies?

Mrs. ROBERTSON. Now, by this going to the captain that is not necessarily so. Anything we address to the chief we would have definitely more than one carbon copy, but for little instances like that, I cannot remember—Lieutenant Revill just might have said "an original and one will be enough."

Mr. HUBERT. Do you recall that he did say so?

Mrs. ROBERTSON. I do not—absolutely.

Mr. HUBERT. And you don't really know how many you did make?

Mrs. ROBERTSON. I cannot tell you—I cannot remember.

Mr. HUBERT. When the letter was finished, what happened to it?

Mrs. ROBERTSON. I called Lieutenant Revill, as well as I can remember, I called him into my office. Now, I might have gone into his office, but I took it directly to him. I waited and let him read it and let him proof it over to see it and I know he questioned me—he said, "Are you sure this is the correct way to spell assassination?" And I said, "Yes, sir; I looked it up in the dictionary," and he read the letter and then as I remember, I got my personal belongings together and I left the building then.

Mr. HUBERT. So, you handed the original and copy or copies to him?

Mrs. ROBERTSON. Directly to Lieutenant Revill.

Mr. HUBERT. And you don't know what he did with it, to your own knowledge?

Mrs. ROBERTSON. Oh, no; I left the building.

Mr. HUBERT. Do you know anything about what the figures in the lower right-hand corner on Exhibit 1, that is to say, Commission Exhibit No. 838, mean?

Mrs. ROBERTSON. Yes; I do.

Mr. HUBERT. What do they mean?

Mrs. ROBERTSON. The captain has files of copies and that is his own, and his own personal file. In fact, he gave me a letter, a photostat, which he said it would be quite all right to show that that is his own and that that appears on his file, you know what I mean, the way he has it set up.

Mr. HUBERT. You are talking about what?

Mrs. ROBERTSON. The O-1 is what I'm talking about.

Mr. HUBERT. Now, you are showing me a document that is exactly the same actually, it seems to be a photostatic copy of Exhibits Nos. 1 and 2, that you have just testified to.

Mrs. ROBERTSON. That's right, this is in the captain's files.

Mr. HUBERT. This is from the captain's files and in the left-hand side it shows "WPG"?

Mrs. ROBERTSON. That's Capt. W. P. Gannaway.

Mr. HUBERT. And then over on the right-hand side it has "O-1" and you say that those are his initials on the left-hand side, and on the right-hand side is what, that is his indexing?

Mrs. ROBERTSON. Correct—this is not in the outside file or anything, it's in the captain's office.

Mr. HUBERT. Would that indicate that there is another copy other than the two that you have just testified to, being Commission Exhibits Nos. 838 and 709?

Mrs. ROBERTSON. Well, sir, will you phrase that again, I don't understand it?

Mr. HUBERT. Well, you will notice that in Commission Exhibits Nos. 838 and 709, both of which have been identified, respectively, as Exhibits Nos. 1 and 2 for this deposition, do not have on the left-hand side the initials of Captain Gannaway. Now, it could be that this document you have just showed me is another copy or another photostat initialed?

Mrs. ROBERTSON. Sir, I don't know. He called me in his office yesterday and handed me the letter and I read it. I said, "Yes, Captain Gannaway, this is the letter. I assume I typed it because this is the contents of the letter that I typed."

Mr. HUBERT. And you remembered it?

Mrs. ROBERTSON. Yes; so he handed it to me and he said, "Well, take this along," and he said, "This, of course, Mary Jane, you well know——"

Mr. HUBERT. You are talking about the "O-1"?

Mrs. ROBERTSON. The O-1, I don't ask questions, but I mean, he has a file, of course, of the documents pertaining to this and so he said, "Would you return the letter to me when you return from taking your deposition?"

Mr. HUBERT. He didn't authorize you to let me have this letter that you have just showed me?

Mrs. ROBERTSON. No; he did not.

Mr. HUBERT. Well, as I said before, I think you will agree with me that this letter seems to be exactly the same as the other two, with the exception that on the one that you have produced there are in the left-hand corner, the initials "WPG," which you say you identify as being the initials of Captain Gannaway?

Mrs. ROBERTSON. That's correct.

Mr. HUBERT. Can you tell us anything about the other markings and symbols on the bottom of Commission Exhibit No. 838? I refer first to seemingly a rubber stamp in a square called "Indexed date 4-27-4" and the initial "S." Can you tell me what that means?

Mrs. ROBERTSON. I have no idea in the world, sir. I have never seen a stamp like that.

Mr. HUBERT. And then below that, the initials "Int," this being in writing, and then "2965-34," do you know what that means?

Mrs. ROBERTSON. I have no idea. Now, there again is our O-1, which would be in our captain's files. Now, whether this is something pertaining—I do not know whether this is something pertaining to his files only, this subject matter.

Mr. HUBERT. But in any case, from your own knowledge, except for the O-1, as to which you have already testified, the rubber stamp and the other figures in the lower right-hand corner in Exhibit No. 1 in this deposition, being Commission Exhibit No. 838, as to those you know nothing about?

Mrs. ROBERTSON. I know nothing, sir. Once I handed the letter to Lieutenant Revill, then I never saw the letter again until I was called into the captain's office yesterday. I remember it in my mind, but as far as seeing the actual document, I had not seen the actual document, I mean a copy of it or anything.

Mr. HUBERT. Do you think it would be possible for you to call Captain Gannaway and see if he would give you authority to let me have that copy that you have shown us or perhaps take a photostat of it; can you do that?

Mrs. ROBERTSON. Yes; I will do that.

Mr. HUBERT. Suppose we take a few minutes recess, then, and you call Captain Gannaway and ask him if we might have that copy.

Mrs. ROBERTSON. All right; I will.

(At this point the proceedings of the deposition of Mrs. Robertson were recessed, during which time Mrs. Robertson made the call heretofore referred to, and the proceedings were continued as hereinafter shown.)

Mr. HUBERT. Mrs. Robertson, you have attempted to reach Captain Gannaway to see if he could give you permission to either let me have a photocopy made of this letter which you showed me, or else have a copy of that made, but at the moment you have not been able to reach him.

Suppose we do this. I have already asked you all the questions that I would ask you about the document, and suppose we do it this way—that if you do secure permission to give it to me, then when it is delivered at a later time today or at the latest, tomorrow, I will mark it as Exhibit No. 3 of your deposition, do you understand?

Mrs. ROBERTSON. Yes.

Mr. HUBERT. By simply writing my name and the date and then all of the testimony which you have previously given as to that document heretofore, but which did not refer to a numbered exhibit will apply to Exhibit No. 3; is that all right? Do you understand what I mean?

Mrs. ROBERTSON. Yes—I see—I understand what you mean.

Mr. HUBERT. Now, I understand that Captain Gannaway, from what you told me, called you in yesterday and spoke to you about this. Has anyone else spoken to you about this recently, at any time?

Mrs. ROBERTSON. No, captain—I assume it was from this letter that was addressed to the chief requiring my testimony on this—the captain just said I was needed and that I had a choice of Thursday or Friday and which would be more convenient?

Mr. HUBERT. Yes; I understand, and then he asked you if you remembered it?

Mrs. ROBERTSON. He asked me first if I remembered the letter, and I said, "Yes, very well," and I repeated the gist of the contents to him.

Mr. HUBERT. That was the only time anyone had spoken to you about the letter?

Mrs. ROBERTSON. Well, when Lieutenant Revill went to Washington, I believe, he went a matter of a week or 2 weeks ago and he said at that time when he came back, when he returned from Washington, he said, "Mary Jane, you know they may need your testimony on it," and I said, "Well, that's fine. I certainly remember the day, and I certainly remember the incident," and other than that there has been no discussion.

Mr. HUBERT. And there is no doubt in your mind that it was written, as you say, on the afternoon of November 22, approximately between the hours of 4 and 4:30 p.m.?

Mrs. ROBERTSON. I would say that it was written more between—yes—about then, because I was thinking from the—actually the time he started giving it to me and all that—actually the typing and waiting for him to proofread it and all like that—that I am sure—because I went directly home to my family and told my husband that I had typed the letter.

Mr. HUBERT. And there can be no doubt about it being November 22, either?

Mrs. ROBERTSON. No doubt in the world.

Mr. HUBERT. All right, Mrs. Robertson, thank you very much. As soon as you find out from Captain Gannaway, perhaps you can arrange some way to get the document delivered?

Mrs. ROBERTSON. Shall I personally have to deliver that to you, or can it be sent by one of the officers? Is there a requirement about it?

Mr. HUBERT. Just so that it is identified more particularly with your testimony, if you get permission to hand me that document, or deliver it in person, that's all that will be necessary.

Mrs. ROBERTSON. Well, I'm quite sure the captain will not object.

Mr. HUBERT. If you want to send it over, I would like you to place your name on it just so that we will know it is the document we are talking about, because after all, this is going to be read by people later, and we know what we are talking about, but we must make it clear that others will know from the whole record what it is.

Mrs. ROBERTSON. I see, sir.

Mr. HUBERT. Thank you, very much, and I appreciate your assistance.

Mrs. ROBERTSON. All right.

TESTIMONY OF LYNDAL L. SHANEYFELT

The testimony of Lyndal L. Shaneyfelt was taken at 3:40 p.m., on June 12, 1964, at 200 Maryland Avenue NE., Washington, D.C., by Mr. Melvin Aron Eisenberg, assistant counsel of the President's Commission.

(The oath was administered by the reporter.)

Mr. SHANEYFELT. I do.

Mr. EISENBERG. Could you state your full name, Mr. Shaneyfelt?

Mr. SHANEYFELT. Yes; Lyndal L. Shaneyfelt.

Mr. EISENBERG. And you have testified before the Commission in this proceeding before?

Mr. SHANEYFELT. Yes; I have.

Mr. EISENBERG. We will not rehearse your qualifications again, since you have already been accepted as an expert in the field in which you are going to be questioned today.

Mr. Shaneyfelt, I hand you a photograph marked Shaneyfelt Exhibit No. 1, consisting of a photograph of Lee Harvey Oswald holding a rifle, and I ask you whether you prepared that photograph?

Mr. SHANEYFELT. Yes; I did.

Mr. EISENBERG. Is this a photograph of an existing Commission exhibit?

Mr. SHANEYFELT. Yes; this is a copy of the small photograph that is a part of Commission Exhibit No. 133.

Mr. EISENBERG. That would be 133-A?

Mr. SHANEYFELT. I don't recall whether it is A or B.

Mr. EISENBERG. I hand you photographs of Commission Exhibits Nos. 133-A and 133-B and ask if this serves to refresh your recollection as to whether Shaneyfelt Exhibit No. 1 is a photograph of 133-A or 133-B?

Mr. SHANEYFELT. Yes; Shaneyfelt Exhibit No. 1 is a copy of the Commission Exhibit No. 133-A.

Mr. EISENBERG. Now, Mr. Shaneyfelt, I hand you the cover of Life magazine, issue of February 21, 1964, which I have labeled Shaneyfelt Exhibit No. 2, and I ask you if this is a photograph which you have previously examined in connection with earlier testimony given by you to the Commission?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. I hand you page 80 of the same issue of Life, which is labeled Shaneyfelt Exhibit No. 3, and I ask you the same question, that is, whether this is the photograph you have previously discussed in connection with earlier testimony?

Mr. SHANEYFELT. Yes; it is.

Mr. EISENBERG. Now, for the record, I am using duplicate originals rather than the actual exhibits, because the actual exhibits are now being printed up by the Government Printing Office.

Mr. Shaneyfelt, I hand you the front page of the Detroit Free Press, issue of February 17, 1964, containing a picture similar to Shaneyfelt Exhibit No. 1, and the other pictures thus far referred to—and I am labeling this Detroit Free Press page Shaneyfelt Exhibit No. 4—and ask you whether you have examined the picture of Lee Harvey Oswald and a rifle appearing on that exhibit?

Mr. SHANEYFELT. Yes; I have.

Mr. EISENBERG. Did you compare this picture with 133-A or Shaneyfelt Exhibit No. 1, your reproduction of 133-A?

Mr. SHANEYFELT. Yes; I did.

Mr. EISENBERG. What was your conclusion on the basis of that comparison?

Mr. SHANEYFELT. I found that the reproduction of the photograph of Oswald holding the gun on Shaneyfelt Exhibit No. 4 has insufficient detail to warrant positive identification as being the same photograph as Shaneyfelt Exhibit No. 1.

However, I did find that the photograph in the newspaper, Exhibit No. 4, is consistent in all respects with the photograph which is Exhibit No. 1, except for variations in retouching that are a normal part of the process of making halftone reproductions from photographs for newspapers. I further found that

there was nothing in these photographs to indicate that they are other than the same photograph.

Mr. EISENBERG. Now, when you say that the only variations appear to be variations in retouching, that would be based on the conclusion that they were the same photograph, is that correct?

Mr. SHANEYFELT. Yes.

Mr. EISENBERG. Could you describe those variations which are apparently due to retouching, Mr. Shaneyfelt?

Mr. SHANEYFELT. Yes. There is an area to the right of Oswald's head and shoulder, to my left as I look at the photograph, that has been airbrushed or otherwise altered, to intensify the outline of the shoulder, which would be Oswald's shoulder.

In addition there is retouching around the stock of the rifle, and along the other portions of the rifle where it crosses Oswald's body, that has been added to intensify the detail in that portion of the photograph.

Mr. EISENBERG. When you say "around the stock," could you specify as to whether you mean the top, bottom, end, or all three or any two of those boundaries?

Mr. SHANEYFELT. In Shaneyfelt Exhibit No. 4 there is retouching on both the top and bottom and butt of the stock, and also a highlight running along the top of the gun from the bolt forward toward the muzzle.

There is an additional highlight along the bottom of the gun just forward of the trigger assembly between the trigger assembly and the hand.

Mr. EISENBERG. Now, there is a highlight on Shaneyfelt Exhibit No. 1 running near the top of the barrel or receiver, is that correct—terminating at Oswald's left hand?

Mr. SHANEYFELT. Yes.

Mr. EISENBERG. What is the relation between the highlight at the top of the barrel or receiver in Shaneyfelt Exhibit No. 4 and the highlight just referred to in Shaneyfelt Exhibit No. 1?

Mr. SHANEYFELT. In Exhibit No. 1, that highlight along the bolt of the gun is in two parts, and the highlight in the photograph or the reproduction of the photograph, Exhibit No. 4, is a continuous highlight.

Mr. EISENBERG. Is it your opinion that the highlight in Shaneyfelt Exhibit No. 4 is based upon the highlight in Shaneyfelt Exhibit No. 1?

Mr. SHANEYFELT. Yes.

Mr. EISENBERG. But it differs, at least, in that it makes a continuous highlight where none appears in Shaneyfelt Exhibit No. 1, is that your testimony?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. Now, in Shaneyfelt Exhibit No. 1, a telescopic sight is apparent on the rifle, and no such sight is apparent in Shaneyfelt Exhibit No. 4. Do you have any opinion as to the reason for the lack of a sight appearing on Shaneyfelt Exhibit No. 4?

Mr. SHANEYFELT. Yes.

Mr. EISENBERG. Could you give that opinion?

Mr. SHANEYFELT. I believe that the sight does not appear in the reproduction of the photograph on Shaneyfelt Exhibit No. 4, because it was not retouched to intensify the detail of the sight, and, therefore was lost in the engraving process. I do not believe that there was any retouching over the sight in order to purposely obliterate it from the reproduction in Exhibit No. 4.

Mr. EISENBERG. Now, is there generally a loss of detail in reproduction of illustrations appearing in newspapers, Mr. Shaneyfelt?

Mr. SHANEYFELT. Yes; there is. This is apparent in other areas of this photograph when compared with Shaneyfelt Exhibit No. 1, in areas of Oswald's shirt, where wrinkling appears in Exhibit No. 1, and is lost in the reproduction. Also, the wrinkles in the dark areas of the trousers are not reproduced in the halftone process, but this detail is lost by the process.

Mr. EISENBERG. What is this halftone process which you mention?

Mr. SHANEYFELT. This is the halftone process by which a continuous tone photograph, such as Exhibit No. 1, is photographed through a screen so that it can be broken up into a dot pattern of black dots on a white background and

white dots on a black background to give the appearance of a continuous tone in the printed newspaper reproduction. And this is the only means by which a continuous-tone photograph can be reproduced.

Mr. EISENBERG. Why is it called a halftone process?

Mr. SHANEYFELT. I don't really know the answer but I would assume that it is because it gives you the tones in between black and white, or the halftones.

Mr. EISENBERG. Now, a loss of detail is inherent in this process, is it?

Mr. SHANEYFELT. That is true, particularly in regard to newspaper reproductions, where a relatively coarse screen is used in making the halftone. In a magazine publication, where a higher quality of printing is used, and a better quality of paper is used, it is possible to use a finer screen and thereby retain a greater amount of the detail.

Mr. EISENBERG. Now, referring once more to the highlight running along the top of the weapon, and terminating at Oswald's left hand in Shaneyfelt Exhibit No. 4; when you compare this exhibit with Shaneyfelt Exhibit No. 1, does it appear that that highlight actually runs along the top of the weapon?

Mr. SHANEYFELT. In the reproduction of the photograph on Exhibit No. 4, the impression is given that the highlight is along the top of the rifle, because you see no additional detail above that highlight along the top of the gun.

Mr. EISENBERG. Now, if you compare that with Shaneyfelt Exhibit No. 1, where a similar highlight appears, does that highlight actually denote the top of the weapon, or is any detail above the highlight apparent in Shaneyfelt Exhibit No. 1?

Mr. SHANEYFELT. On Shaneyfelt Exhibit No. 1, the highlight does not denote the top of the weapon. There is detail present that shows other areas of the gun, the breech, above the highlight.

Mr. EISENBERG. Now, would you say then that detail of the weapon itself, that is, the upper part of the weapon, had been lost along with detail representing the telescopic sight?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. Bringing your attention back to Shaneyfelt Exhibits Nos. 2 and 3, which are the Life photographs, how did these photographs compare with Shaneyfelt Exhibit No. 4, the Detroit Free Press photograph?

Mr. SHANEYFELT. The primary difference is in the retouching. In the area above and behind Oswald's right shoulder, the background has been retouched out on Exhibit No. 4, the Detroit Free Press. In the Life magazine reproduction, Exhibit No. 2, the background has been left in, and the retouching has been added to the shirt area around the right shoulder to enhance the detail along in that area.

The Life magazine reproduction, Exhibit No. 2, also has retouching around the scope of the rifle in order that it will not blend into the dark shirt that Oswald was wearing and thus be lost in the reproduction process; this has not been done in Exhibit No. 4. The retouching along the top of the rifle stock is generally similar, in that it is in a straight line from the butt of the stock to the bolt. However, Exhibit No. 4 has a different type of retouching along the end or butt of the stock and the bottom of the stock or the lower edge of the stock between the butt and the trigger guard. Highlights along the top and bottom of the breech area are different in Exhibit No. 4 than in Exhibit No. 2.

There is a dark shadow between the legs of Oswald that is about halfway between the knee and the crotch that has been left in the reproduction of Exhibit No. 4, but has been retouched out of the Life magazine reproduction, Exhibit No. 2. These are the primary variations in the retouching on the two exhibits.

Mr. EISENBERG. Does the highlight running at or near the top of the receiver or barrel in the bolt area show a continuous or an intermittent form in Commission Exhibit No. 2?

Mr. SHANEYFELT. Commission Exhibit No. 2 shows a break in the highlight along the bolt, and is reproduced very close to the original photograph, which is Exhibit No. 1.

In fact, this area was probably not retouched, or this highlight was probably not retouched, for the Life magazine reproduction.

Mr. EISENBERG. Now, you also mentioned that the retouching along the stock

was different when Shaneyfelt Exhibit No. 2 is compared with Shaneyfelt Exhibit No. 4. Could you go into a little bit of detail on that difference?

Mr. SHANEYFELT. Yes; I mentioned that the highlight along the top from the butt to the bolt is generally similar in that it is in a straight line. Although the rifle itself is actually curved along that area, they both have been retouched in a relatively straight line along the top edge of the stock. There has been a white or light line added along the butt of the stock where it crosses Oswald's leg in Exhibit No. 4 and this has not been done in Exhibit No. 2. In addition, a white outline has been drawn in along the bottom edge of the stock as it runs from the butt to the trigger guard in Exhibit No. 4. This has not been done in Exhibit No. 2.

Mr. EISENBERG. Now, Mr. Shaneyfelt, when retouching is effected, is it performed on a negative or on a print?

Mr. SHANEYFELT. Retouching for newspaper reproduction is almost always done on the print.

Mr. EISENBERG. And what about magazine reproductions?

Mr. SHANEYFELT. This would also be true of magazine reproductions.

Mr. EISENBERG. And would that explain how Shaneyfelt Exhibits Nos. 2 and 4 could differ from each other, even though they were apparently both taken from the same print, originally from the same print, of which Shaneyfelt Exhibit No. 1 is a photograph?

Mr. SHANEYFELT. Yes; that would explain the difference.

Mr. EISENBERG. That is—could you go into detail on that? Could you elaborate that answer? By what process would the result of a reproduction of the same print differ, as reproduced in two different media or two different magazines or newspapers?

Mr. SHANEYFELT. Well, the primary variation would be in the retouching—that has been added. Different publications and different retouch artists would handle a photograph differently, and add different retouching to them. Therefore, these would be the main variations which you would have between two different reproductions. In addition there can also be differences in the quality of the engraving, as there are differences in quality of many things. A newspaper reproduction is made with a coarser screen and gives less detail than a magazine reproduction that uses a finer screen and, therefore, reproduces more detail. These are some of the basic things that would affect these reproductions and make variations in the reproductions.

Mr. EISENBERG. Now, Mr. Shaneyfelt, I hand you page 80 of Newsweek magazine, issue of March 2, 1964, also containing a photograph like those we have been examining, and this is marked Shaneyfelt Exhibit No. 5, and I ask you whether you have examined that photograph?

Mr. SHANEYFELT. Yes; I have.

Mr. EISENBERG. Can you give us your conclusions, please?

Mr. SHANEYFELT. I found that the photograph reproduced in the Newsweek magazine, issue of March 2, 1964, which has been marked as Shaneyfelt Exhibit No. 5, is the same in all general characteristics as the photograph that has been marked as Commission Exhibit No. 133-A, and I found no differences to suggest that it is other than the same photograph—

Mr. EISENBERG. Yes?

Mr. SHANEYFELT. Except for variations in retouching.

Mr. EISENBERG. I take it that your testimony concerning Shaneyfelt Exhibits Nos. 4 and 5 is that due to some loss of detail it is impossible to say that these photographs are identical to Shaneyfelt Exhibit No. 1—or rather Exhibit No. 133-A, on which Shaneyfelt Exhibit No. 1 is based—in the same way you can say that a fingerprint is identical to a given fingerprint impression; is that correct?

Mr. SHANEYFELT. That is correct. I was not able to positively identify them, because of this loss of detail.

Mr. EISENBERG. What is your opinion as to the probability that they are identical, bearing in mind that it is impossible to make an absolute unqualified determination of identity?

Mr. SHANEYFELT. They may very well be identical since I found no significant differences other than the retouching.

Mr. EISENBERG. Is there much doubt in your mind?

Mr. SHANEYFELT. Very little.

Mr. EISENBERG. Apart from the factors which have been mentioned so far as apparently due to retouching, and those factors which you have not yet discussed but will, was there any difference between the reproductions and the original, between the apparent reproductions and the original? That is, was lighting the same, position, and so forth?

Mr. SHANEYFELT. Yes; I found them to be the same in all of these general characteristics as to lighting and position of hands and position of body, their relation to the background. I found no differences whatsoever.

Mr. EISENBERG. So that for the photograph to be a different photograph, I take it, you would have had to have Oswald line up exactly in the same position, with his elbows and torso in precisely the same relative position, with the rifle at precisely the same relative height and in precisely the same relative position as it had been in previously, with the lighting casting the exact same shadows, insofar as shadows are visible, and so forth, is that correct?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. And you found no discrepancies in those items I have just mentioned?

Mr. SHANEYFELT. That is correct.

(Discussion off the record.)

Mr. EISENBERG. Back on the record.

To make the record complete, is there any other possibility, no matter how remote?

Mr. SHANEYFELT. Yes; even though it would be extremely remote, it is conceivable that a person could actually make a drawing or painting of a picture exactly like this, that when reproduced in a newspaper or publication with its loss of detail would resemble Commission Exhibit No. 133-A, in the same manner that this picture or this reproduction resembles Exhibit No. 133-A.

Mr. EISENBERG. "This reproduction" being which, Mr. Shaneyfelt?

Mr. SHANEYFELT. Either Exhibit No. 4, or Exhibit No. 5, Exhibit No. 2, any of the magazine or newspaper reproductions that we have discussed.

Mr. EISENBERG. You are not talking about Commission Exhibit No. 133-A itself, which you testified to earlier?

Mr. SHANEYFELT. No, no.

Mr. EISENBERG. Do you see any evidence of this, Mr. Shaneyfelt?

Mr. SHANEYFELT. No; I do not, and I think it is in the realm of unreasonable doubt and it is highly improbable.

Mr. EISENBERG. Returning to Shaneyfelt Exhibit No. 5, could you describe the apparent retouching in that exhibit?

Mr. SHANEYFELT. Yes; there is airbrushing in the background area that shows beside the right shoulder of Oswald, where the tree that shows in Exhibit No. 1 has been airbrushed out to a darkened area. There have been highlights added to the rifle, a straight highlight along the top of the stock, running from the butt of the stock to the bolt, a bright highlight along the butt of the stock.

There has been rather elaborate retouching around the bolt area or breech area of the rifle. The highlight that appears in Shaneyfelt Exhibit No. 1 along the bolt of the gun, which appears as a broken line or two segments of a line or highlight, appears in the reproduction on Exhibit No. 5 as a broken line very much like the actual highlight in the photograph which is Exhibit No. 1.

There has been a highlight added parallel to that, along the bottom of or just below that area in the reproduction on Exhibit No. 5, which does not appear in Exhibit No. 1.

The top of the rifle has been emphasized with a strong highlight, and the highlight in the reproduction of Exhibit No. 5 along the top of the rifle does not conform to the actual top of the rifle as it can be seen in Shaneyfelt Exhibit No. 1.

There are some other highlights added above that, that are rather unexplainable but may be highlights relative to the lower portion of the scope.

Also a highlight has been added along the top of the barrel between Oswald's left hand and where the barrel extends past his left shoulder.

There has been some retouching added around the pistol on the right hip of Oswald, and around the holster. These are the primary points that have been retouched.

Mr. EISENBERG. Mr. Shaneyfelt, does this photograph, Shaneyfelt Exhibit No. 5, more closely resemble the Detroit Free Press photograph, which is Shaneyfelt Exhibit No. 4, or the Life photographs, Shaneyfelt Exhibits Nos. 2 and 3?

Mr. SHANEYFELT. It corresponds to the reproduction in the Detroit Free Press, Exhibit No. 4, and not as well to the reproduction on Exhibit No. 2, which is the Life magazine. In fact, the reproductions on Exhibits Nos. 4 and No. 5 both have two white specks along the right leg between the knee and the right foot, centrally located in that area one above the other, that do not appear in the original photograph, which is Commission Exhibit 133-A, and do not appear in the Life magazine reproduction on either Exhibit No. 2 or 3. This would indicate to me that these two photographs may have originated from the same basic source or basic print.

Mr. EISENBERG. Now, in fact, the credit under Shaneyfelt No. 5 says, "Copyright 1964, Detroit Free Press," is that correct?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. But is the picture identical in all respects to the Detroit Free Press picture?

Mr. SHANEYFELT. No; the retouching, particularly around the breech of the rifle in Exhibit No. 5, which is the Newsweek reproduction, is different than the retouching on the reproduction in Exhibit No. 4, the Detroit Free Press.

Mr. EISENBERG. Does the reproduction around the breech, that is, just below Oswald's left hand, correspond to anything you have ever seen on a rifle, Mr. Shaneyfelt—that is, the four or five roughly parallel lines?

Mr. SHANEYFELT. No; it doesn't correspond to anything that I recall having seen on a rifle.

Mr. EISENBERG. What do you think the genesis of all those lines would be?

Mr. SHANEYFELT. I believe that they are possibly the artist's interpretation of how the rifle may have looked in that area, since the photograph being retouched was indistinct in that area.

Mr. EISENBERG. Would you say that would be likely to have been done by a person not familiar with rifles?

Mr. SHANEYFELT. That is a possibility, but I wouldn't be able to state that with any degree of certainty. That is one possibility.

Mr. EISENBERG. I also see that Shaneyfelt Exhibit No. 4 has an arrow pointing to the revolver, which is not present in Shaneyfelt Exhibit No. 5, is that correct?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. Can you explain why Shaneyfelt Exhibit No. 5 differs from Exhibit No. 4, although it seems to be substantially similar, and in fact Newsweek credits its photo to the Detroit Free Press, which is the Shaneyfelt Exhibit No. 4 picture?

Mr. SHANEYFELT. Yes; I would attribute these differences to the differences in retouching. Since it would be normal procedure in publications of this type for each publication to do its own retouching for its own reproductions, they would normally receive the picture in an unretouched condition from whatever source is available, such as the Associated Press, or, as in Exhibit No. 3, the credit to the Detroit Free Press, and after receiving the unretouched photograph, would then add the retouching that they desired to have on the photo before making the halftone reproduction.

Mr. EISENBERG. The area to the right of Oswald's shoulder and head, that is, to the left of the shoulder and head as we look at the picture, appears to be retouched or airbrushed out in the same way in both pictures. Would that be your conclusion?

Mr. SHANEYFELT. Yes; with one exception, that while the airbrushing is generally similar, it appears in the Detroit Free Press, which is Exhibit No. 4, as a light area against a black shirt, while in Newsweek, Exhibit No. 5, it appears as a black area against a rather dark shirt, with a light highlight added along the shoulder to make the area stand out against the background.

Mr. EISENBERG. Is it your conclusion, then, that two separate retouchings were done to accomplish that effect, one retouching by the Newsweek people and one retouching by the Detroit Free Press people?

Mr. SHANEYFELT. I have no foundation on which to base a positive statement in that regard, but this is suggested by the variations that are present.

Mr. EISENBERG. So that the presence of that same feature as a retouch in both photographs might be coincidental, or at least might not have been done by the same person?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. And in your mind that similarity of feature does not preclude the possibility that a completely unretouched photo was submitted by the Detroit Free Press to Newsweek?

Mr. SHANEYFELT. That is right.

Mr. EISENBERG. Now, Mr. Shaneyfelt, I hand you page 30 of the New York Times, issue of February 19, 1964, which again contains a photograph similar to those you have been testifying as to—and which page I have marked Shaneyfelt Exhibit No. 6—and I ask you whether you have examined that photograph?

Mr. SHANEYFELT. Yes; I have.

Mr. EISENBERG. And what is your conclusion concerning that photograph, Mr. Shaneyfelt?

Mr. SHANEYFELT. I found this to be generally similar in all visible characteristics to the photograph which is Commission Exhibit No. 133-A, and found no differences to suggest that it is other than the same photograph as Exhibit No. 133-A. However, the lack of detail in the halftone reproduction on Shaneyfelt Exhibit No. 6 precludes a positive identification with Commission Exhibit No. 133-A.

Mr. EISENBERG. Do you see any retouching in this photograph, Mr. Shaneyfelt?

Mr. SHANEYFELT. Yes, I do.

Mr. EISENBERG. Can you describe that?

Mr. SHANEYFELT. In the photograph reproduced on Exhibit No. 6 this is retouched along the right shoulder and to the right side of the face of Oswald. In this instance, that has been put in in a solid medium gray, to make it appear as the extension of the building or the fence that appears in the background of the original photograph.

There is retouching around the rifle stock—in fact, the stock itself seems to have been lightened all along the lower portion near the butt; a highlight along the top has been retouched along the top from the butt to the breech; some retouching along the butt of the stock, and also along the bottom edge of the stock, running upward toward the trigger.

The highlight that appears in Exhibit No. 1 along the bolt as a two-section highlight or a broken highlight appears in this same general area on the gun in the reproduction on Exhibit No. 6 as a solid highlight and one continuous line. There has been a highlight added along the bottom of the gun just forward of the trigger guard and just below Oswald's left hand. Also a highlight has been added along the top of the gun above Oswald's left hand to show the gun as apart from the dark shirt, so that the gun and shirt do not blend into one continuous tone at that point. There appears to be some retouching of Oswald's shadow, in that it has been toned down to a medium gray shadow so that it will not blend into the lower portion of his legs.

Mr. EISENBERG. Which of the reproductions which you have so far examined does this most resemble, Mr. Shaneyfelt: the Detroit Free Press, the Life, or the Newsweek reproduction?

Mr. SHANEYFELT. This corresponds to both the Detroit Free Press and the Newsweek reproductions of the photograph, in that it contains the two white dots along the right leg, centrally located between the ankle and the knee as they appear in those two reproductions, and, therefore, may be derived from the same basic print, since this characteristic does not appear in Commission Exhibit No. 133-A or in the Life magazine reproductions on Shaneyfelt Exhibits Nos. 2 and 3.

Mr. EISENBERG. What about the retouching in the New York Times photograph, Mr. Shaneyfelt, how does that compare with the retouching in the Detroit Free Press and Newsweek photographs?

Mr. SHANEYFELT. The retouching is different from any of the other Exhibits Nos. 4 and 5.

Mr. EISENBERG. Would you conclude, therefore, that the New York Times, like Newsweek, may have received from its source an unretouched photograph which it proceeded to retouch?

Mr. SHANEYFELT. Yes.

Mr. EISENBERG. And that again the similarity in retouching to the upper right of Oswald's shoulder and head might be coincidental?

Mr. SHANEYFELT. Yes; actually, there is considerable difference in the retouching in that area on the New York Times photograph as compared to the Newsweek and Detroit Free Press exhibits. The New York Times has attempted to make it appear as a wall, whereas the other two have merely airbrushed out the line, and it looks like foliage.

Mr. EISENBERG. The stock in all three of these photographs, that is, Detroit Free Press, Newsweek, and New York Times, has also been retouched in a similar manner, that is, so that the top of the stock appears straight, whereas actually the top of the stock is curved—is that correct?

Mr. SHANEYFELT. That is correct.

Mr. EISENBERG. What do you think accounts for the coincidence of the retouching in these two areas—that is, the top of the stock and the area to the upper right of Oswald's shoulder—given the differences you have noted in the details of retouching?

Mr. SHANEYFELT. I would attribute that to a lack of detail in the photographs that they had, and a lack of understanding of the formation of a normal rifle stock on the part of the retoucher.

Mr. EISENBERG. Now, Mr. Shaneyfelt, I hand you the front page of the New York Journal-American, issue of February 18, 1964, which again contains a photograph similar to those you have been discussing, and which I have labeled Shaneyfelt Exhibit No. 7, and ask you whether you have examined that photograph?

Mr. SHANEYFELT. Yes; I have.

Mr. EISENBERG. What is your conclusion?

Mr. SHANEYFELT. It is my conclusion that this photograph is the same in all visible characteristics as the photograph which is Commission Exhibit No. 133-A, and I found no differences that would suggest that it is other than the same photograph. However, because of the lack of detail in the reproduction on Exhibit No. 7, it is not possible to positively identify it as the same photograph.

Mr. EISENBERG. Is retouching apparent in this photograph, Mr. Shaneyfelt?

Mr. SHANEYFELT. Yes; it is.

Mr. EISENBERG. Could you describe that in detail?

Mr. SHANEYFELT. Yes; there has been retouching along the right shoulder of Oswald, and to some degree around the head, in order to have the head and shoulder not blend into the background. This appears to have been done by increasing the highlight or lightening the highlight along the shoulder, rather than darkening the background.

There is a highlight added along the top of the rifle stock that runs quite straight toward the bolt, but it is not as strong a highlight as in the other reproductions we have discussed. There is a highlight along the top of the rifle between Oswald's left hand and the point where the rifle passes his left shoulder. There is a suggestion of some retouching around the rifle scope, which is almost lost in the detail or almost lost against the black shirt, but it is barely visible. There is a dark shadow that appears in Commission Exhibit No. 133-A that has been retouched out of Exhibit No. 7 reproduction, that shadow being about halfway between the knee and the crotch of the trousers between the legs. Those are the primary points of retouching.

Mr. EISENBERG. Which of the various photographs which you have examined does this Journal-American photograph most resemble, Mr. Shaneyfelt?

Mr. SHANEYFELT. The Journal-American photograph reproduction on Exhibit No. 7 is different from the Detroit Free Press, Exhibit No. 4, Newsweek, Exhibit No. 5, and New York Times, Exhibit No. 6, in that the white spots along the right leg between the ankle and the knee do not appear in the reproduction in the Journal-American. It very closely corresponds to the reproduction on the front of the Life magazine, which is Shaneyfelt Exhibit No. 2. In fact, the retouching appears to be very nearly the same. The lack of detail in the Newspaper reproduction on Exhibit No. 7 precludes positively saying that it is identical, but it is my feeling that it is probably identical.

Mr. EISENBERG. Could you point out some of the similarities in retouching?

Mr. SHANEYFELT. Yes; the retouching along the top of the rifle stock, the retouching around the right shoulder and around the head, to the right of Oswald's head, the retouching around the top of the rifle above the left hand, the elimination of the shadow between the legs just below the breech of the trousers are the same in both reproductions.

Mr. EISENBERG. Is there any notable difference between those reproductions, the Life and Journal-American reproductions?

Mr. SHANEYFELT. No; no notable difference in the retouching.

Mr. EISENBERG. Do you have any opinion as to the source of the Journal-American photograph?

Mr. SHANEYFELT. Yes; it is not possible to positively state, but I note in examining the Journal-American reproduction, which is Exhibit No. 7, that the face area in particular has a design in the light shadow areas which I recognized as being typical of a halftone reproduction made from another halftone reproduction. And because of the presence of this characteristic in the shadow area of the face, and the manner in which the photograph is cropped or trimmed, I am of the opinion that it is highly possible that the reproduction in the Journal-American, Exhibit No. 7, was made from a Life magazine cover, issue of February 21, 1964, containing the reproduction of the photograph of Oswald.

Mr. EISENBERG. Could you elaborate on your statement that the cropping is a factor in leading to this conclusion?

Mr. SHANEYFELT. Yes; on Exhibit No. 2, which is the Life magazine cover, if a straight line is drawn vertically past the right edge of the Life sign on the front of the magazine, so that the sign is blocked out, and that straight line is continued through a shadow area comparable to the shadow in the reproduction of Exhibit No. 7, the cropping along that edge of the photograph then becomes identical to the cropping on the Journal-American photograph. This would suggest that the picture was purposely cropped in that manner to eliminate the Life magazine printing in the upper left-hand corner of the magazine cover.

Mr. EISENBERG. Does the Life magazine picture, and also the Journal-American picture, show cropping as against the original, that is, Exhibit No. 133-A?

Mr. SHANEYFELT. Yes. The Life magazine photograph does not show all of the photograph that appears on Commission Exhibit No. 133-A, the photograph having been cropped down closer to the head, cutting out some of the overhead area. There has also been considerable cropping on both the right and left margins, when you compare the Life magazine and Journal-American reproductions with Exhibit No. 133-A.

Mr. EISENBERG. Is there any other feature on the Journal-American photograph which leads you to conclude that it was taken from the Life photograph?

Mr. SHANEYFELT. Yes; in the lower right-hand corner of the Life magazine cover, Exhibit No. 2, there is a strip set in, containing the printing "February 21, 1964, 25 cents." If the Journal-American did, in fact, reproduce this picture from a Life cover, it would have been necessary for them to retouch out this strip of printing in the lower right-hand corner of the Life magazine cover, and I find on examination of the reproduction on the Journal-American that there is retouching in this area. The background of the grass is inconsistent, in that it has been darkened around that area, and there is also darkening along the foot and leg, and the shadow area has been altered in between the two feet in a manner to strongly suggest that this strip has been retouched out in order to make the reproduction on the Journal-American, Exhibit No. 7.

Mr. EISENBERG. Mr. Shaneyfelt, do you have anything to add to your testimony?

Mr. SHANEYFELT. I believe not.

Mr. EISENBERG. Well, thank you very much then. That will be all.

TESTIMONY OF JAMES C. CADIGAN

The testimony of James C. Cadigan was taken at 3:45 p.m., on April 30, 1964,

at 200 Maryland Avenue NE., Washington, D.C., by Mr. Melvin Aron Eisenberg, assistant counsel of the President's Commission.

(The oath was administered by the reporter.)

Mr. CADIGAN. I do.

Mr. EISENBERG. Mr. Cadigan, the purpose for which we are here is to go into the facts of the assassination of President Kennedy, and in particular we have asked you to testify concerning analysis of questioned documents. Mr. Cadigan, could you state your full name and your position?

Mr. CADIGAN. James C. Cadigan. I am a special agent of the FBI, assigned as an examiner of questioned documents in the FBI laboratory in Washington, D.C.

Mr. EISENBERG. And how long have you been in this field, Mr. Cadigan?

Mr. CADIGAN. Twenty-three and one-half years.

Mr. EISENBERG. What was your training in this field?

Mr. CADIGAN. Upon being assigned to the laboratory I was given a specialized course of training and instruction which consisted of attending various lectures and conferences on the subject, reading books, and working under the direction of experienced examiners.

Upon attaining a required degree of proficiency, I was assigned cases on my own responsibility, and since that time I have examined many thousands of cases involving handwriting, hand printing, typewriting, forgeries, erasures, alterations, mechanical devices of all types, pens, paper, and ink. I conduct research on various problems as they arise and assist in the training of our new examiners.

Mr. EISENBERG. Have you testified in Federal or other courts, Mr. Cadigan?

Mr. CADIGAN. Yes; in many Federal and State courts, and military courts-martial.

Mr. EISENBERG. Mr. Cadigan, I now hand you Commission Exhibit No. 773, and I ask you whether you have examined that item.

Mr. CADIGAN. Yes; I have.

Mr. EISENBERG. For the record, that consists of an application to purchase a rifle, addressed to Klein's Sporting Goods in Chicago. Mr. Cadigan, I now hand you an item consisting of a roll of microfilm labeled D-77, and ask you whether you are familiar with that roll of microfilm?

Mr. CADIGAN. Yes; I am.

Mr. EISENBERG. That microfilm will be marked Cadigan Exhibit No. 1.

(The article referred to was marked Cadigan Exhibit No. 1.)

Mr. EISENBERG. Mr. Cadigan, was Exhibit No. 773 developed from a negative contained in Cadigan Exhibit No. 1?

Mr. CADIGAN. Yes; it was printed from that roll.

Mr. EISENBERG. I now hand you Commission Exhibit No. 780, consisting of the Marine Corps file of Lee Harvey Oswald; Commission Exhibit No. 778, consisting of two letters extracted from Oswald's State Department file; Commission Exhibit No. 781, consisting of a passport application by Lee Harvey Oswald, dated June 25, 1963—at least "Passport Issued June 25, 1963"; and Cadigan Exhibit No. 2, consisting of a letter from Lee Harvey Oswald to John B. Connally, then Secretary of the Navy.

(The document referred to was marked Cadigan Exhibit No. 2.)

Mr. CADIGAN. This is in two parts.

Mr. EISENBERG. In two parts, and the second part consists of a letter from Lee Harvey Oswald to a Brigadier General R. McC. Tompkins, dated 7 March 1962, and a group of documents, comprising photographs of the balance of Lee Harvey Oswald's State Department file, labeled Cadigan Exhibit No. 3.

(The documents referred to were marked Cadigan Exhibit No. 3.)

Mr. EISENBERG. I ask you whether you have examined these various items.

Mr. CADIGAN. Yes; I have.

Mr. EISENBERG. Mr. Cadigan, can you explain the meaning of the term "standard" or "known documents" as used in the field of questioned-document examination?

Mr. CADIGAN. Yes. Known standards are samples of writings of an individual which are known to be in his writing and which are available for comparison with questioned or suspect writings.

Mr. EISENBERG. You have examined certain questioned writings allegedly prepared by Lee Harvey Oswald, have you, Mr. Cadigan?

Mr. CADIGAN. Yes.

Mr. EISENBERG. In your examination, what documents did you use as known documents?

Mr. CADIGAN. Cadigan Exhibit No. 2, Commission Exhibit No. 781, Commission Exhibit No. 778, Cadigan Exhibit No. 3, and Commission Exhibit No. 780.

Mr. EISENBERG. For the record, during the balance of the examination I will refer to these documents collectively as the known or standard writings. Mr. Cadigan, a portion of the known documents and a portion of the questioned documents are photographs rather than originals; is that correct?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Are you able to identify the handwriting of an individual on the basis of a photograph of that handwriting?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Would you make an identification, such an identification, if your only questioned document was a photograph if the photograph was sufficiently clear?

Mr. CADIGAN. If the photograph is sufficiently clear, it is adequate for the handwriting comparison.

Mr. EISENBERG. Similarly with standards, if your only standard was a photograph or your only standards were photographs?

Mr. CADIGAN. If your standards were also photographs, it is possible to make the comparison and arrive at a definite opinion.

Mr. EISENBERG. And were the photographs in this case, both the standard and the questioned documents, clear enough to form the basis of an opinion?

Mr. CADIGAN. Yes. I might point out that some of the known standards are original documents and not photographs.

Mr. EISENBERG. Yes; I am aware of that, but I wanted to set out on the record whether the standards which are photographs are adequate—

Mr. CADIGAN. They are adequate.

Mr. EISENBERG. To serve as standards.

Mr. CADIGAN. Yes.

Mr. EISENBERG. Returning to Commission Exhibit No. 773, did you compare the handwriting on that exhibit with the writing in the known standards to see if they were written by the same person?

Mr. CADIGAN. Yes; I did.

Mr. EISENBERG. And what was your conclusion?

Mr. CADIGAN. That the writer of the known standards, Lee Harvey Oswald, prepared the handwriting and hand printing on Commission Exhibit No. 773.

Mr. EISENBERG. Have you prepared photographs or charts which you could use to demonstrate the reason for that, Mr. Cadigan?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Will you produce them? You are handing me an enlarged photograph of Commission Exhibit No. 773, is that correct?

Mr. CADIGAN. Yes.

Mr. EISENBERG. This was prepared by you or under your supervision?

Mr. CADIGAN. Yes.

Mr. EISENBERG. And constitutes an accurate photograph of Exhibit No. 773?

Mr. CADIGAN. Yes.

Mr. EISENBERG. That will be Cadigan Exhibit No. 3-A.

(The document referred to was marked Cadigan Exhibit No. 3-A.)

And have you prepared photographs of the standards, Mr. Cadigan?

Mr. CADIGAN. Yes; I have.

Mr. EISENBERG. The first photograph is an enlargement of the letter to Brigadier General R. McC. Tompkins? Is that correct?

Mr. CADIGAN. Yes.

Mr. EISENBERG. That will be Cadigan Exhibit No. 4.

(The document referred to was marked Cadigan Exhibit No. 4.)

Mr. EISENBERG. And the second photograph is an enlargement of a letter from the State Department file, is that correct?

Mr. CADIGAN. Enlargement of a letter in the State Department file.

Mr. EISENBERG. In the State Department file?

Mr. CADIGAN. Yes.

Mr. EISENBERG. That will be Cadigan Exhibit No. 5.

(The document referred to was marked Cadigan Exhibit No. 5.)

Mr. EISENBERG. The third is an enlargement of a second letter in the State Department file, the first letter having been dated "Received November 1, 1962," and this letter dated "December 7, 1962, Received December 11, 1962," is that correct?

Mr. CADIGAN. Yes.

Mr. EISENBERG. That will be Cadigan Exhibit No. 6.

(The document referred to was marked Cadigan Exhibit No. 6.)

(Discussion off the record.)

Mr. EISENBERG. Next is a letter to the State Department without an apparent date, beginning, "Dear Sirs: Please forward receipts to me for final payment of my loan" and so forth, is that correct?

Mr. CADIGAN. Yes.

Mr. EISENBERG. That will be Cadigan Exhibit No. 7.

(The document referred to was marked Cadigan Exhibit No. 7.)

Mr. EISENBERG. Next is another letter from the State Department file, reading, "Dear Sirs, please add this \$10.00 to my account No. 38210" dated October 8. Is that also from the State Department file, Mr. Cadigan?

Mr. CADIGAN. Yes.

Mr. EISENBERG. That will be Cadigan Exhibit No. 8.

(The document referred to was marked Cadigan Exhibit No. 8.)

Mr. EISENBERG. Next is the letter to then Secretary of the Navy John B. Connally and a page from the letter to Brigadier General R. McC. Tompkins, is that correct?

Mr. CADIGAN. Yes.

Mr. EISENBERG. That will be Cadigan Exhibit No. 9.

(The document referred to was marked Cadigan Exhibit No. 9.)

Mr. EISENBERG. That is in two parts, is that correct?

Mr. CADIGAN. Yes; it is two pages.

Mr. EISENBERG. Next is a photograph of the passport application referred to earlier?

Mr. CADIGAN. Yes.

Mr. EISENBERG. That will be Cadigan Exhibit No. 10.

(The document referred to was marked Cadigan Exhibit No. 10.)

Mr. EISENBERG. And, finally, a photograph of the reverse side of that?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Which will also be Cadigan Exhibit No. 10.

Now, in each case, Mr. Cadigan, were these photographs prepared by you or under your supervision?

Mr. CADIGAN. They were.

Mr. EISENBERG. And are they accurate photographs of the items described as being the subject of the photographs?

Mr. CADIGAN. They are.

Mr. EISENBERG. Now, Mr. Cadigan, with reference to your enlargement, Cadigan Exhibit No. 3-A, and your photographs of standards, Cadigan Exhibits Nos. 4 through 10, could you state some of the reasons which led you to the conclusion that Commission Exhibit No. 778, of which Cadigan Exhibit No. 3 is an enlargement, is in the writing of Lee Harvey Oswald, the author of the known documents?

Mr. CADIGAN. Yes; on Commission Exhibit—

Mr. EISENBERG. You can refer to your photographs.

Mr. CADIGAN. The enlarged photograph, Cadigan Exhibit No. 3-A, contains both handwriting and hand printing which was compared with the known standards, Cadigan Exhibits Nos. 4 through 10. I compared both the handwriting and the hand printing to determine whether or not the same combination of individual handwriting characteristics was present in both the questioned and the known documents. I found many characteristics, some of which I would point out.

On the order blank, in the "A. Hidell" and in the wording "Dallas Texas"

which constitutes a part of the return address, the letter "A" in Cadigan Exhibit No. 3 is made in the same manner as the capital letter "A" on Cadigan Exhibit No. 10. The letter is formed with a short straight stroke beginning about halfway up the left side. The top of it is peaked or pointed. The right side is straight, and is shorter than the initial stroke. The capital letter "D" in Dallas is characterized by a staff or downstroke slanting at about a 30° angle. The lower loop in some instances is closed. In the word "Dallas" the loop is closed, and the body of the letter ends in a rounded loop formation. The same characteristic I found in Cadigan Exhibits Nos. 4, 5, and 6 as well as other exhibits. The word "Texas" on Cadigan Exhibit No. 3-A is characterized with the letter "x" made in an unusual manner in that the writer, after completing the body of the letter, makes an abrupt change of motion to the following letter "a." This same characteristic I observed in the known standard on Cadigan Exhibits Nos. 6, 9, and 4.

In the address portion of the envelope, Cadigan Exhibit No. 3-A, appears the word "Dept." I noticed here, again, the same formation of the capital "D." In addition, the entire word "Dept" appears in the known standards on Cadigan Exhibits Nos. 5, 6, and 7. The characteristics I would point out here are in the letter "p" in Cadigan Exhibit No. 3, where the letter is made with a relatively long narrow staff, and the body of the letter is a rounded shape which projects above the staff. The letter "t" ends abruptly in a downstroke. In the handprinting appearing in the exhibit marked Cadigan Exhibit No. 3-A, the wording "Dallas, Texas" contains a number of the same characteristics as Cadigan Exhibit No. 5, where the same wording appears, and on Cadigan Exhibits Nos. 7 and 8. The writer uses a script-type "D," and prints the other letters in the word "Dallas." The "A" again is made in a similar way to the "A" in "A. Hidell," with a beginning of the downstroke approximately three-quarters of the way up the left side of the stroke. The letter is relatively narrow, and the right-hand side of the letter is straight. In the double "L" combinations there is a curve in the lower portion of the letter. The "S" has a flat top, slanting at approximately a 30-degree angle. In the word "Texas" in Cadigan Exhibit No. 3-A the writer has used a small "e" following the letter "T." The same characteristics will be noted on Cadigan Exhibits Nos. 5, 7, and 8.

Additionally, I noted that in addition to the shape of the letters themselves, the relative heights of the letters, the spacing between the letters, the slant of the letters in both the known and questioned documents are the same.

On Cadigan Exhibit No. 3-A, in the portion for address, appears the notation "P.O. Box 2915," and this same wording appears on Cadigan Exhibit No. 5, and on No. 7 and No. 8 except for the "P.O." portion. Here, again, I observed the same formation of the individual letters; the spacing, the style, the slant of the writings in both questioned and known were observed to be the same.

The tail of the "5" is made with a relatively long stroke and the same characteristic appears in the known standards. In the hand printed name "A. Hidell," on Cadigan Exhibit No. 3-A, another characteristic I noted was the very small-sized "i" in the name "Hidell." The writer makes this letter very short in contrast to the other letters in the name. This same characteristic I observed on Cadigan Exhibit No. 10, the passport application. With reference to the "i" dot on Cadigan Exhibit No. 3 in the name "Hidell," in the return portion, the dot is relatively high and between the body of the letter and the following letter "d." In the portion of the word "Chicago"—of the name "Chicago"—in the address portion on Cadigan Exhibit No. 3, the "i" dot is between the "o" and the "g" in "Chicago" and is well above the line of writing. On Cadigan Exhibit No. 4 I observed the same displacement of the "i" dot. In some instances, it is slightly to the right of the body of the letter, as in the word "citizenship" in the sixth line from the bottom, whereas in the word "direct" in the ninth line from the bottom the "i" dot is displaced one and a half letters to the right.

Based upon the combination of these individual characteristics which I have pointed out, as well as others, I reached the opinion that the handwriting and handprinting on Cadigan Exhibit No. 3-A were written by Lee Harvey Oswald, the writer of the known standards, Cadigan Exhibits Nos. 4 through 10.

Mr. EISENBERG. Now, Mr. Cadigan, the photographs which comprise Cadigan Exhibits Nos. 4 through 10 are actually somewhat more limited than the stand-

ards, in that they represent in some cases excerpts from the standards, is that correct? Such as excerpts from the Marine Corps file?

Mr. CADIGAN. That is correct.

Mr. EISENBERG. Now, when you refer to the standards, Cadigan Exhibits Nos. 4 through 10, do you mean by that that you based your conclusion only on the excerpts shown in Exhibits Nos. 4 through 10?

Mr. CADIGAN. No; the exhibits, Cadigan Exhibits Nos. 4 through 10, were merely prepared for demonstration purposes. The original examination and comparison was made using all of the writings, the handwriting and hand-printing in the State Department file, the Marine Corps file, the passport application and the two letters, one to Governor Connally and one to Brigadier General Tompkins.

Mr. EISENBERG. That is, the documents which you identified very close to the beginning of the deposition, and which I referred to collectively as the standards?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Mr. Cadigan, I now hand you Commission Exhibit No. 788, and ask you if you have examined that exhibit?

Mr. CADIGAN. Yes; I have.

Mr. EISENBERG. For the record, that is the money order which was included with the purchase order to Klein's. Have you prepared a photograph of that exhibit, Mr. Cadigan?

Mr. CADIGAN. I have.

Mr. EISENBERG. That will be Cadigan Exhibit No. 11.

(The document referred to was marked Cadigan Exhibit No. 11.)

Mr. EISENBERG. And this was taken by you or under your supervision?

Mr. CADIGAN. Yes.

Mr. EISENBERG. And is it an accurate photograph of the money order, Exhibit No. 788?

Mr. CADIGAN. It is.

Mr. EISENBERG. Did you compare Exhibit No. 788 with the standards to determine whether Exhibit No. 788 had been written by Lee Harvey Oswald?

Mr. CADIGAN. Yes.

Mr. EISENBERG. What was your conclusion?

Mr. CADIGAN. That the postal money order, Cadigan Exhibit No. 11, had been prepared by Lee Harvey Oswald.

Mr. EISENBERG. The postal money order is Commission Exhibit No. 788 and your picture is Cadigan Exhibit No. 11, is that correct?

Mr. CADIGAN. That is correct.

Mr. EISENBERG. Could you explain some of the points of identity which led you to the conclusion that you formed?

Mr. CADIGAN. Yes; I think that using the wording "Dallas, Texas" appearing on Commission Exhibit No. 839 as an example of some of the handwriting characteristics present on this exhibit—

Mr. EISENBERG. You mean Cadigan Exhibit No. 11?

Mr. CADIGAN. Yes. In the wording "Dallas, Texas," the writing is quite characteristic. I noted, again, the overall size, spacing, slant, and relative proportions of letters on Cadigan Exhibit No. 11 were the same as on Cadigan Exhibit No. 6, and that the letter "D" was characterized on Cadigan Exhibit No. 11 with a relatively short staff, with a rather long retrace on the left side of the staff, the body of the letter ending in a large curling stroke. The small letter "a" is rather narrow and somewhat flat. There is a rather long smooth connecting stroke between the "a" and the double letter "l." The "s" is almost triangular in shape, and has no ending stroke or tail to the right.

Further, on Cadigan Exhibit No. 11, in the word "Texas" I noted again the rather unusual shape of the small letter "x," in that it appears almost as though it were a letter "u." The capital letter "T" in "Texas" has a very long curved beginning stroke and a small eyelet or loop in the lower portion of the letter.

I noted these same characteristics on Cadigan Exhibit No. 6 in the wording "Dallas, Texas," and certain of the letters on Cadigan Exhibits Nos. 6, 7, 8, and the entire word "Texas" in Cadigan Exhibit No. 4.

I noted also, again, that the small letter "p" in the word "sporting" on Cadigan

Exhibit No. 11 was made the same as the "p's" in the known standards as well as on Cadigan Exhibit No. 3 in the word "Dept," in that the staff is long, in the form of a long closed loop, and the upper portion of the letter extends above the staff and the body of the letter is not closed to the staff.

I further noted that on Cadigan Exhibit No. 11 the wording "P.O. Box 2915" contained the same characteristics as the same wording in Cadigan Exhibits Nos. 5, 6, and 7. And here again, based on a combination of personal handwriting characteristics in the entire writing, I reached the opinion that Cadigan Exhibit No. 11 had been written by Lee Harvey Oswald.

Mr. EISENBERG. Mr. Cadigan, I now hand you Commission Exhibit No. 135, which, for the record, is an order used for the purchase of the revolver that was apparently used to murder Officer Tippit, and I ask you whether you examined that exhibit.

Mr. CADIGAN. Yes; I have.

Mr. EISENBERG. And have you taken a photograph of that exhibit?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Which you now have before you?

Mr. CADIGAN. Yes; I have an enlarged photograph.

Mr. EISENBERG. And that would be Cadigan Exhibit No. 12.

(The document referred to was marked Cadigan Exhibit No. 12.)

Mr. EISENBERG. This was taken by you or under your supervision?

Mr. CADIGAN. Yes.

Mr. EISENBERG. It is an accurate photograph of Exhibit No. 135?

Mr. CADIGAN. It is.

Mr. EISENBERG. Mr. Cadigan, did you compare Commission Exhibit No. 135 with the standard or known writings of Lee Harvey Oswald?

Mr. CADIGAN. Yes; I did.

Mr. EISENBERG. What was your conclusion as to the origin of 135?

Mr. CADIGAN. That it was written by Lee Harvey Oswald.

Mr. EISENBERG. And can you give some of the reasons that led you to form that conclusion?

Mr. CADIGAN. Yes; here again, it is the presence of the same combination of individual handwriting characteristics, both handwriting and handprinting. For example, again the wording "Dallas, Texas," is handprinted on Cadigan Exhibit No. 12, and the same characteristics appear in the same wording on Cadigan Exhibits Nos. 9, 7, 6, and 8. The formation of the individual letters on Cadigan Exhibit No. 12, the spacing of the letters, the proportions of the letters, were found to be the same as on the known standards.

Additionally, the capital letter "D" in the name "Drittall" on Cadigan Exhibit No. 12 has a rather unusual appearance in the upper portion of the letter in that it is very pointed and wedge-shaped, and I found this same shape present on the reverse side of the passport application on Cadigan Exhibit No. 10, page 2 in the word "Dec."

Again, I noted the rather long tail or ending stroke on the number "5" in the address portion of this exhibit. Again, based on finding the same combination of individual handwriting habits in the questioned and known writings, I concluded that Commission Exhibit No. 135 was written by Lee Harvey Oswald.

Mr. EISENBERG. Mr. Cadigan, I hand you Commission Exhibit No. 791, which, for the record, is an application by Oswald for post office box 2915, dated October 9, 1962, and ask you whether you have examined that exhibit?

Mr. CADIGAN. Yes.

Mr. EISENBERG. And have you prepared a photograph of that exhibit, Mr. Cadigan?

Mr. CADIGAN. I have.

Mr. EISENBERG. That will be Cadigan Exhibit No. 13.

(The document referred to was marked Cadigan Exhibit No. 13.)

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

Mr. CADIGAN. Yes.

Mr. EISENBERG. And is it a true and accurate photograph of 791?

Mr. CADIGAN. It is.

Mr. EISENBERG. Did you attempt to determine whether Commission Exhibit No. 791 had been prepared by the author of the standards, Lee Harvey Oswald?

Mr. CADIGAN. Yes.

Mr. EISENBERG. What was your conclusion?

Mr. CADIGAN. That Lee Harvey Oswald had prepared the hand printing, signature, and date on Commission Exhibit No. 791. This excludes the box number and the wording "Dallas, Tex.," in the lower right portion.

Mr. EISENBERG. Can you give some of the reasons why you came to that conclusion?

Mr. CADIGAN. Yes; the reasons are basically the same, the presence of the same combination of both handwritten and hand printed characteristics in the known and questioned exhibits. On Cadigan Exhibit No. 18 we have the hand printed wording—

Mr. EISENBERG. Cadigan Exhibit No. 18?

Mr. CADIGAN. Cadigan Exhibit No. 10, excuse me, the passport application, we have the wording "LEE OSWALD." This hand printed signature is quite distinctive in the formation of the individual letters, in the spacing of the letters, and their slant. For example, the letter "L" on both Cadigan Exhibit No. 13 and on Cadigan Exhibit No. 10, there is a small hook in the upper left portion where the downstroke begins, and there is a little tent or hill at the base of the letter. The double letter "E's" also have a curve, a dent at the base of the letter, although not so pronounced. Both letters, both letter "E's," are approximately the same height as the "L."

In the last name "OSWALD" on Cadigan Exhibit No. 13 and on Cadigan Exhibit No. 10 the "O" has a pointed or tented appearance in the upper right portion, and the ending stroke curves down into the body of the letter. The "S" and "W" in both the questioned and known are smaller than the following capital letter "A." This capital letter "A" in both instances is made in the same manner as previously described on other exhibits. The writer uses a lower-case or small "l," and a lower-case or small "d" for the last two letters of his name, the "d" portion or the letter "d" in both instances being made with a straight-slanted stroke, then an abrupt circular stroke to the left.

In addition on this same exhibit I noted the formation of the letter "i." The exhibit I refer to is Cadigan Exhibit No. 13—the "i" being made very small in relation to the other letters adjacent to it.

This document also bears the signature "Lee H. Oswald" which, again, is a very characteristic signature. It appears in Cadigan Exhibit No. 13, the questioned document, and Cadigan Exhibits Nos. 4, 5, 6, 7, 8, 9, and 10. The signature I noted was written rather rapidly. It is somewhat distorted in appearance. The initial "L" has a rather long curved beginning stroke and relatively narrow upper and lower portions of the letter. The letter "H" is made with two parallel strokes and it can be seen that there is a very little retrace from the base of the first stroke in the letter to the top of the second stroke in the letter.

The "O" combination is rather unusual in that the writer swings into the letter "s" from the top of the "O." Also, as the signature progresses to the right it increases in size, and very noticeably in the "ld" portion where the "d" stands well above the line of writing. And in this particular signature there is a long-swinging stroke from the top of the "d," having a shape similar to a "u" lying on its side. The base of the letter has a very sharp angular formation.

Again, based on a combination of the same individual handwriting and hand printing characteristics, I reached the opinion that Commission Exhibit No. 791 was prepared by Lee Harvey Oswald.

Mr. EISENBERG. Mr. Cadigan, I now hand you Commission Exhibit No. 793, consisting of a change-of-address card relating to box 2915. Have you examined that exhibit?

Mr. CADIGAN. Yes; I have.

Mr. EISENBERG. And have you prepared a photograph thereof?

Mr. CADIGAN. I have.

Mr. EISENBERG. That will be Cadigan Exhibit No. 14.

(The document referred to was marked Cadigan Exhibit No. 14.)

Mr. EISENBERG. This photograph is an accurate reproduction of Commission Exhibit No. 793?

Mr. CADIGAN. Yes; it is.

Mr. EISENBERG. Mr. Cadigan, getting back for a moment to Cadigan Exhibit

No. 13, I see that there is another picture shown on that exhibit, apart from the one as to which you testified.

Mr. CADIGAN. Yes.

Mr. EISENBERG. Can you describe that?

Mr. CADIGAN. Yes. That is a Post Office Department Form 1093, application for post office box, and the post office box number is 6225, and it is signed, "Lee H. Oswald."

Mr. EISENBERG. And why is that included on the picture with Cadigan Exhibit No. 13, or rather on the picture with Commission Exhibit No. 791? Is that because they were both from——

Mr. CADIGAN. No; it is part of another post office application that does not relate to box 2915.

Mr. EISENBERG. Did you have any particular reason for printing that up with the photograph of Exhibit No. 791?

Mr. CADIGAN. No. I think it may have been part of another exhibit which has not as yet been introduced.

Mr. EISENBERG. Does your identification of Exhibit No. 791 in any way depend upon that photograph?

Mr. CADIGAN. No; not at all.

Mr. EISENBERG. So we can disregard it for our purposes?

Mr. CADIGAN. If you want to, I can take it out.

Mr. EISENBERG. Well, it is in.

Mr. CADIGAN. I mean I can just cut it along here.

Mr. EISENBERG. I would rather leave it in, since it is in the record.

Mr. CADIGAN. All right.

Mr. EISENBERG. I just wanted to make sure that it didn't need to be discussed as part of the identification of Exhibit No. 791, and I take it it does not?

Mr. CADIGAN. No.

Mr. EISENBERG. Now, getting back to Commission Exhibit No. 793 and the photograph thereof, which is Cadigan Exhibit No. 14, did you attempt to determine whether Commission Exhibit No. 793 had been prepared by Lee Harvey Oswald?

Mr. CADIGAN. Yes.

Mr. EISENBERG. The photograph of which is Cadigan Exhibit No. 14. And what was your conclusion on that?

Mr. CADIGAN. Again, that Commission Exhibit No. 793 was written by Lee Harvey Oswald, again based upon finding the same combination of individual handwriting and hand printing characteristics in both the questioned writing and the known standards.

Mr. EISENBERG. Could you discuss some of those common characteristics?

Mr. CADIGAN. Yes. Here, again, the entire word "Dallas" and the word "Texas" is made in a very characteristic manner which I have described before, and which appears on Cadigan Exhibits Nos. 9, 6, 7, and 8.

The signature "Lee H. Oswald" was found to have the same characteristics as the known signatures, although here I noted that in the ending "d" in "Oswald" the stroke was less cursive than the ending "d" in Cadigan Exhibit No. 13, in that the writer makes a rather narrow loop and does not cross the staff of the letter "d." I noted this characteristic, also, in Cadigan Exhibits Nos. 9 and 10. I would like to point out that here, again, the writer varies his individual characteristics, which is entirely normal and expected, and actually it adds weight to the characteristic to find that it does vary to some degree. All writing, particularly signatures, are never exactly duplicated and some variation is normally expected, and finding the same variations in both questioned and known signatures increases the value of it, so that, again, the presence of the same combination of handwriting and hand printing characteristics in Cadigan Exhibit No. 14 in the known exhibits enabled me to reach the opinion that Commission Exhibit No. 793 was written by Lee Harvey Oswald.

Mr. EISENBERG. You used the term "cursive" in respect to this. Can you explain the meaning of that term?

Mr. CADIGAN. Yes; the ending "d" stroke is made with a flourish or a sweeping motion on Cadigan Exhibit No. 13, and on Cadigan Exhibit No. 14 the stroke ends abruptly at the staff of the letter.

Mr. EISENBERG. And why do you call one "more cursive"?

Mr. CADIGAN. Merely for description.

Mr. EISENBERG. Can you explain the meaning of the term "cursive" apart from your use in this instance?

Mr. CADIGAN. I think cursive has also been used to describe the roundness of writing as opposed to an angular shape. I think it also is sometimes used to distinguish between handwriting and hand printing.

Mr. EISENBERG. Mr. Cadigan, I now show you Commission Exhibit No. 795, consisting of an item purporting to be a Selective Service System notice of classification in the name of "Alek James Hidell"; Commission No. 801, a Selective Service System notice of classification in the name of Lee Harvey Oswald; Commission Exhibit No. 802, a registration certificate of the Selective Service System in the name of Lee Harvey Oswald; Commission Exhibit No. 803, a photographic negative; Commission Exhibit No. 804, a photograph negative; Commission Exhibit No. 805, a photograph negative; and Commission Exhibit No. 811, a photographic negative, and I ask you whether you have examined these various items?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Based on that examination, Mr. Cadigan, could you discuss your conclusions concerning Commission Exhibit No. 795?

Mr. CADIGAN. Yes. Commission Exhibit No. 795 is a fraudulent and counterfeit reproduction made from the retouched photographic negatives in Commission Exhibits Nos. 804, 805, and 811 which in turn were made from Commission Exhibits Nos. 801 and 802.

Mr. EISENBERG. And how were they prepared precisely, Mr. Cadigan?

Mr. CADIGAN. These are photographic reproductions. What was done was to take a genuine Selective Service System notice of classification, Commission Exhibit No. 801 in the name of Lee Harvey Oswald. From this, a photographic negative was prepared. Then various portions of the information, including the name, the selective service number, the signature of the clerk of the local board were obliterated with a red opaque substance, and I noted that in the course of this the individual preparing the negative had inadvertently cut off portions of the printed letters, had thickened printed lines, and especially I noted in the signature portion had destroyed portions of the printed letters, and I compared the Commission Exhibit No. 795 with the retouched negative itself, and observed that the defects in the Commission Exhibit No. 795 were due to the retouching of the negative. Although the negative has been blotted out, or the information has been blotted out, it is readily visible to the naked eye that on Commission Exhibit No. 803, which was also examined in connection with the examination of Commission Exhibit No. 795, the original writing, the original signature and the typed information "Lee Harvey Oswald" and selective service number is the same as it appears on Commission Exhibit No. 801. The opaquing is merely to remove this information photographically. There was an intervening step where a small negative or a reduced negative of the lower portion of the face of the card which refers to the penalty for violation concerning carrying the card itself was made. The individual responsible made a reduced photograph but, again, the same characteristics are apparent, and by comparing the print, the photographic print Commission Exhibit No. 795 with these negatives, it is possible to determine that the Commission Exhibit No. 795 was produced from the negatives and the negatives in turn were produced from Commission Exhibits Nos. 801 and 802.

In this connection, I would point out that the reverse side of Commission Exhibit 795 is the form used for a registration certificate, and it is not a proper face of a notice of classification. Here, again, the same procedure was followed. The original card is photographed. The unwanted information is painted out with an opaque substance, and then a photographic print is prepared. Then the individual responsible typed in the information "Alek James Hidell" with the selective service number, descriptive data on the reverse, and the number of the local board.

Further, an examination of the Commission Exhibit No. 795 shows the individual had placed the photograph in a typewriter and struck a number of keys which did not print. The indentations from the typewriter keys can be clearly

seen in side lighting. Also, in the selective service number on the face of the card and the data on the back of the card, indentations of typewriter keys were noted.

Mr. EISENBERG. Mr. Cadigan, returning to the negatives, I see that in Commission Exhibit No. 803, as you pointed out, the information that was originally on the card is visible.

Mr. CADIGAN. Yes.

Mr. EISENBERG. Whereas, in Commission Exhibit No. 804 it is not visible.

Mr. CADIGAN. Yes.

Mr. EISENBERG. Can you explain the difference?

Mr. CADIGAN. Yes; because Commission Exhibit No. 804 is an intermediate step. Commission Exhibit No. 803 was first prepared, and a print was made from this exhibit. The photographic print would not have the name "Lee Harvey Oswald" in red on it. In the place of "Lee Harvey Oswald" it would show as a blank. Then using the print, a second negative is prepared, and further retouching is done, and also the warning notice in a reduced form is inserted into the negative, so that the data from the original notice of classification issued in the name of Oswald appears on the first negative and does not appear on the second negative, but both negatives are directly linked to the original card of Oswald and to the counterfeit reproduction.

Mr. EISENBERG. Now, have you prepared photographs of this card showing some of the details you have been discussing?

Mr. CADIGAN. Yes.

Mr. EISENBERG. That will be Cadigan Exhibit No. 15.

(The document referred to was marked Cadigan Exhibit No. 15.)

Mr. EISENBERG. This Cadigan Exhibit—

Mr. CADIGAN. Actually, there are four different photographs, photographic enlargements that comprise Cadigan Exhibit No. 15, the face and reverse of the notice of classification made in normal lighting, and the face and reverse of the card made with side lighting showing the typewritten indentations.

Mr. EISENBERG. Let's mark those, then, Cadigan Exhibits Nos. 15, 16, and 17, and 18.

(The documents referred to were marked Cadigan Exhibits Nos. 15, 16, 17, and 18.)

Mr. EISENBERG. Now, Cadigan Exhibit No. 15 shows the face with normal lighting?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Cadigan Exhibit No. 16 shows the reverse with normal lighting?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Cadigan Exhibit No. 17 shows the face with side lighting?

Mr. CADIGAN. Yes.

Mr. EISENBERG. And Cadigan Exhibit No. 18 shows the reverse with side lighting?

Mr. CADIGAN. Yes.

Mr. EISENBERG. These exhibits also contain pictures of another questioned document which we will get to shortly, and that is the certificate of service in the name of Alek James Hidell, is that correct?

Mr. CADIGAN. That is correct.

Mr. EISENBERG. Now, starting with Cadigan Exhibit No. 15, could you discuss several of the features on which you base the conclusions you have given us earlier?

Mr. CADIGAN. Yes. The observation of this exhibit will show in the blocks for the selective service number fragmentary portions of the original selective service number. The lines have been thickened. In the space provided for "been classified in Class," in the middle, in approximately the middle of the space there is a heavy dotted line. By comparing this with the original card issued in the name "Oswald" is seen the lower portion of the capital letter "I."

Mr. EISENBERG. Have you taken a photograph of the original card?

Mr. CADIGAN. Yes.

Mr. EISENBERG. That we will mark Cadigan Exhibit No. 19.

(The document referred to was marked Cadigan Exhibit No. 19.)

Mr. CADIGAN. On the right-hand side of the card the word "President" appears, and on Cadigan Exhibit No. 15 a portion of the "r" and the "e" is missing, due to the retouching. Examination of the corresponding area on Cadigan Exhibit No. 19 shows that this was due to retouching a portion of the signature of the local board. Similarly, in the wording "heavy penalty for violation" appearing below the signature, the word "violation" is considerably distorted in that portions of the various letters are missing. The negative shows this is due to retouching, and a comparison with the original card of Oswald, of which Cadigan Exhibit No. 19 is an enlargement, shows where the lower loops of the letter "f" cut into the letter, cut into the printed word "violation," which required retouching by the individual to remove it.

Mr. EISENBERG. Have you taken photographs of these negatives to illustrate these points?

Mr. CADIGAN. Yes.

Mr. EISENBERG. This is that photograph?

Mr. CADIGAN. Yes.

Mr. EISENBERG. That will be marked Cadigan Exhibit No. 20.

(The document referred to was marked Cadigan Exhibit No. 20.)

Mr. CADIGAN. And by referring to the Cadigan Exhibit No. 20, which shows the retouching, examination of the area in the word "President" will show where the portion of the "r" has been cut off. It will show where the capital letter "I" appears in the space provided "been classified in Class," the "I" being part of the classification, Roman numeral "IV-A," which appears on the original card.

Cadigan Exhibit No. 20 shows, also, the intermediate negative where the size of the warning appearing on the bottom of the card was reduced, and the additional retouching made that causes the distorted appearance of the word "violation" on the Commission Exhibit No. 795, so that it was based on my comparison side by side of the negatives; the photographic print, and the original exhibit in the wallet of Oswald, which enabled me to determine that this Commission Exhibit No. 795 was a fraudulent counterfeit made from retouched negatives which, in turn, were made from the original exhibits, Commission Exhibits Nos. 801 and 802.

Mr. EISENBERG. I think that Cadigan Exhibits Nos. 16, 17, and 18 are self-explanatory.

Mr. CADIGAN. They merely serve to illustrate the indented typewriting that appears on these exhibits.

Mr. EISENBERG. Mr. Cadigan, I now hand you Commission Exhibit No. 806, purporting to be a certificate of service that Alek James Hidell has honorably served on active duty in the U.S. Marine Corps, and ask you whether you have examined that document?

Mr. CADIGAN. Yes.

Mr. EISENBERG. And I hand you Commission Exhibit No. 812, consisting of two negatives. Have you examined those negatives?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Based upon your examination, have you come to any conclusion as to the construction of Commission Exhibit No. 806?

Mr. CADIGAN. Yes; again, this is a fraudulent and counterfeit reproduction made from photographic negatives which, in turn, were made from the original card issued in the name of Lee Harvey Oswald.

Mr. EISENBERG. Have you taken a photograph of the original card?

Mr. CADIGAN. Yes.

Mr. EISENBERG. And where does that appear? That is the photograph you are handing me now, which we will label Cadigan Exhibit No. 21?

Mr. CADIGAN. Yes.

(The document referred to was marked Cadigan Exhibit No. 21.)

Mr. EISENBERG. Cadigan Exhibit No. 21 includes the selective service registration certificate we have been discussing, is that correct?

Mr. CADIGAN. No; it includes an enlargement of the original Selective Service System registration certificate issued in the name of Lee Harvey Oswald.

Mr. EISENBERG. And that is the Selective Service System certificate on which the forgery in the name of Hidell was based?

Mr. CADIGAN. From which the reverse side of the forged or the fraudulent and counterfeit notice of classification was prepared.

Mr. EISENBERG. Focusing our attention on the certificate of service, could you illustrate by use of this photograph and any others you have already introduced some of the points which led you to your conclusion—

Mr. CADIGAN. Yes.

Mr. EISENBERG. As to Commission Exhibit No. 806?

Mr. CADIGAN. The two negatives in Commission Exhibit No. 812, which appear on Cadigan Exhibit No. 20, show the areas of retouching. Examination of the negatives themselves in Commission Exhibit No. 812 shows that the original entries on the face and reverse side can be seen. It appears in red. The face reads "Lee Harvey Oswald, 1653230." And the reverse side bears his signature.

From a study of the negatives and from the enlarged photographs, Cadigan Exhibits Nos. 15, 16, 17, and 18, I wish to point out some of the evidence that links these three items together. On Cadigan Exhibit No. 16, on the reverse side in the printed word "signature," the "u" is misshapen, due to some of the retouched substance crossing the letter, and this is exactly in the area where the upper portion of the name "Lee" appears on the original card. This is seen on Cadigan Exhibit No. 21.

Also on the line below, in which appears the printed wording "signature of certifying officer," in the letter "n" in "certifying" can be seen a long line which at first glance might appear to be a part of the signature "A. G. Ayers, Jr.," but which corresponds exactly to the ending stroke of the letter "y" in "Harvey."

Also, in the printed word "officer" on the same line can be seen the effects of the retouch in that the upper part of the first "f" has been cut off by the retouch substance. So that by a study and a comparison of the Commission Exhibit No. 806 with the negatives, with particular reference to where the retouching fluid has cut into lines or printing, and further comparing the same negative with the original card, as shown in Cadigan Exhibit No. 21, I determined and it can be seen that the Commission Exhibit No. 806 was produced from the negatives in Exhibit No. 812, which, in turn, were produced from the original card of which Cadigan Exhibit No. 21 is a photograph.

Mr. EISENBERG. Mr. Cadigan, in either the fraudulent selective service notice of classification or certificate of service, have attempts been made to reinstate portions of printed lines which were blocked out by the opaque substance?

Mr. CADIGAN. No; I didn't notice that, particularly. I noticed from a technical standpoint that the opaquing was rather crudely done, in that the opaquing of negatives is a common photographic technique, and with reasonable care you can avoid cutting into lines. I didn't particularly observe any areas where the lines had been put back in.

This does not eliminate the possibility, because it is a very simple matter of scratching through the opaque emulsion to produce such a line.

Mr. EISENBERG. Where the line is thickened, as is visible in Cadigan Exhibit No. 15, how would you account for that, Mr. Cadigan? I am looking now at Cadigan Exhibit No. 15 in the block, that portion of the rectangular block surrounding the number "224," and particularly the bottom of the block.

Mr. CADIGAN. A study and examination of Cadigan Exhibit No. 19 shows that these areas correspond to the figures "114" which appear in the second block of the Selective Service number, and which were not retouched off.

Mr. EISENBERG. So you feel that, rather than the bottom of that block being thickened in the retouching, what you have is a residue from the typed-in portion—

Mr. CADIGAN. Yes.

Mr. EISENBERG. Which appeared on the original card?

Mr. CADIGAN. Yes; and this can be further seen. The right-hand side of the block for the first two letters of the selective service number shows a thickened area which corresponds to the numeral "1" on the original card of Oswald.

Mr. EISENBERG. Mr. Cadigan, returning now for a moment to Commission Exhibit No. 795, were you able to identify either of the two signatures written in ink on that card, the one being "Alek J. Hidell," and the other a signature written over the caption "Member or clerk of local board"?

Mr. CADIGAN. No; I did examine the "Alek J. Hidell" signature appearing as the signature of registrant, but the known writings available of Lee Harvey Oswald were not sufficiently comparable with the signature to reach a definite opinion. I did note, however, some similarities in the letter "A" and in the last name, the letter "H" and the ending "l." But these were not of sufficient weight nor of sufficient number nor of sufficient combination to warrant a definite opinion.

Mr. EISENBERG. You say you compared this item, this signature with the known standards. Did you compare the signature with questioned documents which you already identified?

Mr. CADIGAN. No.

Mr. EISENBERG. Mr. Cadigan, I wonder whether after this deposition would you compare this signature with those questioned signatures of "Alek J. Hidell" which you have now identified?

Mr. CADIGAN. Yes; certainly.

Mr. EISENBERG. Mr. Cadigan, I now hand you Commission Exhibit No. 817, consisting of a portion of an application for a post office box 30061 in New Orleans, POD Form 1093, and ask you whether you have examined that item?

Mr. CADIGAN. Yes.

Mr. EISENBERG. And have you attempted to determine whether that item, Commission Exhibit No. 817, was prepared by Lee Harvey Oswald, whose known writings we have introduced previously?

Mr. CADIGAN. Yes; I have.

Mr. EISENBERG. And what was your conclusion?

Mr. CADIGAN. On Commission Exhibit No. 817 the hand printed names, "A. J. Hidell," and "Marina Oswald," and the signature "L. H. Oswald," were written by Lee Harvey Oswald, based on a comparison with his known standards of writing.

Mr. EISENBERG. Have you prepared a photograph of Commission Exhibit No. 817?

Mr. CADIGAN. Yes.

Mr. EISENBERG. And does that also include a photograph of another item, apparently another part of the application?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Did your identification of the Commission Exhibit No. 817 depend in any way upon your identification of the other part of the item which is shown in your photograph?

Mr. CADIGAN. It did not.

Mr. EISENBERG. I will mark the photograph Cadigan Exhibit No. 22.

(The document referred to was marked Cadigan Exhibit No. 22.)

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

Mr. CADIGAN. Yes.

Mr. EISENBERG. And it is an accurate photograph?

Mr. CADIGAN. It is.

Mr. EISENBERG. We haven't been going over that with all the other photographs, but is that true of all the photographs we have introduced so far?

Mr. CADIGAN. That is correct.

Mr. EISENBERG. And any other photographs you may introduce during the balance of this deposition?

Mr. CADIGAN. That is true.

Mr. EISENBERG. Mr. Cadigan, by use of that photograph and by use of the photographs of the standards, could you explain some of the points which led you to your conclusion concerning Commission Exhibit No. 817?

Mr. CADIGAN. Yes; here again, it is the presence of the same combination of characteristics in the hand printing and signature on Cadigan Exhibit No. 22 and on Cadigan Exhibits Nos. 4 through 10. For example, the word "Marina" on Cadigan Exhibit No. 22 can be compared with the same word or the same name on Cadigan Exhibit No. 10, the "M" being characterized by a rather long beginning stroke, the center of the letter is high, giving the letter somewhat the appearance of the numeral "3" tipped on its side. The "A" is similar to or made in the same way as previous "A's," with a pointed top, with the beginning

stroke about two-thirds of the way up the staff. The "i", again, is very small in relation to the letters coming before and after it. In the "N" there is a curve at the base of the letter. It is more pronounced on Cadigan Exhibit No. 22 than in the name "Marina" in Cadigan Exhibit No. 10, but in the name "Lillian," on the same exhibit, the same kind of curve is observed.

In "Oswald," again in the signature "L. H. Oswald," I find the same characteristics and combinations of characteristics. In the questioned signature in Cadigan Exhibit No. 22 as in the various known signatures in Cadigan Exhibits Nos. 4 through 10, here I think the ending "ld," the narrow pointed loops used for the "l" and "d" are very small, and with a rather misshapen body or upper stroke.

Again, it is the presence of the same combination of handwriting and hand printing characteristics which led me to the opinion that this exhibit had been prepared by Lee Harvey Oswald.

Mr. EISENBERG. Mr. Cadigan, I now hand you Commission Exhibit No. 813, a vaccination certificate, a purported vaccination certificate, signed by "A. J. Hidell," and I ask you whether you have examined that item?

Mr. CADIGAN. Yes; I have.

Mr. EISENBERG. Now, this bears writing on the outside and the inside. Have you attempted to determine whether that writing is the writing of Lee Harvey Oswald?

Mr. CADIGAN. Yes.

Mr. EISENBERG. What is your conclusion?

Mr. CADIGAN. That the hand printing and the Oswald signature were written by Lee Harvey Oswald, again based on the presence of the same combination of individual handwriting and hand printing characteristics.

Mr. EISENBERG. Have you taken photographs of this exhibit?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Those will be Cadigan Exhibits Nos. 23 and 24.

(The documents referred to were marked Cadigan Exhibits Nos. 23 and 24.)

Mr. CADIGAN. I would point out that these represent only a portion of the original document, since for demonstration purposes the lower printed blank is not included in these exhibits.

Mr. EISENBERG. Now, the document as we see it now exhibits extremely faint writing. Can you explain the reason for that?

Mr. CADIGAN. Yes; this is due to treatment of the card for latent fingerprints by chemical process which bleaches and makes inks run.

Mr. EISENBERG. Was the document treated to restore the original color after it had been treated for fingerprints?

Mr. CADIGAN. No; from looking at this, it has been desilvered, but it has not been completely desilvered since parts of the stains of the chemical treatment remain.

Mr. EISENBERG. When you first saw the document and made your examination, was the document in its original condition, that is, had it been treated yet for fingerprints?

Mr. CADIGAN. I never saw the original.

Mr. EISENBERG. You never saw the original?

Mr. CADIGAN. No; I had a Xerox copy of the original exhibit. I did not see this original exhibit.

Mr. EISENBERG. You said before you had examined this exhibit?

Mr. CADIGAN. To be more exact, I examined a Xerox copy of this exhibit.

Mr. EISENBERG. Do you know who prepared the Xerox copy?

Mr. CADIGAN. It was submitted by our Dallas office.

Mr. EISENBERG. Was this a copy of the front and the back?

Mr. CADIGAN. Yes.

Mr. EISENBERG. And are your photographs of the Xerox or of the original?

Mr. CADIGAN. They are made from the Xerox.

Mr. EISENBERG. Is this the first time you saw the original?

Mr. CADIGAN. I believe it is.

Mr. EISENBERG. Based upon your examination of the original at this point, and a comparison of the photograph of the Xerox copies, would you conclude

that the Xerox copies had been made before the document had been treated for fingerprints?

Mr. CADIGAN. Very definitely.

Mr. EISENBERG. Could you note a few of the points which led you to your conclusion concerning the handwriting appearing on the documents you photographed as Cadigan Exhibits Nos. 23 and 24?

Mr. CADIGAN. Yes; the handwritten signature "Lee H. Oswald" is written in a very distinctive manner. The "L" with its rather long beginning stroke, and its narrow upper, and the lower loop, is almost in the shape of a triangle. The large loop formation at the top of the "O" leading into the letter "s" and the loop at the base of the "s" is almost a carbon copy of the same characteristic appearing on Cadigan Exhibit No. 10, page 2. And again, the narrow "l" and relatively large "d" with a very pronounced ending stroke on the "d" is typical of the manner in which this man writes his signature.

So also in the hand printing, on Cadigan Exhibit No. 10, we see the "LEE" and the "OSWALD," the little hook at the start of the "L" and the reverse curves at the base of both the "L" and the following "EE's." Again, we see the use of the lowercase "l" and the lowercase "d" in the formation of "Oswald," whereas the rest of the letters are capital letters.

Here, again, the presence of the same combination of characteristics led me to the opinion that this writing had been prepared by Lee Harvey Oswald.

Mr. EISENBERG. Does that include the signature "A. J. Hidell"?

Mr. CADIGAN. No; it does not. This signature is distorted, and the standards, the known standards of Lee Harvey Oswald I had available for comparison would not justify any opinion concerning this particular signature.

Mr. EISENBERG. Did you attempt to compare it with the questioned items which you had, theretofore, identified?

Mr. CADIGAN. Yes; without reaching any opinion one way or the other.

Mr. EISENBERG. Would you conclude that it was not written by Lee Harvey Oswald?

Mr. CADIGAN. No; I would not.

Mr. EISENBERG. Does it bear any similarities to Oswald's handwriting at any point?

Mr. CADIGAN. I didn't observe any that I thought were sufficiently significant in characteristics to warrant pointing out. It is a question of judgment as to how you evaluate a given characteristic. I don't see, and do not see now, any characteristic worthy of mention to either say Oswald did or didn't do it.

Mr. EISENBERG. I hand you Commission Exhibit No. 115, consisting of a rubber stamping kit, and ask you whether you have examined that stamping kit.

Mr. CADIGAN. Yes.

Mr. EISENBERG. Did you attempt to determine whether the stamping on the document which you have photographed as Cadigan Exhibit No. 23, was produced by the rubber stamp kit, Exhibit No. 115?

Mr. CADIGAN. Yes.

Mr. EISENBERG. What conclusion did you reach?

Mr. CADIGAN. I couldn't reach any conclusion because the exhibit that I had, and from which Cadigan Exhibit No. 23 was made, is a Xerox copy, and is not adequate for the rubber stamp examination of this kind.

Mr. EISENBERG. Did you see anything which led you to believe that the stamp impression on the document you examined could not have been made by Exhibit No. 115?

Rather than answer that question, could you undertake to perform an examination based upon the original?

Mr. CADIGAN. Yes.

Mr. EISENBERG. At a subsequent time?

Mr. CADIGAN. Yes.

Mr. EISENBERG. And you will supply us with the results of that by letter?

Mr. CADIGAN. Yes.

Mr. EISENBERG. I now hand you Commission Exhibit No. 819, consisting of a photograph of a card, "Fair Play for Cuba Committee, New Orleans Chapter,

L. H. Oswald," with Oswald's signature, or a signature purporting to be Lee H. Oswald's, and the signature "A. J. Hidell"; and Commission Exhibit No. 820, which appears to be similar to the photograph Exhibit No. 819, except that there is no signature apparent in the space where the signature A. J. Hidell appears in Exhibit No. 819, and I ask you whether you have examined these two items.

Mr. CADIGAN. Yes.

Mr. EISENBERG. Is Exhibit No. 819 a photograph of Exhibit No. 820?

Mr. CADIGAN. It is.

Mr. EISENBERG. Exhibit No. 820 is seriously discolored now and does not have the words "A. J. Hidell" apparent. Can you explain how that came about?

Mr. CADIGAN. Yes; the original Commission Exhibit No. 820 had been treated for latent fingerprints, and this is a chemical process which has removed the ink of the signature. However, on examination under strong side lighting and using low-power magnification, portions of the letters "A," "J," and "H," of the signature of the chapter president can be discerned, and are in the same place on the photograph, Commission Exhibit No. 819, as on the original, Commission Exhibit No. 820.

Furthermore, a comparison of the writing and the rubber stamp, especially with reference to the position of these with respect to lines and printing and other fixed points on the card, definitely shows that Commission Exhibit No. 819 is a photograph of Exhibit No. 820, and made before it was treated for latent fingerprints.

Mr. EISENBERG. Now, apart from this, did you take the photograph, Exhibit No. 819?

Mr. CADIGAN. No; the photograph was made in our photographic laboratory.

Mr. EISENBERG. But you did see Exhibit No. 820, before it had been discolored, did you not?

Mr. CADIGAN. I don't recall at this time. It may well be that I did, but I have no independent recollection of it now.

Mr. EISENBERG. So that your testimony that Exhibit No. 819 is a photograph of Exhibit No. 820 is based upon your evaluation of the two items as they exist now rather than upon recollection of Exhibit No. 820 before it was discolored?

Mr. CADIGAN. That is true.

Mr. EISENBERG. Do you know why Exhibit No. 820 was not reprocessed or desilvered?

Mr. CADIGAN. No, this is a latent fingerprint matter.

Mr. EISENBERG. Can you explain why the signature, "Lee H. Oswald" or rather "L. H. Oswald" is apparent, while the signature "A. J. Hidell" is not?

Mr. CADIGAN. Different inks.

Mr. EISENBERG. Some inks are more soluble in the solution used for fingerprint tests than others?

Mr. CADIGAN. Definitely.

Mr. EISENBERG. Other Commission Exhibits, specifically Nos. 788, 801, and 802 also appear to have been treated for fingerprints?

Mr. CADIGAN. That is correct.

Mr. EISENBERG. Exhibit No. 788 has been desilvered?

Mr. CADIGAN. Desilvered, and Exhibits Nos. 801 and 802 are still in their original silvered condition.

Mr. EISENBERG. Did you see these items before they were treated for fingerprints?

Mr. CADIGAN. I know I saw Exhibit No. 788 before it was treated for fingerprints. As to Exhibits Nos. 801 and 802, I don't know at this time.

Mr. EISENBERG. Are the photographs which you produced photographs of the items before they were treated for fingerprints or after?

Mr. CADIGAN. Yes; before they were treated for fingerprints. In other words, it is regular customary practice to photograph an exhibit before it is treated for latents for exactly this reason, that in the course of the treatment there may be some loss of detail, either total or partial.

Mr. EISENBERG. Did you take the photographs?

Mr. CADIGAN. No.

Mr. EISENBERG. Are you referring to the photographs which you produced at an earlier point?

Mr. CADIGAN. The photographs that I have produced here today, the various enlargements, were made from negatives. These negatives, in turn, were made at the time the original exhibits were photographed, and this would be before latent fingerprint treatment.

Mr. EISENBERG. I asked you when I introduced those exhibits whether they had been prepared by you or under your supervision?

Mr. CADIGAN. That is true.

Mr. EISENBERG. You meant, then, that they were prepared under your supervision, or did you mean that they were prepared by you in the sense that you made the enlargement from the negative?

Mr. CADIGAN. No; they were prepared under my supervision. In other words, I maintain all of the negatives in connection with the document aspects of this file in my room, under lock and key, at all times. I pull the negatives that I want enlarged, and I prepare a photograph requisition, take it down to our photographers, tell them what I want, and then later go back and pick up the enlargements, and check them to be sure they are just what I want.

Mr. EISENBERG. What about the negative itself? Can you state of your own knowledge whether the negative itself is of the original?

Mr. CADIGAN. Only, insofar, that I know that on November 23, when the vast bulk of this material came in, that it was photographed. Some of these items I saw before they were photographed, and some afterward. But the exact sequence to select one item out of four or five hundred, I cannot, in all honesty, say I definitely recall seeing this before it was photographed.

Mr. EISENBERG. Can you explain what the procedure is when a document came in involving the assassination?

Mr. CADIGAN. Initially, the first big batch of evidence was brought into the laboratory on November 23 of 1963 and this consisted of many, many items.

Mr. EISENBERG. 1963?

Mr. CADIGAN. November 23, 1963. It was a very large quantity of evidence that was brought in. There were several agent examiners available to evaluate this material. There were supervisory officials, there were representatives from our Internal Security Division, all of whom had an interest in this matter, and it was decided they wanted certain items treated for latent fingerprints. The basic rule is always that before an exhibit is treated for latent fingerprints it is photographed, and that is what was done in this case.

Mr. EISENBERG. What happens to the negative after it is photographed? Were they all given to you?

Mr. CADIGAN. Yes; the negatives that pertain to the document aspects I took over and maintained under my control. Negatives pertaining to firearms evidence or hairs or fibers, they were turned over to Mr. Frazier.

Mr. EISENBERG. So under the regular procedure, as soon as the document came in it would be photographed, before it was treated for latents, and the negative would be turned over to you?

Mr. CADIGAN. Yes.

Mr. EISENBERG. So at least if the procedure had been followed, any negative you had would be a negative of a document before it had been treated for fingerprints, is that correct?

Mr. CADIGAN. That is correct.

Mr. EISENBERG. Now, returning to Commission Exhibits Nos. 820 and 819, did you prepare a photograph which would show the remnants of the signature "A. J. Hidell" on the Commission Exhibit No. 820?

Mr. CADIGAN. No.

Mr. EISENBERG. Is the preparation of such a photograph possible?

Mr. CADIGAN. I doubt it very much, because the indentations are so faint that the enlargement would serve no useful purpose. Actually, the best examination is by low-power magnification under the proper lighting.

Mr. EISENBERG. Did you attempt to determine whether the signature of Lee H. Oswald on this card was written by Lee H. Oswald?

Mr. CADIGAN. Yes.

Mr. EISENBERG. What was your conclusion?

Mr. CADIGAN. That the Lee H. Oswald signature on Commission Exhibit No. 820 was written by Lee H. Oswald.

Mr. EISENBERG. What about the signature "A. J. Hidell"?

Mr. CADIGAN. I was unable to reach a conclusion. First of all, at the time I compared this signature the known standards of Lee Harvey Oswald were inadequate for this particular comparison.

I did, however, note that there were certain differences in this signature that indicate the possibility of someone other than Oswald having prepared it. But in my opinion, the characteristics I observed were not of sufficient weight for a positive opinion in this regard.

Mr. EISENBERG. Could you note those characteristics?

Mr. CADIGAN. Yes; I think the capital letter "A" and the capital letter "H" in "Hidell" are different from the "A's" that Oswald makes, that appear in the enlarged photographs, Cadigan Exhibits Nos. 4 through 10.

Mr. EISENBERG. Anything else?

Mr. CADIGAN. I think the lower case "d," especially in the rounded shape of the body of it and the relatively short height of the staff, so that the staff compared to the body is very short. The "J" is made different or in a different manner than Oswald regularly makes or usually makes his "J's" in the known standards, but again it is a question of judgment as to whether you believe a combination of characteristics is enough to either eliminate or identify. In this instance, in my opinion, these differences point to the possibility of another writer other than Oswald.

Mr. EISENBERG. You indicated before, also, that there was another ink used.

Mr. CADIGAN. That is correct. This, of course, in and of itself, is of no consequence, since the same person can use two different pens, so the color of the ink would not be, in my mind, significant.

Mr. EISENBERG. Does that signature appear to have been written naturally?

Mr. CADIGAN. Yes.

Mr. EISENBERG. At normal speed?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Any evidence of retouching?

Mr. CADIGAN. No.

Mr. EISENBERG. Generally, were the signatures and other handwritings in the questioned documents you have reviewed in this deposition today written naturally?

Mr. CADIGAN. With the exception of the "Hidell" signature on his certificate of vaccination. There is, in my opinion, distortion present there. But, by and large, in fact in almost all of the various handwritings, hand printings, and signatures, there is no evidence of disguise or distortion, in my opinion.

Mr. EISENBERG. What type of evidence indicates disguise or distortion?

Mr. CADIGAN. Distortion and disguise can take many forms. It can be in the form of a change in slant, a deliberate malformation of the individual letters. It can be shown in broken or interrupted strokes. It can be shown in waves or wiggles in the line itself which should not normally be there. It may be occasioned by a person using other than normal hand, a left-handed person writing with his right hand or a right-handed person writing with his left hand. All these introduce elements of distortion or disguise. The extent of it can only be determined by comparing a given writing with known writings, and observing the characteristics present, and on that basis you can then formulate an opinion as to whether or not there is any appreciable amount of distortion or disguise.

Mr. EISENBERG. How would you evaluate the possibility of another person having simulated the handwriting of Lee Harvey Oswald in these questioned documents?

Mr. CADIGAN. I don't think there is any possibility.

Mr. EISENBERG. On what do you base that?

Mr. CADIGAN. I base that on 23 years experience and judgment and the examination of the documents and the various writings involved in this instance.

Mr. EISENBERG. And do I understand that if that had happened, the person would have left evidence behind which you would have detected?

Mr. CADIGAN. In my opinion, yes.

Mr. EISENBERG. And that would be in what form?

Mr. CADIGAN. It would be in many forms. Failure to incorporate into the writings things that should be there, and including in the writings things that are not in Oswald's writing, differences in slant, spacing, proportions of letters, both to other letters and proportions of letters within themselves, the adoption of the various variations that you find in the known writings. When the amount of writing approaches the amount involved here, there is a large, a relatively large volume of questioned writings. The possibilities of successful or undetectable forgery, in my opinion, are nil.

Mr. EISENBERG. Mr. Cadigan, I now hand you Commission Exhibit No. 1, which is a note in the Russian language in Cyrillic print, and ask you whether you have examined that item?

Mr. CADIGAN. Yes.

Mr. EISENBERG. I now hand you Commission Exhibit Nos. 55, 56, and 66, consisting of various notes in the Cyrillic language, rather in the Russian language in Cyrillic print, and ask you whether you have examined those notes?

Mr. CADIGAN. Yes.

Mr. EISENBERG. Who is the purported signer of those notes, Exhibits Nos. 55, 56, and 66?

Mr. CADIGAN. From the translation that I read these are purportedly written by Lee Harvey Oswald.

Mr. EISENBERG. Now, for the record, these have also been identified by Marina as having been written by Lee Harvey Oswald.

And these are signed Alek in some or all cases?

Mr. CADIGAN. Yes; they are signed A-l-e-k, Alek in all three instances.

Mr. EISENBERG. Again, for the record, this is a name which was used for Oswald during his period of staying in the Soviet Union.

Have you attempted to determine whether Commission Exhibit No. 1 was written by the person who wrote Commission Exhibits Nos. 55, 56, and 66?

Mr. CADIGAN. Yes.

Mr. EISENBERG. And what was your conclusion?

Mr. CADIGAN. That Commission Exhibit No. 1 was written by Lee Harvey Oswald.

Mr. EISENBERG. Have you prepared photographs of Commission Exhibits Nos. 55, 56, and 66?

Mr. CADIGAN. Yes; of the letters contained in those exhibits.

Mr. EISENBERG. I will mark those as Cadigan Exhibits Nos. 25, 26, 27, and 28. (The documents referred to were marked Cadigan Exhibits Nos. 25, 26, 27, and 28.)

Mr. EISENBERG. Have you also taken a photograph of Commission Exhibit No. 1?

Mr. CADIGAN. Yes.

Mr. EISENBERG. I will mark that as Cadigan Exhibit No. 29—

Mr. CADIGAN. Front and back.

Mr. EISENBERG. And Cadigan Exhibit No. 30, representing respectively the back and front of Commission Exhibit No. 1.

(The documents referred to were marked Cadigan Exhibits Nos. 29 and 30.)

Mr. EISENBERG. Now, by use of photographs Cadigan Exhibits Nos. 25 through 30, could you explain some of the reasons which led you to your conclusion?

Mr. CADIGAN. Yes; and I would point out that in addition to the four enlargements written in Russian, I also used Cadigan Exhibits or the documents represented by Cadigan Exhibits Nos. 4 through 10, the known standards of Oswald, since there are English letters interspersed with the Russian writing on Commission Exhibit No. 1. Thus, for example, in the second line in Cadigan Exhibit No. 29 appears the word "to" which is directly comparable to the

same word appearing in Cadigan Exhibits Nos. 4 through 10. This is characterized by a long sweeping upstroke, and the recurring downstroke cuts the staff about in half. And the "o" is without any tail, and it is relatively small and set fairly close into the staff. The "t" crossing is rather long and fairly high.

I noted these same characteristics in Cadigan Exhibits Nos. 4 through 10.

Further, there is the wording in English, "Red Cross" appearing about two-thirds of the way down the side of the page beginning with the numeral 6, and here, again, I noted the same characteristics in the English hand printing in Cadigan Exhibits Nos. 4 through 10. Again, the use of the small "e" and the small "d" in conjunction with the capital "R," and then in the word "cross" he has used the capital letters. On the face of the Commission Exhibit No. 1 appear the printed English letters "ERVAY" which are almost directly comparable with the name "Lee Harvey Oswald" in Cadigan Exhibit No. 10. The "E" here is characterized by the little loop at the base of the staff. The "R" has a flat closed loop on the left side of the staff. The "Y" is constructed of two strokes, almost a perfect "V" shape for the body and a tail slanting back away from it.

The letter "p" or what appears to be the letter "p," indicated by the roman numeral 2 and a red arrow, is similar to the English "p," characterized by a long narrow staff without much of a loop. The body of the letter extends above the staff and the base is open. The bottom of the letter is not closed in.

The numeral "1" on the chart Cadigan Exhibit No. 29 points to a Russian character which resembles somewhat the English letter "G," the capital letter "G." This is characterized by a rather large elongated loop along the left side of the upstroke, and the finishing stroke is short and straight.

The numeral "3" in red on Cadigan Exhibit No. 29 points to the Russian word which resembles the English word "tbi." The "t" has a very long beginning upstroke. The crossing of the "t" is high and is at the top of the letter. The "b" is formed with a straight staff on the back side, and there is a well spaced connection to the following letter which resembles the English letter "i."

I further noted that on this same side of the document shown in Cadigan Exhibit No. 29 in the second to the last line from the bottom appears the combination "exa," which is directly comparable with the "exa" in "Texas" appearing on the photograph Cadigan Exhibits Nos. 6, 4, and 9, among others. Again this characteristic way of making the "x" is almost like a "u" or an open "o." There is a little extra stroke that breaks off of the "x" so that instead of looking like "exa" it has the appearance of "eva" with a diagonal stroke through the "v."

The number "6" in red on Cadigan Exhibit No. 29 points to the combination which looks like the English letters "Ha," where the same two letters appear on the photographs, Cadigan Exhibits Nos. 25 and 26, the "H" being made in two roughly parallel straight strokes. The "a" is almost in the form of a circle, and the tail of the "a" runs out horizontally to the line of writing.

On Cadigan Exhibit No. 30, the number "8" in red with an arrow points to the combination of letters which resemble the English letters "tak," and this same combination or the same letters appear on Cadigan Exhibit No. 27. Again, the "t" has a rather long beginning stroke. The crossing is high and long, and I noted that the "k" in both instances is made in a similar manner.

The figure "9" on Cadigan Exhibit No. 30 also points to a different style of "k," or what resembles the English letter "k," in that it is composed of a straight staff and the body or the right portion of the letter is almost the shape of a "v" tilted on its side.

Because of this combination of characteristics, as well as many others, I reached the opinion that Government's Exhibit No. 1 was written by Lee Harvey Oswald.

Mr. EISENBERG. Commission Exhibit No. 1, that is?

Mr. CADIGAN. Yes, of which Cadigan Exhibits Nos. 30 and 29 are photographic enlargements.

Mr. EISENBERG. I have no further questions, Mr. Cadigan. Thank you very much. You have been extremely helpful.

AFFIDAVIT OF EARLENE ROBERTS

The following affidavit was executed by Earlene Roberts on December 5, 1963.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

STATE OF TEXAS,
County of Dallas, ss:

I, Earlene Roberts, after being duly sworn, do depose and state:

I live at 1026 Beckley, Dallas, Texas, where I serve as housekeeper for a rooming house owned by Mr. & Mrs. A. C. Johnson.

On Friday, November 22, 1963, at approximately 1:00 pm I was sitting in the living room watching television about the President's assassination when a man I knew as O. H. Lee, but who has since been identified as Lee Harvey Oswald, came into the front door and went to his room. Oswald did not have a jacket when he came in the house and I don't recall what type of clothing he was wearing.

Oswald went to his room and was only there a very few minutes before coming out. I noticed he had a jacket he was putting on. I recall the jacket was a dark color and it was the type that zips up the front. He was zipping the jacket up as he left.

Oswald went out the front door. A moment later I looked out the window. I saw Lee Oswald standing on the curb at the bus stop just to the right, and on the same side of the street as our house. I just glanced out the window that once. I don't know how long Lee Oswald stood at the curb nor did I see which direction he went when he left there.

About thirty minutes later three Dallas policemen came to the house looking for Lee Harvey Oswald. We didn't know who Lee Harvey Oswald was until sometime later his picture was flashed on television. I then let the Dallas policemen in the room occupied by Lee Oswald. While the Dallas police were searching the room two FBI agents came in.

The police and FBI agents took everything in the room that belong to Lee Oswald and also took our pillow case and two towels and wash cloths.

I have made this statement, consisting of three pages, to Special Agents William N. Carter and Arthur W. Blake of the U.S. Secret Service. I have read this statement over and I find it to be true to the best of my knowledge.

Signed this 5th day of December 1963.

(S) Earlene Roberts,
EARLENE ROBERTS.

AFFIDAVIT OF RALPH W. YARBOROUGH

The following affidavit was executed by Ralph W. Yarborough on July 10, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

DISTRICT OF COLUMBIA, ss:

In response to the oral request of one of the attorneys for the Commission that I send you an affidavit for inclusion in the record of the assassination of President John F. Kennedy, I make the following statement:

On November 22, 1963, as the President and Mrs. Kennedy rode through the streets of Dallas, I was in the second car behind them. The first car behind the Presidential car was the Secret Service car; the second car behind them was Vice-President Lyndon Johnson's car. The driver and a secret service agent were on the front seat of the Vice-President's car. Vice-President Lyndon B. Johnson sat on the right side of the rear seat of the automobile, Mrs. Lyndon B. Johnson was in the center of the rear seat, while I sat on the left side of the rear seat.

After the Presidential motorcade had passed through the heart of downtown

Dallas, experiencing an exceptionally warm and friendly greeting, as the motorcade went down the slope of Elm Street toward the railroad underpass, a rifle shot was heard by me; a loud blast, close by. I have handled firearms for fifty year, and thought immediately that it was a rifle shot. When the noise of the shot was heard, the motorcade slowed to what seemed to me a complete stop (though it could have been a near stop). After what I took to be about three seconds, another shot boomed out, and after what I took to be one-half the time between the first and second shots (calculated now, this would have put the third shot about one and one-half seconds after the second shot—by my estimate—to me there seemed to be a long time between the first and second shots, a much shorter time between the second and third shots—these were my impressions that day), a third shot was fired. After the third shot was fired, but only after the third shot was fired, the cavalcade speeded up, gained speed rapidly, and roared away to the Parkland Hospital.

I heard three shots and no more. All seemed to come from my right rear. I saw people fall to the ground on the embankment to our right, at about the time of or after the second shot, but before the cavalcade started up and raced away.

Due to the second car, with the secret service men standing on steps on the sides of it, I could not see what was happening in the Presidential car during the shooting itself. Some of the secret service men looked backward and to the right, in the general direction from which the rifle explosions seemed to come.

After the shooting, one of the secret service men sitting down in the car in front of us pulled out an automatic rifle or weapon and looked backward. However, all of the secret service men seemed to me to respond very slowly, with no more than a puzzled look. In fact, until the automatic weapon was uncovered, I had been lulled into a sense of false hope for the President's safety, by the lack of motion, excitement, or apparent visible knowledge by the secret service men, that anything so dreadful was happening. Knowing something of the training that combat infantrymen and Marines receive, I am amazed at the lack of instantaneous response by the Secret Service, when the rifle fire began. I make this statement in this paragraph reluctantly, not to add to the anguish of anyone, but it is my firm opinion, and I write it out in the hope that it might be of service in the better protection of our Presidents in the future.

After we went under the underpass, on the upward slope I could see over the heads of the occupants of the second car (Secret Service car) and could see an agent lying across the back or trunk of the Presidential car, with his feet to the right side of the car, his head at the left side. He beat the back of the car with one hand, his face contorted by grief, anguish, and despair, and I knew from that instant that some terrible loss had been suffered.

On arrival at the hospital, I told newsmen that three rifle shots had been fired. There was then no doubt in my mind that the shots were rifle shots, and I had neither then or now any doubts that any other shots were fired. In my opinion only three shots were fired.

The attached photograph from pages 24 and 25 of the *Saturday Evening Post* of December 14, 1963, shows the motorcade, as I remember it, an instant after the first shot. [Photograph is Yarborough Exhibit A.]

Given and sworn to this 10th day of July, 1964, at Washington, District of Columbia.

Signed this 10th day of July 1964.

(S) Ralph W. Yarborough,
RALPH W. YARBOROUGH.

TESTIMONY OF KENNETH P. O'DONNELL

The testimony of Kenneth P. O'Donnell was taken at 12:05 p.m., on May 18, 1964, at the White House Office, Washington, D.C., by Messrs. Norman Redlich and Arlen Specter, assistant counsel of the President's Commission.

Mr. SPECTER. Would you rise, please? Do you solemnly swear that the testimony you shall give in this deposition proceeding before the President's Com-

mission on the Assassination of President Kennedy will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. O'DONNELL. I do.

Mr. SPECTER. Mr. O'Donnell, the purpose of our asking you to testify today is to obtain whatever knowledge you have about the origin of the trip to Texas by President Kennedy, the events during the trip, and the trip back to Washington, D.C., on November 22. With that general statement of purpose, I will ask you if you have any objection to giving a deposition at this time?

Mr. O'DONNELL. I do not.

Mr. SPECTER. Would you state your full name for the record, please?

Mr. O'DONNELL. Kenneth P. O'Donnell.

Mr. SPECTER. What were your duties on November 22, 1963?

Mr. O'DONNELL. I was special assistant to the President. I was in charge of his appointments and any itineraries that he might have.

Mr. SPECTER. How long had you served in that capacity?

Mr. O'DONNELL. I served as special assistant to the President since the inauguration, January 20, 1961, with the same duties.

Mr. SPECTER. Were you a party to the original conversations and decision for President Kennedy to make a trip to Texas in November of 1963?

Mr. O'DONNELL. I was.

Mr. SPECTER. Would you outline the origin of that trip to Texas, please?

Mr. O'DONNELL. The origin of the trip I would think came from a conversation between the President, then Vice President Johnson, and myself. It concerned President Kennedy's desire, and President Johnson's desire that he come to Texas and spend some time there, looking forward to the campaign of 1964, in which Texas would play a very vital role in President Kennedy's view.

Mr. SPECTER. Approximately when did that first conversation occur, Mr. O'Donnell?

Mr. O'DONNELL. We had been discussing this for almost 6 or 7 months, but the time had never seemed quite right, either in the Vice President's mind or in Governor Connally's mind. Governor Connally and the Vice President had discussed this. They arrived at a general agreement that it be done some time in the latter part of the month of November. I think this decision probably came in October, some time in October.

Mr. SPECTER. When had President Kennedy been in Dallas prior to the trip of November 1963?

Mr. O'DONNELL. The last time the President had been in Dallas was as a candidate for the Presidency.

I correct myself. He had been to—visit Speaker Rayburn in the hospital. I was not on that trip.

Mr. SPECTER. Then aside from the trip to see Speaker Rayburn, in the hospital, had the President been in Dallas at all since the campaign of 1960?

Mr. O'DONNELL. He had not.

Mr. SPECTER. Do you know approximately when it was that President Kennedy visited Speaker Rayburn in the hospital in Dallas?

Mr. O'DONNELL. I don't know exactly. It would be just before he passed away.

Mr. SPECTER. Does October 1961 sound about right to you?

Mr. O'DONNELL. It sounds about right.

Mr. SPECTER. And how many times had President Kennedy been to Texas between the campaign of 1960 and November 1963, if you know?

Mr. O'DONNELL. Well, he had been to the Speaker's funeral at Bonham. He had been to Houston, to see the new space center, and also he spoke at Rice Stadium. And he had been to El Paso, on a military inspection tour.

Mr. SPECTER. Are those, then, all the trips he made, to your knowledge?

Mr. O'DONNELL. That is all I can recollect at the moment.

Mr. SPECTER. In a general way, what was the purpose of the President's trip to Texas in November of 1963?

Mr. O'DONNELL. Well, he hadn't conducted any political activities in Texas. There were great controversies existing. There was a party problem in Texas that the President and the Vice President felt he could be helpful, as both sides of the controversy were supporting President Kennedy, and they felt he could

be a bridge between these two groups, and this would be helpful in the election of 1964. I think that is the major reason for the trip.

Mr. SPECTER. Was President Kennedy motivated, to any extent at all, by his interest in making himself as President available to the people generally in every section of the country, including Texas?

Mr. O'DONNELL. Very definitely. The President's views of his responsibilities as President of the United States were that he meet the people, that he go out to their homes and see them, and allow them to see him, and discuss, if possible, the views of the world as he sees it, the problems of the country as he sees them. And he felt that leaving Washington for the President of the United States was most necessary—not only for the people, but for the President himself, that he expose himself to the actual basic problems that were disturbing the American people. It helped him in his job here, he was able to come back here with a fresh view of many things. I think he felt very strongly that the President ought to get out of Washington, and go meet the people on a regular basis.

Mr. SPECTER. Did he enjoy that exposure, strictly as a personal matter?

Mr. O'DONNELL. He enjoyed it very much. The President—liked people, and he liked to mingle with people.

Mr. SPECTER. When were the specific dates of November 21 and November 22 finally set as being the precise times for the trip to Texas?

Mr. O'DONNELL. Well, I am not clear in my recollection of that. I would think some time early in November. I know Thanksgiving was one of the problems we had to work with. We decided that would be the best time to go, in that general area, and we, in general, would keep a file—once we agreed we were going to Texas—we would keep a file on all the speaking engagements, all the invitations the President had received.

I would go to that file and select some that might look promising. One of them that I recollect was an invitation from Congressman Albert Thomas, or his committee, that was giving him an appreciation dinner—not the Congressman himself. And the President was very fond of Congressman Thomas, he was most helpful to him, and I knew he would want to go, if this was at all possible. I would think that probably had more to do with setting the actual definite dates of the 21st and 22d.

Mr. SPECTER. When, if you recall, was the Secret Service notified of the forthcoming trip to Texas?

Mr. O'DONNELL. I would think they would be notified around the first week in November. The general desire is that they have the specific information at least on the places that he might go 3 weeks prior to the trip.

Mr. SPECTER. And who among the members of the Presidential staff would be charged with the responsibility for coordinating the trip with the Secret Service?

Mr. O'DONNELL. That would be my responsibility. The manner in which we would set it up would be that I would notify the head here, who is Gerry Behn, and Gerry Behn would ask me when we were sending people down, so that his people and our people could go down at the same time. And I recollect that Jerry Bruno was one of them.

The first step would be to confer with the Governor, go over the general proposals that the Governor would make, and then bring it back to me. And I would go over it with the Governor and the Vice President and the President.

Mr. SPECTER. What planning was undertaken with respect to the determination of the motorcade route through Dallas?

Mr. O'DONNELL. Well, I think once we arrived—we chose the four cities we were going into. And then the advance men and the Secret Service went out. Then we would work backwards from where we had to be at what time, and what things we had agreed we would do there. And the original—Dallas, as I recollect, was going to be an evening affair. The Governor thought the evening affair should be in Austin, and that we should hit Dallas around noontime.

Mr. SPECTER. When you say the evening affair, what are you referring to specifically there?

Mr. O'DONNELL. There was a political dinner which was to be conducted at

Austin that evening, at the end of which the President was going with the Vice President to the ranch. This was a political fundraising dinner.

Mr. SPECTER. Now, had there been any conversation given at all to omitting a motorcade through Dallas?

Mr. O'DONNELL. None.

Mr. SPECTER. And what were the considerations behind the decision on having a motorcade through Dallas?

Mr. O'DONNELL. Well, we had a motorcade wherever we went. Particularly when we went to a large city, the purpose of going there was to give the President as much exposure to the people of Dallas and vice versa, the people of Dallas to the President, as possible.

The speaking engagement was a luncheon which was rather limited. And the President would not want to leave Dallas feeling that the only ones that were able to see him were a rather select group. So it would be automatic, and we would not even proceed with instructions, that the advance man and the Secret Service would, within the time allotted to them—would bring the President into Dallas, through an area which exposes him to the greatest number of people.

Mr. SPECTER. When was a decision made, if you recall, as to the precise route that the motorcade would follow through Dallas?

Mr. O'DONNELL. I don't recall. I would think it would be perhaps a week before the final decision was made. The President would not involve himself in anything like this. Once we agreed on where he would go, that was my responsibility to work it out. The normal course of events—they would say to me, "Do you want a motorcade in Dallas?" I would say, "Yes; this is how much time you have got." They would work out a motorcade. The Secret Service would time the route. Once they had worked out this point, they would come back to me and say, "We have accomplished the purpose you want." The Secret Service would say it takes so much time, the Governor would say "You have to be here at a certain time." Once all those are put together, the route is laid out and accepted.

Mr. SPECTER. Do you recall how long after the determination of the motorcade route that that information was transmitted to the press in Dallas?

Mr. O'DONNELL. I don't. I would think on the transmission to the press that that would not come from here anyway. That would come from down there. I would think the Governor's office would probably put that out. We would under normal circumstances inform through Mr. Salinger's office, I would inform him of the trip, and then I would give him a schedule that is given to me by the Secret Service, which would give the times, but no routes—times and locations, and would go along that he would arrive at 12 o'clock, address such and such a group at 1 o'clock. So we would not normally be privy—they could be saying to me, "We are going down 12th Street"—it would not mean anything to me. So I would think that our advance man and the Governor's advance man would make a decision on when they were going to announce the route.

I would think that was almost normal. You might say you wanted to do it 4 days ahead of time in New York, and the local fellow would really determine it—"Down here we do it this way."

Mr. SPECTER. Would the route be disclosed to the press as a matter of normal procedure in general as soon as it was ascertained?

Mr. O'DONNELL. Yes.

Mr. SPECTER. Were there any factors peculiar to Dallas which delayed the determination of the motorcade route?

Mr. O'DONNELL. The only factor that really did hold up a final decision was we had not been able to finally agree on where he would end up and where he would deliver the speech. There was a controversy between the Governor, and between some of the local democratic figures, and between our people, as to whether the place finally selected was the best place for the President to give the address. The Governor felt very strongly on it. And we finally acquiesced to his views. But I would think that came rather late in the game, and it would have altered the route quite dramatically.

Mr. SPECTER. Would you tell us if there was any consideration at all given to omitting Dallas as a stop on the trip in Texas?

Mr. O'DONNELL. I don't think so; no. I would think that the President would

not have—once he had agreed to go to three or four other cities, that he could not possibly go to Texas and avoid Dallas. It would cause more controversy—and it would not accomplish for us what really was the long-range purpose of the visit.

Mr. SPECTER. And the long-range purpose was what, sir?

Mr. O'DONNELL. Was to attempt to in some way bridge the gap between the two political groups in Texas who were at odds, and to assist the President and prepare for the 1964 campaign as best he could at this period of time.

Mr. SPECTER. What was the President's reaction towards Dallas generally, if you know, with respect to the current publicity about, say, Ambassador Stevenson's reception there?

Mr. O'DONNELL. Well, he was not in anyway concerned about it. I think that the President was a very charitable man. He felt that really the picture of Dallas as painted—and as a reflection of their press in many ways—was not the real picture of Dallas; that they were Americans like everybody else, that there were good and bad, and the fact that 50 shouting people didn't portray the city of Dallas. He had been there in the 1960 campaign when the Vice President had been spit upon, and the President received one of the finest receptions he ever got. He didn't carry the city. They opposed him. But they were not particularly different than anybody else. And that wouldn't concern him, and I think, very frankly, the more difficult it was the more he liked to go there. But I think he generally felt that the loud noises emanating from Dallas were a very small minority, and so reflected.

Mr. SPECTER. Had there been any discussion about limiting the trip to Texas to a 1 day venture?

Mr. O'DONNELL. I don't recollect any. I do know one of the original thoughts was that he go to this dinner in Austin, which was a political dinner. Whether there was any consideration in some other people's minds that he just go in for the dinner and leave, I know he, number 1, would not consider it.

Mr. SPECTER. Why not?

Mr. O'DONNELL. He would not consider it because he had a great aversion to going into any place to a fundraising political dinner in which he felt that the people that were there were not really representative of the people, but were politically committed people, where it was a business meeting. And he thought this reflected to some degree on the office of the Presidency, that on his only visit to Texas, or any other State in 3 years, that he came to raise money for a political party, that he owed to the people to expose himself to them. So he felt it was a duty of the Presidency to expose himself to the public. So he would not go to any place on a purely—but he certainly considered there were some political problems in Texas—that would also be in his judgment a bad political mistake. So I don't think there was ever any question that he would go some place else.

Mr. SPECTER. Did you accompany the President on all phases of the trip to Texas?

Mr. O'DONNELL. I was with him when he left. The only time that I was not with him was at Congressman Thomas' dinner. He went to the dinner. We ate at the hotel and went directly to the airport.

Mr. SPECTER. When did you depart, then, from Washington, on that trip to Texas?

Mr. O'DONNELL. Well, we left that morning by helicopter from the lawn. I think the records show it is 10:45. But the schedule was on time, certainly arriving there, and, as I recollect, we were on time pretty much the whole way as the schedule would reflect.

Mr. SPECTER. And from the helicopter at the White House lawn, where was your first stop by helicopter?

Mr. O'DONNELL. We stopped and boarded *Air Force 1* at Andrews Air Force Base.

Mr. SPECTER. Would the time of 11 a.m., as reflected in the records, be accurate as your point of departure, then, from Andrews Air Force Base?

Mr. O'DONNELL. Yes; I would think it would be.

Mr. SPECTER. And your first stop in Texas was what?

Mr. O'DONNELL. San Antonio.

Mr. SPECTER. Arrival time of 1:30 p.m.—would that be an accurate time of arrival, within a few minutes, say, of when you actually set down in San Antonio?

Mr. O'DONNELL. I would think that is right. As I say, we were on schedule, and the schedule would indicate we were due to arrive at 1:30.

Mr. SPECTER. What were the activities at San Antonio, Tex.?

Mr. O'DONNELL. We motorcaded through San Antonio and went to the Aerospace Medical Center, where the President made a speech, and from there to a second airport. We had moved *Air Force 1* from one airfield to another, on the other side of the city.

Mr. SPECTER. At the Aerospace Center, was there a dedication there of some new facilities?

Mr. O'DONNELL. Yes.

Mr. SPECTER. Was there any other public appearance, then, besides the one you mentioned, in San Antonio?

Mr. O'DONNELL. No.

Mr. SPECTER. To where did you go from San Antonio?

Mr. O'DONNELL. We flew to Houston.

Mr. SPECTER. And about what time did you arrive in Houston?

Mr. O'DONNELL. I would have to look at the record.

Mr. SPECTER. Was it late in the afternoon on November 21?

Mr. O'DONNELL. Late in the afternoon, I would think around 4 or 5 o'clock.

Mr. SPECTER. And what were the activities in Houston?

Mr. O'DONNELL. We drove from the airfield into the hotel. As I recollect, there were very large crowds.

Mr. SPECTER. Was that a motorcade procession, also?

Mr. O'DONNELL. Motorcade; and particularly as we got in downtown Houston, the crowds were very large, and very enthusiastic. Getting in the hotel was somewhat of a chore.

Mr. SPECTER. What public appearances did the President then make in Houston?

Mr. O'DONNELL. The President spoke at the appreciation dinner for Congressman Thomas. The records will show the location. I did not accompany him. And I went directly from the hotel to the airport, and met him as he got aboard the plane.

Mr. SPECTER. Approximately when did the Presidential party depart from Houston?

Mr. O'DONNELL. Well, I would have to guess again. I would think around 10:30 or 11 o'clock. The alternative was staying overnight in Houston, getting in early in the morning—or getting into Fort Worth late at night, and allowing the President a little more rest, and we selected going to Fort Worth that night.

Mr. SPECTER. What were the public appearances made by the President, then, in Fort Worth, Tex.?

Mr. O'DONNELL. He spoke at 8 o'clock that morning at a breakfast which was given by the business community, as I remember, came back up to his room, chatted for a few minutes, went back down. It had been raining. The sun had just come out. He went out and spoke to a group assembled in the parking lot and went back and departed for—came back upstairs, we chatted for a few minutes again, and then came back down and departed for Carswell.

Mr. SPECTER. And how did the President travel out of Fort Worth?

Mr. O'DONNELL. He left Fort Worth in an open car, traveled by car to Carswell.

Mr. SPECTER. And from Carswell, what was his mode of travel?

Mr. O'DONNELL. *Air Force 1* to Love Field, Dallas?

Mr. SPECTER. What were the weather conditions on the arrival at Love Field in Dallas?

Mr. O'DONNELL. The weather was clear, sunny, excellent weather.

Mr. SPECTER. What decision had been made as to whether to have an open car in Dallas?

Mr. O'DONNELL. The decision had been made to have an open—if the weather was good, he would ride in an open car.

Mr. SPECTER. And do you recall who made that decision?

Mr. O'DONNELL. Well, I would make that decision under normal circumstances. But it was almost an automatic decision, that whenever the weather was clear, he preferred to ride in an open car.

Mr. SPECTER. Do you recall at approximately what time the Presidential party arrived at Love Field, Tex.—Love Field, Dallas, Tex.?

Mr. O'DONNELL. I would think it would be around 11, 11:15. We were on time. We always allowed a few minutes at the airport, because he always shook hands with the crowd. So we left—my recollection is that we departed from Love Field approximately according to the schedule.

Mr. SPECTER. What were President Kennedy's activities at Love Field?

Mr. O'DONNELL. He had no scheduled activities. It was a matter of assembling the motorcade. He got off *Air Force 1*, and he went over to the crowd that was gathered around the rail, shook hands, went up and down.

Mr. SPECTER. What type of a crowd was it with respect to size?

Mr. O'DONNELL. It was a large crowd.

Mr. SPECTER. Would you tell us how the motorcade was constituted with respect to the general number of the cars and the way they were lined up, if you recall, please?

Mr. O'DONNELL. Well, I can't go more than—I got into the second car, and I didn't really look behind me. There was some controversy as to what Congressman sat in what car. We had a lot of Congressmen with us and a lot of dignitaries, and there was a lot of juggling around, which Mr. O'Brien was more involved with than I was, as to where Senator Yarborough and the Vice President and the Congressman sat. But it was a lengthy motorcade, more lengthy than normal. We always tried to keep them down as much as possible. But because of the number of Congressmen and the dignitaries involved.

Mr. SPECTER. How many cars were there ahead of yours?

Mr. O'DONNELL. Well, I think there was a scout car, which was the lead, the President's vehicle, and I was in the car right behind him, in the Secret Service followup car.

Mr. SPECTER. Who else besides you was in that car?

Mr. O'DONNELL. David Powers was with me. All the rest were agents.

Mr. SPECTER. Do you recall whether anything unusual occurred on the trip from Love Field down to the center of Dallas?

Mr. O'DONNELL. No; I thought it was normal—the crowds, going through the suburbs, were, I would say, from medium to heavy for that trip. I noted they were mostly white collar, mostly industrial places we passed by which I would say were highly technical. Therefore, the crowd reflected a middle to an upper class type. They were not unfriendly nor terribly enthusiastic. They waved. But were reserved, I thought.

Mr. SPECTER. Where were you seated in the car?

Mr. O'DONNELL. I was seated in the front jump seat—the jump seat.

Mr. SPECTER. On the left-hand side or the right-hand side?

Mr. O'DONNELL. Left-hand side.

Mr. SPECTER. And who sat on your immediate right?

Mr. O'DONNELL. Mr. Powers.

Mr. SPECTER. How many agents were there in front of you?

Mr. O'DONNELL. Well, there were the normal two or sometimes three in the front seat. I would not be clear as to how many there were. I would think there were about—just guessing—seven or eight agents in the car. Some on the running board, some seated, depending on the speed of the motorcade, or the activity.

Mr. SPECTER. Was there a front seat in the car, immediately ahead of you?

Mr. O'DONNELL. Yes.

Mr. SPECTER. And was that occupied by Secret Service agents?

Mr. O'DONNELL. It was.

Mr. SPECTER. And how about immediately to your rear? Was there a rear seat?

Mr. O'DONNELL. There was a rear seat. There were agents in that—again depending on the speed of the motorcade they were either on the running board, or as it slows up and the crowds got larger the agents would get on the running board. But as it moved along rather rapidly, as it did on the way in, they were seated most of the time.

Mr. SPECTER. Do you recall whether or not the President's automobile made any stops en route from the airport into the downtown area?

Mr. O'DONNELL. I don't recollect, clearly. I would be surprised if it did not. But I don't have any clear recollection.

Mr. SPECTER. Was it a usual practice for the President to make a stop on the motorcade?

Mr. O'DONNELL. If the crowds got too large, he would stop, or if he saw some child had gone to some great extreme with a sign, he would sometimes stop. Usually unless the crowds were particularly heavy, or indicated a need for a stop, he would not stop.

Mr. SPECTER. And what was the nature of the crowd in downtown Dallas?

Mr. O'DONNELL. The nature of the crowd was extremely heavy, one of the heaviest I have seen in any American city.

Mr. SPECTER. How did they compare with the crowds during the 1960 campaign in Dallas?

Mr. O'DONNELL. I would think probably heavier. But very close. They were both very large crowds, very enthusiastic. I think, as I have always noticed, to the President and candidate there is a different aura. But that would be the only difference I would notice in the crowd. There was a little bit more respect—still the same enthusiasm. At the last trip in Dallas he stopped the motorcade every 5 minutes—they mobbed the car. There was none of that. But they were in the middle of the street and off the sidewalks. So there was a very narrow lane to progress through. But they were still very orderly, but cheerful.

Mr. SPECTER. Did you have any specific reaction to the Dallas crowd in terms of what your expectation might have been about Dallas?

Mr. O'DONNELL. Well, I was pleased with it. As a politician, I was particularly pleased with it. I thought we had accomplished what we had come to Dallas to do, was, one, to establish the fact that the average person living in that city was no different than any other American, and that they respected and admired their President. And I felt one of the greatest things that does occur of a political nature is the Congressmen and the political leaders who had also been reading the same newspaper about how unpopular he was, it is good for them to see it really is not true, it is a reflection of a very small minority, and that the President of the United States was extremely popular in Dallas.

And that was the basic reason we went. And as we finished through the business section of town, that was my pleased impression.

Mr. SPECTER. Do you recall the scene when you left the Main Street of downtown Dallas, with respect specifically to the presence of a large building which was immediately ahead of the motorcade?

Mr. O'DONNELL. I did not. I was looking at the crowd. And I frankly didn't look at the building, except when there were people in the windows. And as we made that turn, I had been standing—I remember I sat down. And as far as I was concerned, that was the end—we were then going to the luncheon—and I didn't notice any building at all.

Mr. SPECTER. Were you familiar with the identity of the specific plaza there, being known as Dealey Plaza?

Mr. O'DONNELL. I was not. I afterward have reflected on it many times.

Mr. SPECTER. Tell us what occurred then as you made that turn away from the crowded downtown Dallas area and headed toward the plaza area.

Mr. O'DONNELL. Well, I sat down. I remember saying to Dave Powers that it was a fantastic crowd. He agreed.

We turned. I remember the overpass. And then the shots occurred—which, at that time, I did not know were shots. My first impression was it was a firecracker. And then either somebody said, "He has been hit," or I noticed the slump—he had been waving out the right side of the car, and I noticed him slump over toward Mrs. Kennedy, and I realized then that they had been shots. But as fast as that realization occurred, I saw the third shot hit. It was such a perfect shot—I remember I blessed myself. I was rather convinced that was a fatal blow.

Mr. SPECTER. When you say you made a turn, which way did the motorcade turn?

Mr. O'DONNELL. Turned to the left.

Mr. SPECTER. And approximately how far behind the Presidential vehicle was the followup car at that time?

Mr. O'DONNELL. My guess would be 5 to 8 feet, the normal—when there are large crowds, pressing in on the side, they try to stay close. It was moving at a steady pace. The crowds were orderly. So he was at a normal—I would presume they were just about turning to step up the speed a little bit, because there would be no crowds from there.

Mr. SPECTER. What is your best estimate of the speed of the President's vehicle at that time?

Mr. O'DONNELL. Well, I would think we probably were going between 15 and 20, up until that moment, and I think he probably had just begun to accelerate probably up to about 25, somewhere in that vicinity.

Mr. SPECTER. Had the Secret Service followup car completed its left-hand turn prior to the time the shots rang out?

Mr. O'DONNELL. My recollection is they had, just about.

I don't recollect a separation of this nature. It was a slight sloping turn, as I remember, and I thought we were right together.

Mr. SPECTER. So that when you just indicated with your hands, you were showing a pattern of the Secret Service car having made the turn and straightened up immediately behind the Presidential vehicle proceeding down the street?

Mr. O'DONNELL. That is my impression.

Mr. SPECTER. And was the overpass in sight at that time, did you say?

Mr. O'DONNELL. Yes; it was.

Mr. SPECTER. On which side of the car was President Kennedy seated?

Mr. O'DONNELL. He was on the right side.

Mr. SPECTER. The extreme right?

Mr. O'DONNELL. The extreme right.

Mr. SPECTER. And what was he doing with his hands prior to the time of the shooting, if you recall?

Mr. O'DONNELL. He was waving. We had just left the mass of crowds. But as we turned on the grass plot there were four or five people there, and I believe he waved to them.

Mr. SPECTER. Indicating a right-handed wave?

Mr. O'DONNELL. Yes.

Mr. SPECTER. Where was Governor Connally seated with respect to the President?

Mr. O'DONNELL. He was directly in front of the President.

Mr. SPECTER. Do you know whether or not the President's seat was raised or was it in its extreme low position at that time?

Mr. O'DONNELL. I would not know.

Mr. SPECTER. Do you know what the President's practice was as to whether or not the seat would be raised?

Mr. O'DONNELL. I don't know that, either.

Mr. SPECTER. Do you know what the controls were on the Presidential automobile for raising or lowering the President's seat?

Mr. O'DONNELL. No; I don't.

Mr. SPECTER. How many shots were there in all?

Mr. O'DONNELL. Three.

Mr. SPECTER. What is your best estimate as to the total time which elapsed from the first shot to the last shot?

Mr. O'DONNELL. I would say 5 to 6 seconds.

Mr. SPECTER. And was there any distinguishable tempo to the shots?

Mr. O'DONNELL. Yes; the first two came almost simultaneously, came one right after the other, there was a slight hesitation, then the third one.

Mr. SPECTER. And what was your reaction as to the source of the shots, if you had one?

Mr. O'DONNELL. My reaction in part is reconstruction—is that they came from the right rear. That would be my best judgment.

Mr. SPECTER. Was there any reaction by any of the other people around in any specific direction?

Mr. O'DONNELL. The agents all turned to the rear. I would think, watching the reaction of the President when the shot—the first shot hit—that it would

be automatic it would have to have come from the rear. I think any experienced agent would make that assumption immediately.

Mr. SPECTER. And was the reaction of the agents which you have referred to as coming from the rear, to the right rear or to the left rear?

Mr. O'DONNELL. The reaction I note would be right rear. And, again, looking at the manner of the President's movement, I would think you would have to feel the thrust of the shot was from the right rear.

Mr. SPECTER. Now, what was there about the President's movement which leads you to that conclusion?

Mr. O'DONNELL. He was leaning out waving. He may have just been withdrawing his hand. And the shot hit him, and threw him to the left. He slumped on Mrs. Kennedy.

Mr. SPECTER. Were you able to determine a reaction on that slumping movement, as to whether it was the first, the second, or the third shot?

Mr. O'DONNELL. It was not the third shot. Whether it was the first or second, I would not know.

Mr. SPECTER. Do you think it could have been the second shot?

Mr. O'DONNELL. Yes; I do. If I had to pick one of the two, I think it might have been the second shot. It seemed to be—but, again, it is a foggy recollection—it seemed to have been that his movement coincided—with such a slight difference of time, that is just guesswork.

Mr. SPECTER. Did you observe any reaction of Governor Connally in the car?

Mr. O'DONNELL. I saw the Governor turn toward the President. The President, in that period of time, had been—they were one right behind the other. And the only reason I would even notice it was when the President had slumped to the left, the Governor then turned, and he was in my view. Otherwise, he would not have been. But the President slumped over, and, therefore, the Governor just turned and I could see him. I had no knowledge that he had been hit at that time.

Mr. SPECTER. When did you get the first knowledge that he had been hit?

Mr. O'DONNELL. When the third shot came. The President was hit. The motorcade accelerated. And one of the agents said, "The Governor has been hit, too."

Mr. SPECTER. Prior to the time that President Kennedy shifted to the left, then, could you see the Governor at all from your position?

Mr. O'DONNELL. Depending on how each one moved, normally, no. The President was directly behind the Governor. But if the President was over to the right waving, then you could see the Governor.

Mr. SPECTER. On the President's left when the Governor—

Mr. O'DONNELL. If the President was all the way to the right, the Governor, who was in front of him, would be visible to us. If they were both sitting, they were not. But they did confer back and forth. So the Governor was visible upon occasion. But when he turned around, it was really the first time I had been able to see him clearly.

Mr. SPECTER. At a time, though, when the President was on the extreme right-hand side, waving, would the Governor then have been visible on the President's left or on his right?

Mr. O'DONNELL. He would be on his left.

Mr. SPECTER. Was the jump seat situated, if you know, to the precise front of the President, to the right, to the left, or what?

Mr. O'DONNELL. I don't know.

Mr. SPECTER. What reaction did you observe, if any, as to Mrs. Kennedy during the shots?

Mr. O'DONNELL. Well, he slumped on her. She appeared to be immediately aware that something had happened. She turned toward him. And then the third shot hit. Obviously, she then knew what happened. She turned, looking at the backup car. Meanwhile Agent Hill had gotten off the car and started running up. She was clambering toward the back, and reached his hand, and he was on the car.

Mr. SPECTER. Did you observe any reactions in the President's car other than those which you have now testified about?

Mr. O'DONNELL. No.

Mr. SPECTER. At what point did the motorcade accelerate?

Mr. O'DONNELL. It accelerated, I would think, right about at the time that Agent Hill grabbed onto the back of the car, which would be just a few seconds after the last shot.

Mr. SPECTER. And at what speed did the motorcade proceed en route to the hospital?

Mr. O'DONNELL. Very rapidly. I would guess between 60 and 70 miles an hour.

Mr. SPECTER. About how long did it take for the motorcade to get to the hospital?

Mr. O'DONNELL. I would guess 5 to 10 minutes.

Mr. SPECTER. How far behind the President's car was the followup car in which you were riding at the time the President's car arrived at the hospital?

Mr. O'DONNELL. Right behind it, 5 or 6 feet.

Mr. SPECTER. What occurred at that time?

Mr. O'DONNELL. We got out of the car. David Powers got out of the car, went over to the President, and was not visible to me, and was crying, he laid on him. And then they came and took the President—that was the first time I really realized that Governor Connally had been badly hurt, as they also carried Governor Connally out.

Mr. SPECTER. What was Mrs. Kennedy doing at that time?

Mr. O'DONNELL. I believe somebody had helped her out and taken her into the hospital.

Mr. SPECTER. Was there a coat over President Kennedy at that time?

Mr. O'DONNELL. When they took him out, I was standing maybe 3 or 4 feet behind him. There was a wall of people between myself. I didn't see him, nor did I look.

Mr. SPECTER. Do you know who lifted the President out of the car?

Mr. O'DONNELL. I don't.

Mr. SPECTER. Do you know who lifted the Governor out of the car?

Mr. O'DONNELL. I don't.

Mr. SPECTER. By what means were they taken away from the vicinity of the car?

Mr. O'DONNELL. I think they had stretchers. As I say, I was far enough back at that moment that they were milling around, and so many people between my vision and what they were doing, I did not see. I could not be accurate on that.

Mr. SPECTER. What did you do next, Mr. O'Donnell?

Mr. O'DONNELL. I went into the hospital and went right to Mrs. Kennedy. She was seated right outside the room where they had placed the President. I would say she was in a total daze, and as yet not knowing whether there was any hope or not.

Mr. SPECTER. What were your activities in the period of time immediately following that moment?

Mr. O'DONNELL. Well, I stayed with her for a few minutes, and then no one seemed to be able to get any conclusive answer as to the President's condition. As I said, I had seen the shots so clearly, I had a pretty clear view. The first thing I had done—I asked them to get a priest, which they did immediately. I went into the room. There were four or five doctors there. Dr. Burkley I think was there. And I said, "I think we better get a definite answer one way or another—is there any hope at all?" I was unable to get a conclusive answer. But I think I got the answer I needed.

✓I don't think how Mrs. Kennedy was finally told. I may have told her about at that moment. Between the time and the time I knew definitely, I went to see the Vice President.

Mr. SPECTER. Who was with him at that time?

Mr. O'DONNELL. Mrs. Johnson was with him and an agent who at the time I did not know. I believe it is Youngblood.

Mr. SPECTER. Where was Vice President Johnson?

Mr. O'DONNELL. He was in a room across the hall. You had to go directly across what would probably be the reception room, which was open to the public, and into another room. And I recollect I turned to my right, and he was over more or less in the corner with a screen. He was standing on the right, Mrs. Johnson, I believe, was sitting, the agent was standing at the door.

Mr. SPECTER. And what conversations, if any, did you have with then-Vice President Johnson?

Mr. O'DONNELL. I told him it looked very, very serious, and in my opinion that it was probably fatal. I hadn't been able to get a totally definite answer, but that I would let him know as soon as it was definite—but it looked pretty black.

I then left him. I don't recollect that he even commented. I left him and went back to Mrs. Kennedy, and within a very few minutes they confirmed the fact that the President was dead.

Mr. SPECTER. What did you do next?

Mr. O'DONNELL. As soon as I was assured that he was dead, and it was definite, I went back to the Vice President and informed him the President was dead, and that in my opinion he ought to get out of there as fast as he could. We had a general discussion. The President's first words to me were that we must look upon this in a sense that it might be a conspiracy of some nature, and that all security must be taken, and that we then discussed whether one of the possible movements might be to move the Presidential aircraft from Love Field to Carswell, where no route of departure could be laid out, and where there would be military security.

We discussed that. It was my opinion that his best movement was to move directly to Love Field. In fact, the routes would not be available anyway, because this was not a schedule—the departure from the hospital to the field would not be covered, if that were a possibility. And that it would be much better if he got to the field immediately, where he was under security and got aboard one of the aircraft.

Mr. SPECTER. Was there any discussion about his taking the presidential plane, AF-1, as opposed to AF-2?

Mr. O'DONNELL. There was not.

Mr. SPECTER. Did Vice President Johnson look to you in any way for a recommendation on his subsequent plans in terms of your being then in charge of the presidential party?

Mr. O'DONNELL. It was my impression that he did, that he, with the President gone—that he felt I was—had to assume a position of responsibility, both with regard to Mrs. Kennedy and as to himself. He asked me, as I recall—he asked me for my advice as to his departure and used the words, "I am in your hands now," at some point in the conversation.

But I did get the impression that he wanted official—that isn't the proper word—but that his movements should be approved by all concerned.

Mr. SPECTER. Have you now related all the conversation you had at that time with then-Vice President Johnson?

Mr. O'DONNELL. To the best of my recollection.

Mr. SPECTER. What did you do next, then?

Mr. O'DONNELL. Next after I left the Vice President, I went back to Mrs. Kennedy. On the way through the lobby I noted the newspapermen were clamoring for information. I met Kilduff. He said, "Should we announce it?" And I said I think that is a decision that can only be made by the President "You better ask him." So that was the last I saw of Kilduff.

Mr. SPECTER. Who is Kilduff?

Mr. O'DONNELL. He is the assistant press secretary.

Mr. SPECTER. Malcolm Kilduff?

Mr. O'DONNELL. Malcolm Kilduff.

I then went back to Mrs. Kennedy, who was in a very understandably distraught condition. It was my opinion—I tried to in some way imply that she might leave and come with us, at least to get her out of that room. She was covered with blood.

Mr. SPECTER. Which room was she in then?

Mr. O'DONNELL. She was in the same room. She had not moved. She was sitting near the door.

Mr. SPECTER. That is the room where the President was treated by the Dallas doctors?

Mr. O'DONNELL. Yes; there is a little corridor. There were swinging doors. He was inside the swing door. She was not in the presence of the body.

Mr. SPECTER. What was her response to you?

Mr. O'DONNELL. Her response to me was she would not leave her husband's body. At that point, I realized that she would not. The doctor had continually attempted to get her to take some form of sedation. And she had consistently refused, and told me she would not take anything, that she was going to stay with her husband.

I realized that she was going to stay with her husband, no matter what anybody did, and there was no possible way of in any way getting her to leave. And so, therefore, the only alternative I could see was that we move the President. It is an assumption I probably would have arrived at anyway, but I arrived at it in this manner.

So I went out and got hold of Dr. Burkley and General McHugh, and one of the agents, and Andy Berger, as I recall, and told them to get a casket, to bring it back, and Dr. Burkley would have the doctors prepare the body for removal, and that we would proceed to the airport and go to Washington.

This was done very rapidly, as I recollect. It seems to me it wasn't more than half an hour that they arrived with the casket. I remember just before they arrived I got Dave Powers and said there was a little room in the back that we ought to just take Mrs. Kennedy under some subterfuge, and talk to her in the room while we brought the casket in, because I thought that might be the final blow. And we did, and—but she knew what was going on. She came out and said, "No, I want to watch it all." And she stood in the doorway, and thanked us for our attempt at being compassionate.

And then they took it in, and put the body in the casket.

We were then all prepared to go. The agents told me the ambulance was ready, and they were prepared to move.

We—the casket was brought out about halfway, and a gentleman arrived who said that we would not be allowed to remove the body from the hospital until the necessary papers had been signed.

Mr. SPECTER. Do you know who he was?

Mr. O'DONNELL. I don't recollect who he was. I think he was—maybe from the coroner's office. My assumption is he would be.

But he took this position. We asked—I don't recollect who transmitted the message—that they speed this up as much as possible, and give us some idea how long it took to accomplish this. And they went out into this other little room where there were some telephones, and proceeded to call whoever it was necessary to call to get this permission.

We waited about 10 or 15 minutes, and Dr. Burkley and General McHugh were in the room, and Mr. O'Brien at some time. I went out again and asked them if they had an answer, and nobody seemed to be able to answer the question as to how long it might take, and whether it was a week or an hour.

So I was getting more concerned about Mrs. Kennedy's state all the time—although she appeared composed, as she had from the beginning.

Then a gentleman did arrive who has later been identified for me as a Judge Brown, who was on the telephone calling someone. It had been my assumption that upon his arrival that he had the power to permit us to depart. Dr. Burkley was talking to him in a very agitated manner. And the gentleman was very calm and cool and collected. If my recollection is clear, he said something to the effect that as of now this was just a homicide case, and there were certain things that had to be carried out, one of which I interpreted as an autopsy.

Mr. SPECTER. Who was it, Mr. O'Donnell, if you recall, who said this was just another homicide case?

Mr. O'DONNELL. My feeling is it was Brown, but I really would not be—in the excitement of the moment, the discussion of the autopsy, the signing of a certificate from the hospital, and the treatment of this as a homicide case, I would not want to be unfair and misinterpret who might have said it.

My recollection is it was indicated to us that the President is dead, the hospital has to perform certain functions, and the law must be met, no matter who it is, at this moment. In my own mind, when they said autopsy, I realized we were talking not about hours, but perhaps even days, which was an impossible situation for Mrs. Kennedy.

I talked to Dr. Burkley, and had him suggest to them that they could have a

doctor come with us, he could accompany the body at all times, and that we would bring him immediately to the Naval Hospital, and that they could perform whatever necessary chores, and there would be no separation physically from the hospital and the performance of their autopsy.

They refused to consider this.

I in my own mind determined that we had no alternative but to just depart. So I went back in the room. I told Mr. O'Brien, and whoever else was assembled there, that we were going to leave. I notified the Secret Service and General McHugh, and told them to get ready to depart. We went in and took the body out. Mrs. Kennedy stood right behind it, I think totally unaware of the problems that were then existing, so perhaps confused as to the speed with which we were attempting to depart.

We pushed the casket out through the hall. This first gentleman that had come in, who, I presume, was from the coroner's office, shouted very loudly, "You can't do that, you can't leave here now." Nobody paid any attention to him. We pushed out through another set of swinging doors. I remember a Catholic priest was between this and the doorway, and was praying. It was most disconcerting because we were concerned at all times that some moment they would say stop, and I hated to think what might happen to Mrs. Kennedy if she had to go back and go through this all over again. So we brushed them all aside and came out the same way we had come in, through the same doors.

There was an ambulance there. Andy Berger was seated in the driver's seat. Several agents were there. The body was put into the ambulance, Mrs. Kennedy got in with it. We climbed into a car alongside of it, and we took off for the airport. I told the agents if they would signal ahead, that there were agents at the airfield, and that as soon as we came through the gate, they were to close the gate and let nobody else in.

Mr. SPECTER. That is the gate at the airfield?

Mr. O'DONNELL. Yes.

Mr. SPECTER. Do you recall approximately what time you left the hospital?

Mr. O'DONNELL. I haven't the vaguest idea.

Mr. SPECTER. Would you have any idea how long it was after you arrived at the hospital that you left the hospital?

Mr. O'DONNELL. I wouldn't—it was a couple of hours. But I wouldn't have any idea.

Mr. SPECTER. About how long did the trip take you from the hospital back to the airport?

Mr. O'DONNELL. I am guessing totally at time. I would think it seemed about 15 minutes. It wasn't a long period of time.

Mr. SPECTER. What occurred then?

Mr. O'DONNELL. The drive was uneventful. We went through the gate. We arrived at the Air Force—I didn't know whether it was 1 or 2, to be honest, until I saw the members of the crew. And they unloaded the casket. I remember they had a very, very difficult time getting it up, because of the narrowness of the ramp. It was very difficult for the Secret Service. It seemed at moments it might almost tumble; it was frightening.

We got on the plane. And the seats had been taken out on the left side, so they could lay the casket down. The casket was placed down. I told General McHugh to tell the pilot to take off.

Mr. SPECTER. Do you know whether or not President Johnson had been sworn in at that time?

Mr. O'DONNELL. At that time I didn't know President Johnson was on the plane. I did not know whether he had been. Subsequently I realized he had not been.

Mr. SPECTER. Was there any specific discussion, to your knowledge, or consideration, to your knowledge, of holding the Presidential plane until Mrs. Kennedy and President Kennedy's body arrived on that plane before departing for Washington?

Mr. O'DONNELL. There has been no discussion of that to my knowledge. Once the President—the Vice President left, I left him, I had not seen him again. I had been notified he had departed, I had been notified that he arrived, and that was the last I heard of it, until I got on the airplane.

Mr. SPECTER. What did you do next, after arriving on the airplane?

Mr. O'DONNELL. As I say, I told General McHugh to have the plane take off, still all of us under the assumption or apprehension that at some moment we either might not be granted clearance to take off, or that the hospital may have in some way gotten the police to intercept us—the difficulty of that to Mrs. Kennedy was incalculable. I was in a highly desperate strait to get that airplane in the air and back to Washington. As I say, I told General McHugh to tell the pilot to take off.

There was a delay of 2 or 3 minutes, and nothing happened. So I headed up for the cockpit myself, and I ran into McHugh in the meantime who said that President Johnson was aboard, and that he had ordered the pilot to delay, to hold up until he was sworn in. That was the first I knew he was aboard.

I would like to correct that. I must have known he was aboard, because I am sure he must have greeted Mrs. Kennedy as she came aboard. And he and Mrs. Johnson. But I don't have a clear recollection of that in my own mind.

Mr. SPECTER. Were you present when President Johnson was sworn in?

Mr. O'DONNELL. I was.

Mr. SPECTER. After you arrived back on AF-1, what did you do between that time and the time the plane was airborne?

Mr. O'DONNELL. Mrs. Johnson took Mrs. Kennedy into the President's room on *Air Force 1*. I remember she was reluctant to even go in there, but she persuaded her to. And—

Mr. SPECTER. Who was reluctant to go in?

Mr. O'DONNELL. Mrs. Kennedy. And I went up, and the President and I carried on a conversation, which, again my recollections might be hazy—that it had been brought to his attention that I had asked for the plane to take off, and that there was some difference of opinion between him and me. He said to me that he had called the Attorney General, and that the Attorney General had indicated that it was, if not mandatory, at least preferable that he be sworn in prior to the aircraft taking off. I didn't describe what I saw as the problems. I realized it was an inevitable delay. So I don't believe I commented on it. I just listened to him. We sat there.

I went up and talked to the pilot, to make sure they didn't let anybody on the plane, or put the ramps down for anybody, except the judge, under any circumstances. About 10 or 15 minutes later the judge arrived and the swearing in occurred.

Mr. SPECTER. How soon after the swearing in was the plane airborne, if you recall?

Mr. O'DONNELL. It was almost immediate—as soon as he was sworn in, the plane taxied out and took off.

Mr. SPECTER. On the return flight to Washington, where did you sit?

Mr. O'DONNELL. I sat with Mrs. Kennedy almost all the way. We came back—Mr. Powers, Mr. O'Brien, and I stayed in the back compartment. And then Mrs. Kennedy and I—I sat down with her, we sat that way all the way back. The President called me up on one or two occasions and asked me to stay up in the cabin, wanted to talk to me, but I felt I had to stay with Mrs. Kennedy. So I sat with her the whole trip.

Mr. SPECTER. What did you talk about?

Mr. O'DONNELL. We reminisced.

Mr. SPECTER. Did she have anything to eat on the trip back?

Mr. O'DONNELL. No; I think we both had a drink. I tried to get her to take a good strong drink. I had not much luck.

Mr. SPECTER. She drank part but not all?

Mr. O'DONNELL. As I recollect, she just wanted to talk. She talked all the way.

Mr. SPECTER. What did you do then after your arrival in Washington, D.C.? Or did you come back to Andrews Air Force Base?

Mr. O'DONNELL. We arrived at Andrews and meanwhile the Attorney General had been notified, the decision had been made that he would go to Bethesda.

Mr. SPECTER. Who made that decision, by the way?

Mr. O'DONNELL. Mrs. Kennedy.

Mr. SPECTER. That the autopsy should be performed?

Mr. O'DONNELL. I don't think she knew anything about an autopsy. The question is where the body went. We didn't tell her there was to be an autopsy. And the choice was Walter Reed or Bethesda. He being a Navy man, she picked Bethesda.

Mr. SPECTER. She chose Bethesda, as between Bethesda and Walter Reed?

Mr. O'DONNELL. She did.

Mr. SPECTER. Who made the decision there would be an autopsy, if you know?

Mr. O'DONNELL. I don't know who made the decision. I just think we all agreed—we arrived at Bethesda. The Attorney General was there. I think it was just our assumption that this was a necessary part.

Mr. SPECTER. How did you get from Andrews Air Force Base to Bethesda Naval Hospital?

Mr. O'DONNELL. By car.

Mr. SPECTER. About what time did you arrive at Andrews, if you recall?

Mr. O'DONNELL. I don't remember. It was dark. That is all I do recall.

Mr. SPECTER. About how long was the car trip from Andrews to Bethesda?

Mr. O'DONNELL. I would think 45 minutes.

Mr. SPECTER. And what did you do after your arrival at Bethesda?

Mr. O'DONNELL. When we arrived at Bethesda, we went immediately to some room, reception room, where the family was.

Mr. SPECTER. And how long did you stay there?

Mr. O'DONNELL. We stayed there, I would think, until 3 or 4 in the morning. We wanted to stay there until Mrs. Kennedy got back to the house.

We drove back to the White House with her.

Mr. SPECTER. At what time did you leave her at the White House?

Mr. O'DONNELL. I would think 4 or 5 in the morning.

Mr. SPECTER. After that, did you go home?

Mr. O'DONNELL. I did.

Mr. SPECTER. Who all was present with the family at Bethesda?

Mr. O'DONNELL. There was Mr. O'Brien, Mr. Powers—I don't recollect anybody else outside the family.

Mr. SPECTER. Who from the family was there?

Mr. O'DONNELL. As I remember, Jean Kennedy, the Attorney General and his wife, I think Pat and Eunice. There were some other people. Really there were two—there was one room inside, in which they were in, and there was one out in the reception.

Mr. SPECTER. What was on the balance of the itinerary in Texas after the planned luncheon at the Trade Mart at Dallas on November 22?

Mr. O'DONNELL. We were leaving Dallas and going to Austin, and Governor Connally had arranged one or two receptions, and then a large dinner in the evening, a fundraising dinner, and then the President was going to depart from there to the Vice President's ranch, and stay with them through Saturday, and then come back to Washington.

Mr. SPECTER. And was the estimated time of arrival at the LBJ Ranch about 10 p.m., on the evening of November 22?

Mr. O'DONNELL. That would be about right.

Mr. SPECTER. With the plan then being to depart for Washington on the 23d, Saturday?

Mr. O'DONNELL. Yes.

Mr. SPECTER. What was the President's attitude, in a general way, about Presidential protection—that is, President Kennedy's attitude about Presidential protection, Mr. O'Donnell?

Mr. O'DONNELL. Well, his general attitude was that the Secret Service—that there was no protection available to a President of a democracy such as the United States from a demented person who was willing to risk his own life; that if someone wanted to kill a President of the United States, who in a sense wears two hats—he is the leader of a political party as well as our Chief Executive—and by the nature of our system must mingle with crowds, must ride through our cities, and must expose himself to the American people—that the Secret Service would not be, other than the protection that they provide by the screening processes prior to the actual carrying out of a political trip—would not be able to guarantee 100 percent protection, considering one has to mingle with

crowds of 50,000 or 100,000 people, and mingle with them at handshaking distance.

Mr. SPECTER. Had you ever discussed the dangers inherent in a motorcade, for example, with the President?

Mr. O'DONNELL. Not specifically in a motorcade. I don't think the President's view was—very frankly, we had discussed this general subject. We used to go on trips, and sit around in the evening and this would come up.

Mr. SPECTER. What was the President's view expressed during those conversations?

Mr. O'DONNELL. His view was that a demented person who was willing to sacrifice his own life could take the President's life. And that if it were to happen, I think his general view was it would happen in a crowded situation. I don't think it entered his mind that it might happen in the fashion as of a motorcade.

Mr. SPECTER. What was his reaction to that risk?

Mr. O'DONNELL. I think he felt that was a risk which one assuming the office of the Presidency of the United States inherited. It didn't disturb him at all.

Mr. SPECTER. When was the last conversation that you had with him on that general topic?

Mr. O'DONNELL. The last conversation I had with him on that general topic was the morning of the assassination.

Mr. SPECTER. Where did the conversation occur?

Mr. O'DONNELL. The conversation took place in his room, with Mrs. Kennedy and myself, perhaps a half hour before he left the Hotel Texas to depart for Carswell Air Force Base.

Mr. SPECTER. That was in Fort Worth?

Mr. O'DONNELL. That was in Fort Worth.

Mr. SPECTER. And tell us, as nearly as you can recollect, exactly what he said at that time, please.

Mr. O'DONNELL. Well, as near as I can recollect he was commenting to his wife on the function of the Secret Service, and his interpretation of their role once the trip had commenced, in that their main function was to protect him from crowds, and to see that an unruly or sometimes an overexcited crowd did not generate into a riot, at which the President of the United States could be injured. But he said that if anybody really wanted to shoot the President of the United States, it was not a very difficult job—all one had to do was get a high building some day with a telescopic rifle, and there was nothing anybody could do to defend against such an attempt on the President's life.

Mr. SPECTER. What was Mrs. Kennedy's reaction to that philosophy?

Mr. O'DONNELL. I think—I think she had not quite thought of this at all. She certainly had not thought of it in this way. But I think the general tenor of the conversation was that she agreed that this was—in this democracy, this is inherent.

Mr. SPECTER. What had her reaction been to the trip to Texas up to that point?

Mr. O'DONNELL. She had enjoyed it. She had not been a girl who had loved campaigning. And I thought at the moment, at that very minute, that for the first time—the President and I were discussing a forthcoming trip to the west coast, and he had asked her if she would come, and she said she would be delighted to come, and she would like to go from now on.

The President was delighted. We were all delighted.

Mr. SPECTER. Had she been on any political trip before this trip to Texas?

Mr. O'DONNELL. No; she had not been on a political trip with us for quite awhile.

Mr. SPECTER. When was the trip immediately prior to the one to Texas that she was last on, if you recall?

Mr. O'DONNELL. I don't recall. I don't recall.

Mr. SPECTER. Was it during the 1960 campaign?

Mr. O'DONNELL. She was pregnant, as I recollect, during the 1960 campaign. She had been pregnant just prior to this. So that—and most of the other trips had been really the sort of thing that was difficult for Mrs. Kennedy to go on. But she had never evidenced to me quite as much interest in going on a—continuing to go on these trips, as she was after this.

Mr. SPECTER. Had she ever been to Texas prior to November 21, 1963?

Mr. O'DONNELL. Not to my recollection.

Mr. SPECTER. After the assassination, has she ever made any comment to you about that conversation which you had in the Hotel Texas in Fort Worth on the morning of November 22?

Mr. O'DONNELL. I have never dared bring that conversation up to Mrs. Kennedy.

Mr. SPECTER. Mr. O'Donnell, do you have any knowledge, aside from the factors which you have set forth during your testimony today, concerning anyone involved in the shooting of the President?

Mr. O'DONNELL. No; I have no comment.

Mr. SPECTER. You say you have no knowledge?

Mr. O'DONNELL. I have no knowledge.

Mr. SPECTER. Do you have anything to add which you think would be helpful to the President's Commission in any way in its job of investigating all factors relating to the assassination of President Kennedy?

Mr. O'DONNELL. I do not.

Mr. SPECTER. One other detail, Mr. O'Donnell.

Did you have occasion to deal with an particular individuals from the city of Dallas itself during this trip, or in preparation for this trip?

Mr. O'DONNELL. No.

Mr. SPECTER. Mr. O'Donnell, under our practice, if you care to, we can make this transcript available to you to read and to sign.

Would you prefer that, or would you just as soon waive the signature, and have the transcript in its final form as it comes from the court reporter here?

Mr. O'DONNELL. I would like to read it.

Mr. SPECTER. Fine. We will make it available to you for reading and signature, sir. Thank you very much.

TESTIMONY OF LAWRENCE F. O'BRIEN

The testimony of Lawrence F. O'Brien was taken at 11 a.m., on May 26, 1964, at the White House Office, Washington, D.C., by Mr. Francis W. H. Adams, assistant counsel of the President's Commission.

Mr. ADAMS. Raise your right hand, please.

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

Mr. O'BRIEN. I do.

Mr. ADAMS. Mr. O'Brien, the purpose of this deposition is to get from you your knowledge of the facts surrounding the assassination of President Kennedy on November 22, 1963.

I would like to start way back, if I may, at the point of the conception of the trip, the origin of the trip. How far back was that before November 22?

Mr. O'BRIEN. My recollection is the contemplation of the trip to Texas was back some, perhaps, months before the actual trip.

However, I should quickly add that many discussions took place about potential trips to all parts of the country at some future time, to some degree in the political context. The President, No. 1, enjoyed getting out to meet the people; and, secondly, over a period of time we had anticipated the President would travel rather extensively when the opportunity presented itself. But the difficulty in pinning anything like that down specifically in advance is the obvious difficulty of scheduling any travel by the President, because of the duties of the office and the obvious day to day changes in the problem.

Mr. ADAMS. But you, yourself, were concerned and involved in discussions looking towards this?

Mr. O'BRIEN. Yes; Mr. O'Donnell was responsible for the handling of the spe-

cifics of trips. He would engage in discussions with the President and projections of possible trips of one sort or another. In his role as Appointments Secretary, of course, he was constantly discussing with the President invitations of all kinds that came across his desk.

The Vice President had expressed an interest for some time in a possible trip to Texas.

Mr. ADAMS. Had he expressed that interest to you?

Mr. O'BRIEN. I don't recall specifically. It became generally understood in our discussions that he was interested, the President was interested, Mr. O'Donnell was charged with the responsibility of maintaining a day to day relationship in this area.

Mr. ADAMS. At that time, what was your official title?

Mr. O'BRIEN. Special Assistant to the President for Congressional Relations.

Mr. ADAMS. Now—

Mr. O'BRIEN. A trip of this nature, as many trips within the United States, would involve the inclusion of Members of Congress, appropriate members of the delegation, and what-have-you. So that would be pretty much my involvement in any arrangements for a trip of this nature.

Mr. ADAMS. To put it another way, you did not yourself have the responsibility for the specific planning?

Mr. O'BRIEN. Not at all.

Mr. ADAMS. And were you involved in making—in the discussions which led to the final decision about this Texas trip?

Mr. O'BRIEN. There were some discussions that involved me as to the specific stops on the trip, because there immediately you would have the matter of the congressional districts that would be involved in the stops, and matters of that nature.

Mr. ADAMS. Do you happen to know how it came to pass that Mrs. Kennedy went along on that trip?

Mr. O'BRIEN. No; I do not. I think Mr. O'Donnell would be the proper person to direct that to.

Mr. ADAMS. Did you have anything to do with the security or protection arrangements for the President?

Mr. O'BRIEN. No.

Mr. ADAMS. Neither on that trip nor at any time?

Mr. O'BRIEN. No.

Mr. ADAMS. This didn't come within your duties at all?

Mr. O'BRIEN. That is correct.

Mr. ADAMS. Now, is it fair to say that the substantial purpose of this trip was political?

Mr. O'BRIEN. I would not say—in my belief it was not the substantial purpose. An invitation that had been extended by the Congressman Albert Thomas' dinner committee, and I assume arrangements that were appropriate for that time for a dinner in Austin contributed to the decision on that particular time for this trip. This would be typical of the situation, as I recall it, where you knew there would be an occasion when the President would visit Texas.

He was interested in visiting Texas, as he was other sections of the country. And this sort of fell into line. It presented to some degree an opportunity to make the trip at that time.

He was particularly fond of Congressman Thomas. And he had had a close-working relationship with him in the Congress.

I, of course, became very well acquainted with Congressman Thomas, because of my role representing the White House with the Congress. And I am sure that was a contributing factor. He was most interested in attending this dinner to honor him.

Mr. ADAMS. I suppose it would be fair to say that almost any activity of the President is in some measure political.

Mr. O'BRIEN. I would say that is perhaps true.

But he had been interested, also, in having an opportunity to visit the Space Center particularly. And he had watched the development of the space activity in Texas with great interest.

Mr. ADAMS. Now, going back to the time that you left Washington on that trip, did you leave with the President?

Mr. O'BRIEN. I did.

Mr. ADAMS. From the White House?

Mr. O'BRIEN. I did.

Mr. ADAMS. By helicopter?

Mr. O'BRIEN. Yes.

Mr. ADAMS. And what was the time—do you recall?

Mr. O'BRIEN. It was approximately forenoon, about 10:45, from the White House lawn, in the President's helicopter.

Mr. ADAMS. And where did you go in the helicopter?

Mr. O'BRIEN. We went to Andrews Field.

Mr. ADAMS. And did you go onboard *Air Force 1*?

Mr. O'BRIEN. Yes; I did.

Mr. ADAMS. And you went from there to Austin?

Mr. O'BRIEN. We went from there to San Antonio.

Mr. ADAMS. I am sorry. I misspoke myself. San Antonio?

Mr. O'BRIEN. Yes.

Mr. ADAMS. Arriving in San Antonio about when?

Mr. O'BRIEN. I think you would have to refer to the record on that.

Mr. ADAMS. Some time early afternoon? Some time in the afternoon of that day?

Mr. O'BRIEN. Yes; I remember it was, weatherwise, an uneventful trip. The weather was fine. There is no reason to suggest we didn't arrive at pretty much the established time.

Mr. ADAMS. Then, just briefly, what happened in San Antonio?

Mr. O'BRIEN. Well, there was a motorcade in San Antonio to the Aerospace Center for a ceremony. And, as I recall, the ceremony was relatively brief. The President spoke briefly. And then he inspected the installation.

The overall elapsed time I don't recall—perhaps an hour or an hour and a half.

And then we proceeded back to the airport for the trip to Fort Worth.

Mr. ADAMS. What happened in Fort Worth?

Mr. O'BRIEN. In Fort Worth, as I recall, at the airport there was—from the airport into the hotel in Fort Worth, it was rather a lengthy trip. It also involved crowds at various stops.

The hour—I am sorry I cannot recall the hour of arrival—but it was, as we say, an offbeat hour. It was rather surprising to have the interest shown crowdwise as we went in. It delayed the motorcade into the hotel and outside of the hotel there was a large crowd of people.

Mr. ADAMS. What was the reaction of that crowd? Was that a friendly group?

Mr. O'BRIEN. I would describe it as friendly; yes.

Mr. ADAMS. Then what happened next, after you arrived at the hotel?

Mr. O'BRIEN. The President and his party checked into the hotel for the night. I do not recall any other official activity.

Mr. ADAMS. And what happened next?

Mr. O'BRIEN. Well, the following morning the President arose early to attend a breakfast. As I recall, it was a civic breakfast, sponsored by the local civic group or groups.

Mr. ADAMS. Did Mrs. Kennedy attend that, also, as you recall?

Mr. O'BRIEN. She arrived at the breakfast, as I recall, following the President. The President spoke at the breakfast, and received gifts, and Mrs. Kennedy received a gift. I recall one of the gifts to the President was a Stetson. I recall that he did not try it on, but he appreciated receiving it.

Following the breakfast, he then spoke to a large crowd in front of the hotel, in the parking area opposite the hotel. There had been indications of bad weather. There was some rain, and then the rain became intermittent.

Upon completing his speech in the parking area, he returned upstairs to await the normal departure time.

When that time arrived, I went downstairs ahead of the President and Mrs. Kennedy, and the Secret Service were determining whether or not they would

have the top up or down on the car, because there was still an occasional drop of rain. However, a few minutes elapsed, and it appeared the weather would stay good for the drive to the airport. So he left, to the best of my recollection—I feel sure of this—in an open car to the airport from the hotel.

Mr. ADAMS. While we are on that subject, just to digress for a moment, what was his attitude toward riding in open cars?

Mr. O'BRIEN. It was certainly his preference. He had always expressed a view that in our democracy a President should, whenever possible, be exposed to the people. And I think, also, he felt the people should be exposed to him. He always wanted to have the closest possible contact with people. And in that context his preference certainly at all times was an open car.

Mr. ADAMS. And these preferences were expressed to you personally?

Mr. O'BRIEN. Not in the context of this particular situation.

Mr. ADAMS. No; I mean through the years.

Mr. O'BRIEN. But certainly we were totally aware of his desires in that area. And this had, of course, been his position not only in the United States but in trips outside the country.

Mr. ADAMS. Did he have—did he ever happen to express any particular view to you about motorcades, in terms of security?

Mr. O'BRIEN. No; I cannot recall any discussion I had with him in that regard.

Mr. ADAMS. Generally speaking, what was his position as expressed to you about security?

Mr. O'BRIEN. I cannot recall any specific conversation in that area. There may have been. But certainly it was not of sufficient substance to be of any importance.

Mr. ADAMS. More specifically, did you ever discuss with him the possibility of assassination?

Mr. O'BRIEN. No; I did not.

Mr. ADAMS. Did you ever discuss it with Mrs. Kennedy?

Mr. O'BRIEN. No; I did not.

Mr. ADAMS. Well, I took you off the track there. We will come back to Fort Worth, now, if we may.

When we left we were discussing his concluding his talk and going out to the airport in Fort Worth.

Mr. O'BRIEN. Yes; there were, as I recall it, some bands en route. There was a great deal of excitement, enthusiasm. The weather had cleared. And it was a thoroughly pleasant trip out to the airport. The President obviously enjoyed it.

When we arrived at *Air Force I*, he commented that that certainly had been a very interesting and pleasant morning.

Mr. ADAMS. And you went with him on *Air Force I*?

Mr. O'BRIEN. That is correct.

Mr. ADAMS. To Dallas—arriving late in the morning?

Mr. O'BRIEN. I would estimate our arrival time at Dallas perhaps around 11:45. I know that we anticipated the motorcade through the streets of Dallas at the noon hour.

Mr. ADAMS. Did you yourself have anything to do with the planning of that motorcade?

Mr. O'BRIEN. No; I did not.

Mr. ADAMS. Do you—

Mr. O'BRIEN. With the exception of insuring the inclusion in the motorcade of the Members of Congress and Senator Yarborough, that they be properly handled so that they would be included in open cars in the motorcade.

Mr. ADAMS. And it was part of your responsibility to see that—what cars they got into and all those arrangements?

Mr. O'BRIEN. I would not say specifically that. They would have their car assignments. But for the most part, it was, if anything went wrong in the arrangements at some point, I would then be able to have a staff man correct it. So I would keep a close eye on the congressional people traveling with the President on a trip of that nature to be sure that they were well taken care of.

Mr. ADAMS. Do you know when the information about the precise route was released to the press?

Mr. O'BRIEN. No; I do not.

Mr. ADAMS. Was there any thought—I withdraw that one, and ask you this: Do you know how it came about that Dallas was chosen as one of the cities to visit?

Mr. O'BRIEN. I don't recall specifically, except that the size of the city, the concentration of population, would make it an obvious stop in Texas, if you were going to be in the State for 2 or 2½ days. It is rather an obvious decision, that the Dallas area would be one of the stops.

Mr. ADAMS. As far as you know, there was never any consideration given to omitting Dallas?

Mr. O'BRIEN. I do not recall any.

Mr. ADAMS. Well, we are back now at Love Field. Would you tell us what happened there, as far as you observed it?

Mr. O'BRIEN. The President moved over to the fence, where a large crowd had gathered and shook the hands of several in the crowd, as the motorcade was awaiting his departure. All those in the motorcade proceeded to get into their cars. There was the usual amount of minor confusion—people hustling around to locate their car number, and I stood watching the President engaged in this activity, until he had gotten into his car, and a quick observation indicated to me that all those traveling with us had gotten into their cars.

I came very close, however, to being left at Love Field, because I delayed a little longer than I normally would, observing the scene, and, consequently, I had to make a little dash, myself, to hop into a car, to insure that I would travel into town.

Mr. ADAMS. When the President was greeting people along the fence there, was he accompanied by Mrs. Kennedy?

Mr. O'BRIEN. That is my recollection.

Mr. ADAMS. And do you recall at that time what the Vice President and Mrs. Johnson were doing?

Mr. O'BRIEN. They were engaged in the same activity, as I recall it.

Mr. ADAMS. I think you said this was a large crowd.

Mr. O'BRIEN. Yes; it appeared to be a large crowd. The difficulty in judging a crowd from the ground at an airport is obvious. But as we came down the steps of the plane, looking out over the crowd, I had the impression that it was a large crowd for an airport stop, considering the fact the President was about to travel through the heart of the city.

Mr. ADAMS. Was it a friendly crowd?

Mr. O'BRIEN. It appeared to be friendly.

Mr. ADAMS. Now, getting to the motorcade, what was its organization, as you recall it, in terms of what cars at what places?

Mr. O'BRIEN. As I recall it, following the usual police grouping in the front and sides, the President's car, Secret Service car, the Vice President's car, additional Secret Service car, wire service cars—I would think there probably were two—the VIP cars followed, and then following those cars, which was rather a long line of them, as I recall, were, I believe, one or two buses containing the press, traveling press.

Mr. ADAMS. When you refer to the VIP cars, those would include the Congressmen and the other gentlemen you referred to before?

Mr. O'BRIEN. That is right. Senator Yarborough was in the car with the Vice President and Mrs. Johnson. The members of the congressional delegation traveling with us at that point were then in open cars—I would think there were perhaps four open cars to accommodate them.

Mr. ADAMS. Which one were you in?

Mr. O'BRIEN. I was in one of those open cars—specifically, I don't remember the order of the car, but I remember the passengers I joined. And as I pointed out, this was rather a quick hop into the car that I made at that point. Congressman Mahon was in the front seat with the driver. Congressman Rogers of Texas, now Judge Homer Thornberry of Texas, and me in the back seat.

Mr. ADAMS. Do you know who the driver was?

Mr. O'BRIEN. I do not.

Mr. ADAMS. Now, would you say that between you and the Vice President's followup car, there was more than one open car? As I get it—to put it another way to perhaps refresh your recollection—there was the Vice President's car, then there was a followup car behind that, and then came, as you have recalled, the open cars, in which you were seated in one of them.

Mr. O'BRIEN. Yes.

Mr. ADAMS. Now, were you in the one directly behind the Vice President's followup car, or farther back?

Mr. O'BRIEN. I do not believe I was in the first VIP car, because, as I stated when I looked around and the motorcade started to move slightly, I moved toward a car handy to me. I would think that I was in the second or conceivably third open car, because, at that time, we had approximately 10 or 12 members of the Texas congressional delegation, and obviously we, therefore, had perhaps four open cars. I don't recall that I was in the first one—it was the second or third. I was not in the last one, either.

Mr. ADAMS. Were you assigned to a particular car, or would you just have taken any that would happen to be available?

Mr. O'BRIEN. I am sure I was assigned to a particular car. As a rule, I would be assigned to the first VIP car—VIP meaning as a rule, again, a congressional delegation. And in this instance, I don't recall the actual car assignment. And it was not unusual for me to not adhere strictly to the assignment.

Mr. ADAMS. And as the motorcade left Love Field—let me withdraw that and put it this way: You were seated in the back?

Mr. O'BRIEN. On the right back.

Mr. ADAMS. On the right-hand side?

Mr. O'BRIEN. That is correct.

Mr. ADAMS. From where you were seated in that car, as you proceeded toward the city, could you see the President in his car?

Mr. O'BRIEN. Only occasionally. There were occasions when you could not see him. Other times, depending on the turns in the road, and what-have-you, you would get a view of him. And there were times when he was upright in the car, and you could spot him.

But, generally speaking, I would say that I was concentrating on crowd attitude and size for the most part, going in toward the city.

Mr. ADAMS. From what you could see of the President's car, where was he seated?

On the right-hand side or the left-hand side?

Mr. O'BRIEN. As I looked toward the car, he was seated on the right, with Governor Connally seated directly in front of him.

Mr. ADAMS. That is right. And Mrs. Connally—

Mr. O'BRIEN. Mrs. Connally on the jump seat in front of Mrs. Kennedy.

Mr. ADAMS. As the motorcade proceeded, could you at all times see the Vice President's car?

Mr. O'BRIEN. No; similarly, the photographers and others would often times block the view. The view of the President's car and the Vice President's car from where I was seated during the motorcade into and through the downtown Dallas was not a clear view. There was an obstructed view for the most part.

Mr. ADAMS. As you recall it, what were the seating arrangements in the Vice President's car?

Mr. O'BRIEN. I know that Senator Yarborough, Mrs. Johnson, and the Vice President were seated in the rear of the car, and my recollection is that again the Vice President was on the right, Mrs. Johnson in the middle, Senator Yarborough on the left.

Mr. ADAMS. Now, as you went on in town, tell me about the crowds, if you would.

Mr. O'BRIEN. The crowds were large, unusually large for an extremely long—mileage-wise—long trip into the city. I was impressed with the size of the crowd. The comment in our car, however, was that the crowd was rather reserved. As a matter of fact, Congressman Rogers, who, as I told you, was on the left rear, commented and called out from time to time in a jocular vein, "Hello", "Howdy", and suggested to them that they ought to smile and look perky, which we felt

they were not doing during the course of the trip from the airport to the outskirts of the business area.

Mr. ADAMS. Up to that point, I suppose it was chiefly residential areas that you passed through?

Mr. O'BRIEN. It seemed to be residential, and a great deal of small industry. The crowd looked to me to be middle to upper class business type to a great extent.

Mr. ADAMS. Did you know the city of Dallas yourself?

Mr. O'BRIEN. No; I did not.

Mr. ADAMS. Had you been there before?

Mr. O'BRIEN. No; I had not.

Mr. ADAMS. Then as you got into the city, what was the nature of the crowds?

Mr. O'BRIEN. There was a tremendous change in crowd attitude, which, again, we commented on in the car. It seemed as though it occurred suddenly, but yet nevertheless in retrospect it did grow as you approached the business center. Then you found yourself going down a road, on both sides high buildings, confetti, the crowds out in the street, allowing just a narrow lane for the motorcade. And I would have to describe that crowd as enthusiastic. In fact, perhaps I should say wildly enthusiastic.

Mr. ADAMS. Do you remember any special incidents of any kind on the way into town?

Mr. O'BRIEN. On rare occasion you saw a Goldwater sign, or some sign of that nature, conservative sign, I guess, but not many. It was not an unusual situation, as I recall.

Mr. ADAMS. Do you remember the motorcade stopping at anytime?

Mr. O'BRIEN. I recall the motorcade stopping, and it seems to me it was for the purpose of the President greeting some school children. However, I am not clear in my mind. I do recall a slowdown or an actual stopping on at least one occasion, and perhaps more than one occasion, between the airport and downtown Dallas. And I should add that those in the car in which I rode, to a man, commented on the great enthusiasm of the crowds in downtown area. I think they were making reference to it particularly because there was somehow or other—we all concluded this was a comparison that could be made with the crowds we had just gone by.

Mr. ADAMS. Do you recall the motorcade passing down Main Street in Dallas?

Mr. O'BRIEN. Yes; I do.

Mr. ADAMS. And then do you recall it turning off Main Street?

Mr. O'BRIEN. Yes; I do.

Mr. ADAMS. And then around onto Elm Street? You might not remember the names.

Mr. O'BRIEN. I don't recall the name of the street. But I recall distinctly a right turn.

Mr. ADAMS. And then another swerving turn?

Mr. O'BRIEN. That is right.

Mr. ADAMS. At that point, were there a lot of buildings or only a few?

Mr. O'BRIEN. It seemed that when we made the turn off the Main Street, that the crowds petered out. It was a very normal termination of a parade route. And we just felt that while there were people on the streets, it was not the massive crowd that we had just passed over several blocks. And I believe that my reaction was this is about the end of the parade route, and we were about to just sort of settle back. There were people still on the street, but you could see that this route was—this parade route was about to terminate.

Mr. ADAMS. And as you came around those turns, did you hear any shots fired?

Mr. O'BRIEN. Yes; I did.

Mr. ADAMS. Would you tell me as best you can whether at that time you could see the President's car?

Mr. O'BRIEN. No; I could not.

Mr. ADAMS. Was that because your car had not turned the corner yet?

Mr. O'BRIEN. As I recall, our car was about to make that turn, and it would seem to me, therefore, the President's car was in the process of making the left turn. I would think that approximately the time he was swinging on this curv-

ing left, we were swinging out of Main Street right. We heard the shots very clearly.

Mr. ADAMS. How many shots did you hear?

Mr. O'BRIEN. Three.

Mr. ADAMS. Can you estimate for me the time interval between the first and the last shot?

Mr. O'BRIEN. I don't believe I can estimate the timing, but I can tell you about an exchange that took place in the car, from the first shot through the third shot.

Mr. ADAMS. Please do.

Mr. O'BRIEN. The first shot was fired. I just didn't conclude it was rifle fire. I was completely unsure. And I must have almost immediately said to the driver—I directed the question to him, for some unknown reason—"What was that?" The driver replied, "I do not know. They must be giving him a 21-gun salute." By the time the driver had concluded that sentence, we did not hear explosion No. 4. And it was apparent to us that No. 1 was not a 21-gun salute. I believe everyone in the car concluded it wasn't, in any event, because it just was not that kind of a sound. And we just had no idea of what had occurred at that moment.

Mr. ADAMS. Could you tell me your best recollection as to where the sounds appeared to come from?

Mr. O'BRIEN. I didn't have any idea specifically on the location of the sounds, and I do not recall that anyone in the car did.

Mr. ADAMS. Is it your recollection that these sounds were evenly spaced?

Mr. O'BRIEN. That is my impression. As I say, I apparently immediately engaged the driver in conversation after the first shot which forces me to conclude that there had to be a time between the first and second and third shots—because I simply—describing the exchange of my question and his answer, and his answer, I must say, probably was completed after the third shot. But he had started his answer to the question at about or just before the third shot.

Mr. ADAMS. Well, one way of getting at the time interval of all three shots, I suppose, would be your recollection that it all was encompassed in the time it took you to ask the question and the driver to answer.

Mr. O'BRIEN. At least in the time that it took me to ask the question and the driver to initiate the answer, but perhaps not complete it.

Mr. ADAMS. Then would it be fair to say it was a very small number of seconds?

Mr. O'BRIEN. It certainly would be. And I think the driver completed his answer—for 1 or 2 seconds all of us in the car were awaiting the fourth explosion, if I can term it that, which did not occur, and there was dead silence in the car.

Mr. ADAMS. Then do you remember anything that anyone said immediately following the dead silence?

Mr. O'BRIEN. No; I do not recall. I recall that just prior to this, which indicates to me that perhaps we had turned that corner before the shots, Judge Thornberry pointed to a building and said that that was where his offices had been located at one time, either in military service or in government service, and pointing over in the direction of the building. We were turning the corner—and that took place before the shots.

Mr. ADAMS. You don't happen to know the name of that building?

Mr. O'BRIEN. I don't recall. But he mentioned it in the term that he had been stationed in that building. Now, it could have been either a military activity or in government agency activity.

Mr. ADAMS. How did the knowledge come to you that the President had been shot?

Mr. O'BRIEN. We noted, as the cars continued to move after the third shot, and there was a great deal of movement on both sides in front of us, scurrying in various directions.

Mr. ADAMS. Scurrying by whom?

Mr. O'BRIEN. People on the street—the crowds had thinned out. There were people along the road.

Mr. ADAMS. We didn't specifically cover this, but was there a motorcycle escort?

Mr. O'BRIEN. For the motorcade?

Mr. ADAMS. Yes; around the President's car.

Mr. O'BRIEN. Yes.

Mr. ADAMS. Did that motorcycle escort extend as far back as your car?

Mr. O'BRIEN. No; it did not.

Mr. ADAMS. I interrupted you there. You were telling me how this knowledge came to you, that something serious had happened.

Mr. O'BRIEN. I don't think even up to that point, as the motorcade started to move out in front of us, as each car seemed to move out from great speed, we were at all aware of—certainly we had no idea of the specific nature of the occurrence. And we just were, I think you would have to describe, very confused. I remember particularly a Negro man with a youngster in his arms running up the slope of the lawn.

Mr. ADAMS. On which side of the car?

Mr. O'BRIEN. On the right. And that was typical of all kinds of movement, as we tried to determine what had occurred, and we just didn't know.

Mr. ADAMS. Did you have any radio communication in your car with the front cars?

Mr. O'BRIEN. No; we did not. At that point, a photographer—we started to move a little more rapidly. Our driver intended to follow the motorcade and move out. The motorcade moved out with great speed in front of us. And a photographer jumped on the trunk of our car—it was a convertible—holding onto the edge of the seat, and pounding his fist on the trunk, and obviously in a most excited state. We did not get anything coherent from him. I do not think we really attempted to, because at that point, as he hung onto our car, obviously to try and keep up with the motorcade himself, our car moved out with great speed.

The driver lost sight of the car in front of him in a matter of two or three minutes. He had no idea where the motorcade was headed. And they, therefore, proceeded to take us directly along the highway, passed the trade mart, which was to be the location of the President's stop and speech following the parade route.

We pulled up in front of the motorcade, slowed down, and someone called out, "He has been shot, he is draped over the back seat." And at that point the driver concluded that perhaps his destination should be the nearest hospital. And he started to move out with great speed toward this hospital. And as we came closer to it, it became obvious that that was our destination, because then you saw the cars, the motorcycle police, and what-have-you. As we arrived at the hospital, there was a great deal of commotion at the front.

Mr. ADAMS. I think you misspoke yourself. You said you pulled up in front of the motorcade. I think perhaps you meant to say you pulled up in front of the trade mart.

Mr. O'BRIEN. Trade mart—I am sorry.

Mr. ADAMS. Now, just to make it perfectly clear, did you see the President or Governor Connally at the moment that they were shot?

Mr. O'BRIEN. I did not.

Mr. ADAMS. How long would you think it took you to go from the point where you heard the shots to the hospital?

Mr. O'BRIEN. I would say overall it could approach 15 minutes.

Mr. ADAMS. And what was your estimate of the rate of speed of your car?

Mr. O'BRIEN. I would say 60 to 70 miles an hour.

Mr. ADAMS. When you arrived at the hospital, what did you do?

Mr. O'BRIEN. When I arrived at the hospital, two of the Congressmen that had been in the motorcade, obviously, therefore, in a car ahead of my car, because they had arrived, came over to the car as we pulled up, and asked me to follow them immediately. There was a large crowd—I will correct that—there were many people in front of the entrance to the hospital, and the entrance was being guarded by police.

Congressman Thomas and Congressman Brooks went up to the officers at the door and said, "This is a Special Assistant to the President. Let him in." So he immediately opened the doors, and I went through, with the two Congressmen, who asked a hospital attendant inside the corridor the direction in which to go. There was a little confusion in the corridor as to direction, and we

headed at first in the wrong direction, and were again rerouted. And in a matter, however, of a couple of minutes from the entrance of the hospital, I arrived behind these swinging doors with glass panels, and my first—I saw to my right sitting—yes—sitting in a chair, and to my left, in this corridor sitting in a similar chair—to my right Mrs. Kennedy, to my left Mrs. Connally.

Mr. ADAMS. You didn't go in through the emergency entrance, then? You went through—

Mr. O'BRIEN. Apparently not. I am not sure of the entrance. But I just don't know. I assume that was not the emergency entrance.

Mr. ADAMS. And you said that Mrs. Kennedy and Mrs. Connally were sitting there more or less together?

Mr. O'BRIEN. No. They were sitting—obviously chairs had been placed outside the door in each instance—one door to the left as you walked through these swinging doors with the glass panels—one door to the left that was closed, one door to the right that was closed. And outside of the door—this was a fairly wide corridor that ran down perhaps through three rooms on each side, these first two rooms right and left, the President had been placed in the emergency room to the right and Governor Connally in the emergency room to the left. Both doors were closed at that moment.

Mr. ADAMS. Was there anyone with Mrs. Kennedy at the time?

Mr. O'BRIEN. Mr. Powers and Mr. O'Donnell were standing there.

Mr. ADAMS. Were you accompanied all the way up to this point by the two Congressmen you mentioned before?

Mr. O'BRIEN. The two Congressmen did not go through the doors with me. They left me at some point several feet from the doors, when it was determined that I was being taken to the right location.

Mr. ADAMS. Now, at that point, you knew that—from the Congressmen and from others, that the President had been shot?

Mr. O'BRIEN. That is correct.

Mr. ADAMS. Then did you go up to Mrs. Kennedy or Mrs. Connally, or what did you do then?

Mr. O'BRIEN. I immediately engaged Mr. O'Donnell and Mr. Powers in conversation.

Mr. ADAM. Can you recall that conversation?

Mr. O'BRIEN. Neither Mr. Powers or Mr. O'Donnell had a clear idea of the situation at the moment, but Mr. O'Donnell certainly gave me a positive indication that there was little or no chance.

Mr. ADAMS. Did you have any conversation with Mrs. Kennedy at that point?

Mr. O'BRIEN. I did not have any conversation other than attempting to comfort her, asking her if there was anything we could do—brief moments of that nature. But conversation was extremely limited.

Mr. ADAMS. Do you know where the Vice President was at that time?

Mr. O'BRIEN. I did not see the Vice President in the hospital. I was given to understand by Mr. O'Donnell he was down the corridor—again, if I did an about-face, headed across in the other direction—that he was in a room across the hall.

Mr. ADAMS. How long did you stay there?

Mr. O'BRIEN. Until the President was taken from the hospital.

Mr. ADAMS. You stayed there with Mrs. Kennedy?

Mr. O'BRIEN. That is right.

Mr. ADAMS. During that whole time?

Mr. O'BRIEN. That is right. During that period General McHugh at one point, Malcolm Kilduff from the press staff from time to time came in and out, Mrs. Lincoln, Dr. Burkley came in and out from time to time.

Mr. ADAMS. Was Dr. Burkley also in the emergency room?

Mr. O'BRIEN. I don't recall.

Mr. ADAMS. Now—

Mr. O'BRIEN. As we stood there, they moved equipment, heavy emergency equipment into the emergency room, and there was a great deal of what you would just envision—scurrying around of nurses and doctors, a great deal of activity.

Mr. ADAMS. Did you go into the emergency room yourself?

Mr. O'BRIEN. I did not.

Mr. ADAMS. Taking it from the point that you arrived there in the corridor where Mrs. Kennedy was seated, how long a time passed before it came to your knowledge that the President was dead?

Mr. O'BRIEN. I cannot recall the length of time I had with specific knowledge. My impression is I had perhaps at the outset in the first seconds or minutes, I had some doubt this had occurred.

I think perhaps what happened is that it penetrated, without a specific statement by anyone. I just had to conclude this had occurred, and it became obvious. At that point, however, Mr. Powers, Mr. O'Donnell, and I were not at all sure that this had penetrated with Mrs. Kennedy for a few minutes.

Mr. ADAMS. Do you remember anything about a priest?

Mr. O'BRIEN. Yes; I do. I recall that Mr. O'Donnell told me that he had asked the staff, or it might have been a Secret Service man, or hospital staff person—in any event—someone to immediately secure a priest. There was no priest on the premises. And he had assumed perhaps a priest was en route, because by that time the knowledge that something serious had occurred certainly had become known through police radio and what-have-you.

But the priest arrived in a relatively short time. I don't know the specific time. But it didn't seem to be an awful long time. And, as a matter of fact, my recollection is that a second priest arrived, and then a third priest.

Mr. ADAMS. And you don't know who they were?

Mr. O'BRIEN. I do not.

Mr. ADAMS. During this interval, between the time that you arrived where Mrs. Kennedy was seated and the time it was officially determined that the President was dead, do you recall any conversation with Mrs. Kennedy?

Mr. O'BRIEN. No conversation other than, "Is there anything we can do for you?" Or a conversation of that nature in very brief and occasional sentences—no conversation as such.

Mr. ADAMS. Did Mr. Powers stay with you all that time?

Mr. O'BRIEN. Yes; he did.

Mr. ADAMS. Mr. O'Donnell?

Mr. O'BRIEN. Yes.

Mr. ADAMS. Did there come a time when Mr. O'Donnell left?

Mr. O'BRIEN. Mr. O'Donnell, at one point we discussed the situation—and Mr. O'Donnell at one point determined that he should cross the corridor and advise the Vice President of what the situation appeared to be at that moment. And as I recall, it was the conclusion that this was an extremely serious matter, we hadn't any formal advice or official advice on the situation, but the seriousness of it should be imparted to the Vice President.

He left briefly for that purpose, I assume, and returned to the position where we had been standing.

Mr. ADAMS. How did it come officially to your notice that the President was dead?

Mr. O'BRIEN. Again, I just don't know. It was a matter of standing for what seemed to be an interminable period of time—I have no idea the specific time—and, again, I cannot recall a specific instance when an announcement was made. It was more just finally having what gradually became obvious penetrate with you, it was, that it was an actuality.

Mr. ADAMS. How was the fact conveyed to Mrs. Kennedy? Do you remember that?

Mr. O'BRIEN. I don't remember a specific conversation by anyone with her. People came to her, hospital staff people, doctors from time to time that would lean down and whisper to her. I don't know whether at one of those occasions this was specifically stated. I think, again, perhaps it was just gradually we all came to a conclusion.

Mr. ADAMS. Well, at any rate, after the fact was—had, as you well put it, had penetrated, what happened next, as far as you know?

Mr. O'BRIEN. Our concern, in our discussions—Mr. O'Donnell and I discussed what should be done. Our major concern was that obviously you just could not leave Mrs. Kennedy sitting in this chair, drenched in blood. Something certainly had to take place.

In that context, we felt steps should be taken to remove the President from the hospital. And someone, either Mr. Powers or Mr. O'Donnell, had suggested at one point during the several minutes, that Mrs. Kennedy might want to retire to a room a couple of doors down the corridor. Our attempt to bring this about was not successful, because she started to walk and then turned around and said, "I want to stay with him." And she went back to the chair.

Mr. O'Donnell, at a point in these proceedings, issued the directions to the Secret Service to secure a coffin. As I recall it, the coffin arrived in a very reasonable time. Whoever handled those arrangements certainly did it—carried out his responsibility well, because—again, time had a way of going on, and it is hard to determine a matter of minutes. But the coffin arrived, in any event, and was wheeled into the room.

Mr. ADAMS. Did Mr. O'Donnell leave at this point—did he leave Mrs. Kennedy and go somewhere else, do you recall?

Mr. O'BRIEN. He, as I recall, again, went to the room in which the Vice President was waiting, to tell him specifically that the President had died, and to discuss with him the steps to move the Vice President out of the hospital and to the airport and on to Washington.

Mr. ADAMS. Did Mr. O'Donnell come back and tell you about that discussion?

Mr. O'BRIEN. He came back and told me that he had advised the President, and he had had a discussion with the President. And I don't remember any of the details of it.

Mr. ADAMS. That covered two basic points—that President Kennedy's body was to be removed from the hospital forthwith, and the other was that the Vice President was to return to Washington?

Mr. O'BRIEN. That is right.

Mr. ADAMS. What were the reasons that led to the decision, if you know, that the Vice President would return to Washington?

Mr. O'BRIEN. I believe it was in the context of the death of the President, what steps, if any, were necessary for the Vice President to assume the responsibility of the office forthwith, and our great concern about the situation in which Mrs. Kennedy was being left in this corridor, without any plan for taking care of her. So I think the basic idea was to leave the hospital.

Mr. ADAMS. Was there any discussion as to whether there might or might not be some general conspiracy?

Mr. O'BRIEN. Not with me.

Mr. ADAMS. Now—

Mr. O'BRIEN. I must add, however, that during the course of this, that none of us had any knowledge of actually what had occurred. And I am sure that some of us gave thought to what might still occur. We just had no idea. And we felt that certainly the first step was the protection of the new President and the taking care of Mrs. Kennedy as best we could. We tried to give some clarity of thoughts to the steps that were necessary.

Mr. ADAMS. Now, you discussed these problems with Mr. O'Donnell and Mr. Powers, I suppose.

Mr. O'BRIEN. Yes.

Mr. ADAMS. And anyone else?

Mr. O'BRIEN. I don't believe so.

Mr. ADAMS. I will take you back to the point where the coffin arrived. What happened then?

Mr. O'BRIEN. The coffin was wheeled into the emergency room. At that point, a man arrived on the scene who, I assume, was the coroner, or someone representing the coroner's office. I do not know his name. And he stated that the President could not be taken from the hospital.

Mr. ADAMS. Was this in Mrs. Kennedy's presence?

Mr. O'BRIEN. I recall this conversation took place just outside those swinging doors with the glass panels. And I would—I believe, therefore, that she did not hear this conversation.

Mr. ADAMS. Now, at the time the coffin was wheeled into the emergency room, what did Mrs. Kennedy do? Did she enter at that time, or at any time, so far as you recall?

Mr. O'BRIEN. My recollection is that she did enter the room, but I don't recall it was at that time, and I am not sure what specific time.

Mr. ADAMS. Well, going back to this official who said the body could not be removed—you were present at that time with Mr. O'Donnell and Mr. Powers?

Mr. O'BRIEN. Yes.

Mr. ADAMS. And what happened with respect to that discussion?

Mr. O'BRIEN. Well, Dr. Burkley, the President's physician, entered into that discussion. And as I recall he and this official went into a little room just outside these doors and carried on further discussion that seemed to involve members of the hospital staff and others. And the discussion went on for a period of several minutes. Burkley—Dr. Burkley was quite exercised. It was apparent that this fellow was not going to—he was going to be adamant in his position. And very soon another official arrived on the scene that was described to me as a judge.

Mr. ADAMS. Does the name Brown refresh your recollection?

Mr. O'BRIEN. I don't know as I heard his name. But he was then described as the judge—a judge, and the indication was that he, therefore, was in a higher position of authority than the other official that had been carrying on this discussion with Dr. Burkley.

He was equally adamant. The reference was made, either specifically by him or by someone in the official group, that this had to be treated as just another homicide, and that no other—no special considerations could be given to the problem. That, of course, increased our concern about Mrs. Kennedy, who said she would not leave her husband, and that we could envision Mrs. Kennedy in that state in the hospital for hours or even longer. So, therefore, it was our determination that the President should be taken from the hospital.

Mr. ADAMS. This was the determination of you, Mr. O'Donnell, and Dr. Burkley?

Mr. O'BRIEN. That is right.

Mr. ADAMS. Then what happened?

Mr. O'BRIEN. The casket was brought out from the emergency room, wheeled out through these two folding doors. And the members of the Secret Service gathered around it. They had made a determination on their own as to the exit. An ambulance was waiting. Preparations had been made by the Secret Service to accomplish this. And we all—Mr. O'Donnell, Mr. Powers and I, General McHugh, and two or three members of the Secret Service proceeded to push the coffin down this corridor.

My recollection is that objections were still being raised by some or all officials. My recollection is also that we paid little heed to it.

Mr. ADAMS. These were vigorous objections, I gather.

Mr. O'BRIEN. I would say they were. And the only very minor problem that occurred in reaching the exit was that the priest who was third in point of arrival was still present. The other two priests had departed after expressing their condolences to Mrs. Kennedy. But this priest was standing in the corridor and was rather insistent that he formalize some prayers at that point. And I suggested to him that he step aside. Our concern still was whether or not there was going to be an effective block put in our way.

Mr. ADAMS. And who accompanied Mrs. Kennedy at that time?

Mr. O'BRIEN. I believe in the grouping behind the casket that at one time Mr. O'Donnell, another time me, and another time perhaps Mr. Powers—but among us we escorted her along.

Mr. ADAMS. Then when you finally got the casket out through this corridor, and got it into the ambulance, how did you go to the airport?

Mr. O'BRIEN. In a car that was parked alongside the ambulance. The driver in the car—Mrs. Kennedy went into the ambulance. And Mr. O'Donnell, Mr. Powers, and I went into the back seat of this car.

Mr. ADAMS. Was this a police car?

Mr. O'BRIEN. It was an official car of some sort.

Mr. ADAMS. At that time do you know whether or not the Vice President had left the hospital?

Mr. O'BRIEN. I do not know.

Mr. ADAMS. Had he arrived at Love Field by the time you got out there?

Mr. O'BRIEN. Yes.

Mr. ADAMS. And what happened when you arrived at Love Field?

Mr. O'BRIEN. Well, again the Secret Service and those of us in the official party that had arrived at the field—I guess specifically again the three of us—helped to move the coffin up the steps of the plane. It was a difficult job, because the steps, of course, were the normal set of stairs for a plane, and, therefore, it was too narrow to accomplish this without some difficulty. But it was brought onto the plane.

At that point I noticed that seats to the left of the door had been removed, leaving a floor space in the plane to place the coffin. We placed the coffin on the floor. Then I looked up, and the President and Mrs. Johnson were at the corridor that would go into the compartment from that area of the plane.

Mrs. Kennedy came aboard and was seated in the remaining two seats at a table to the left in the rear compartment, and Mrs. Johnson and the President went over to her.

Mr. ADAMS. Do you know how it came to pass that the President was sworn in at that time?

Mr. O'BRIEN. The President and Mrs. Johnson, after a brief discussion with Mrs. Kennedy, went into the Presidential compartment—I guess that is the best way to describe that section of the plane—this would be where the President's chair and desk are located. He asked Mr. O'Donnell to join him.

During the course of these few minutes, it was my understanding that we were going to immediately depart. There was some confusion for a couple of minutes about departure. I was not privy to that. And the President asked the two of us to sit with him, at which point he said that he was awaiting a judge who was en route to swear him in—that he had secured the advice of the Attorney General, which, as I understood it, was a preference in his view to have a swearing-in ceremony immediately. And that this would be accomplished within a matter of minutes.

So while we awaited the arrival of the judge, the President, Mr. O'Donnell and I, joined by Mrs. Johnson, after a couple of minutes, sat at this table with the four seats, and just discussed the fact that the departure would take place immediately following the swearing-in ceremony. And during that period we briefly discussed the first step of the President to insure continuity, and either just before the swearing-in or immediately following it, the President discussed with Mr. O'Donnell and me his desire that we stay, as he put it, shoulder to shoulder with him.

The judge arrived—

Mr. ADAMS. During that interval, who was staying with Mrs. Kennedy?

Mr. O'BRIEN. Mrs. Kennedy had at that point gone into the restroom adjacent to the bedroom in the compartment.

The judge arrived in minutes. And it was suggested that those in the—I guess the best way to describe it—the front of the plane, those who could move into the compartment, including those representing the press, a single photographer was brought aboard. The wording of the oath was available. The judge took her position. The President said that he certainly wanted Mrs. Kennedy with him at this moment. I went to the bedroom. The door to the adjoining restroom was closed. I went out and asked Mrs. Lincoln if she would see if Mrs. Kennedy was available. She went in and came out with Mrs. Kennedy, and she took her place to the President's left, Mrs. Johnson to the President's right, the others grouped around. I stood behind the judge, and just as the judge was to start the ceremony, a member of the crew handed me a small Bible in a white box. I took the Bible from the box, interrupted the judge just momentarily, and handed her the Bible. She completed the ceremony.

Then everyone immediately settled down. The judge departed from the plane, the photographer from the plane. Everyone settled down, and we took off without further delay.

Mr. ADAMS. As a matter of detail, do you happen to know what happened to the Bible?

Mr. O'BRIEN. I do not know.

Mr. ADAMS. The plane then departed immediately?

Mr. O'BRIEN. That is correct.

Mr. ADAMS. And—

Mr. O'BRIEN. Mr. O'Donnell and I went to the rear compartment where we joined Mr. Powers and General McHugh. Mrs. Kennedy was seated in one of the two chairs. Mr. O'Donnell took the other chair. The three of us stood. The plane took off. And we remained with Mrs. Kennedy for the duration of the trip to Washington.

We consulted, or were consulted by General Clifton and Mr. Moyers on two or three occasions during the trip, on arrangements for the President's activity upon arrival here in Washington. One suggestion was made that we—that they call in for a meeting of the White House staff. But that was discarded as impractical at this point. Arrangements were made, however, which Mr. Moyers checked with me, on the calling of the bipartisan leaders to a meeting with the President, and arrangements were put in effect for the President to meet the Under Secretary of State in the absence of the Secretary and other officials here.

Mr. ADAMS. How did it come about that the remains of President Kennedy were taken to the naval hospital?

Mr. O'BRIEN. It was my understanding that the President would be taken to a hospital. I don't recall any discussion of the reason specifically other than my assumption that the autopsy would take place at one of the military hospitals in Washington. And obviously there were two to select from, and the President being an ex-Navy man, it seemed just sort of normal to suggest Bethesda.

Mr. ADAMS. And you remained with Mrs. Kennedy during the entire trip?

Mr. O'BRIEN. Yes; I did.

Mr. ADAMS. What was her condition?

Mr. O'BRIEN. She conversed a great deal with us. The one impression left with me from the entire trip and conversations with Mrs. Kennedy during the trip, participated in by all of us, was her great concern for us, really—her feeling that we had, as she put it, been with him at the beginning and we were with him at the end. We were all bereft. And I am afraid that the four of us who felt that we should be of some comfort to her were inadequate to the job in the sense that it was difficult for us to come up with anything that made much sense by way of being helpful.

Mr. ADAMS. Do you remember any other general subjects of discussion as you made the trip up?

Mr. O'BRIEN. No; I do not.

Mr. ADAMS. What happened when you arrived?

Mr. O'BRIEN. A lift was placed at the rear door of the plane. The honor guard came up the front steps, through the plane, to the back compartment. We concluded that we would take the body off the plane.

Mr. ADAMS. You say "we." You mean Mr. Powers, Mr. O'Donnell, and yourself?

Mr. O'BRIEN. General McHugh. And so we proceeded to do just that. We took the—lifted the coffin, with the help of the crew people, and placed it on the lift, and it was taken from there.

We—the three of us—four of us—McHugh was with us—got into a car. The Attorney General and Mrs. Kennedy went into the ambulance, if that is what it was. And we followed in a car directly behind that, went out to Bethesda Naval Hospital.

Mr. ADAMS. What did you do when you arrived there?

Mr. O'BRIEN. We went immediately to an upper floor of the hospital, where we joined members of the President's family. General McHugh went elsewhere. And we then spent several hours in these rooms on, I don't know what floor of the hospital.

Mr. ADAMS. When you referred to the President's family, what particular members were there?

Mr. O'BRIEN. Well, Mrs. Stephen Smith was there.

Mr. ADAMS. Mrs. Attorney General Kennedy?

Mr. O'BRIEN. Yes. I don't recall all the members of the family. The Attorney General—and there were—there was an occasional person that came and went during the night. But that was basically the group.

We had coffee and received reports from time to time from General McHugh as to the length of time it would take for the trip from Bethesda to the White House. And the hours went on and on, until the early hours of the morning—perhaps 4 a.m.

Mr. ADAMS. And then what did you do?

Mr. O'BRIEN. We came to the White House, at which point several members of the White House staff, Mr. Shriver, were awaiting the arrival of the President. He was placed in the East Room. A brief prayer was given, and that terminated the evening.

Mr. ADAMS. I would like to ask you to go back again and give me your recollections of the President's views about the nature of the protection that should be afforded him, or what his attitude was towards security.

Mr. O'BRIEN. I cannot recall any specific conversation I had with the President in this area. All I can say is that the President at all times was most interested in close contact with his fellow Americans, and in that sense he was quick to move to a fence that separated him from the people, he was quick to move towards people. He certainly moved quite freely. But I do not recall ever having a conversation or being present during the course of a conversation when the specific protective measures were discussed or what his views were relative to them.

Mr. ADAMS. Other than what you have said here, do you have any knowledge at all about the person who did the shooting, whoever it might be?

Mr. O'BRIEN. None whatsoever.

Mr. ADAMS. Do you have any other thing I have not covered that you would like to put in this record?

Mr. O'BRIEN. I don't believe so. I believe that to the best of my recollection I have tried to carefully review all aspects of the matter, from departure from the lawn of the White House to arrival back at the White House. And I cannot call anything to mind now that I might have overlooked.

Mr. ADAMS. Now, finally, it is a custom in this Commission to make transcripts available to the witnesses if they want to read them before signing them, or if you would like you can waive that. That is entirely up to you.

Mr. O'BRIEN. I would like to have the transcript.

Mr. ADAMS. Then we will send it along in the next few days, and when you have an opportunity to consider it, if you will just send it back to the Commission we would appreciate it.

Mr. O'BRIEN. I certainly will.

Mr. ADAMS. That closes this deposition.

AFFIDAVIT OF DAVID F. POWERS

The following affidavit was executed by David F. Powers on May 18, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

DISTRICT OF COLUMBIA, ss:

I, David F. Powers, make the following affidavit concerning my knowledge of the events of November 21 and 22, 1963.

I traveled to Texas with the Presidential party on November 21, 1963, on AF-1. After a stop in Houston, we spent the night in Fort Worth, Texas. On the evening of November 21st, we were discussing the size of the crowd in the Rice University Stadium at Houston, and the President asked me how I thought it compared with the crowd the last time he was there. I said that the crowd was about the same as the one which came to see him before but there were 100,000 extra people on hand who came to see Mrs. Kennedy. President Kennedy then made a comment to Mrs. Kennedy to the effect that she was a great asset on the trip and that seemed to make her happy, although at that particular

moment she was very tired, having spent many hours that day traveling in the plane and on motorcades.

The next day we proceeded on to Dallas and arrived at Love Field at approximately 11:30 a.m. The President and Mrs. Kennedy were in high spirits and as they were leaving the plane I jokingly remarked to the two of them that they looked like Mr. and Mrs. America and that they should not both wave in the same direction as it would be too much for anyone to receive all that attention at once. They were the first to leave the Presidential plane (AF-1) and were greeted by Vice President and Mrs. Johnson (whose plane had already arrived at Dallas), along with other members of the Dallas reception committee. President and Mrs. Kennedy then went over to greet the airport crowd which was standing behind an iron fence. I was assigned to ride in the Secret Service automobile which proceeded immediately behind the President's car in the motorcade. That Secret Service follow-up automobile was an open car with two Special Agents in the front seat, two Special Agents in the rear seat and two Special agents on each of the two running boards. I sat in the jump seat on the right side of the car and Kenneth O'Donnell sat in the jump seat on the left side of the car.

The crowd in Dallas was very friendly and very enthusiastic. In my opinion it was twice as large as the crowd that was present when Mr. Kennedy campaigned in Dallas in 1960. Kenneth O'Donnell and I were observing the size and disposition of the crowd in order to evaluate the local political situation. President Kennedy was sitting on the extreme righthand side of his automobile, with his arm extending as much as two feet beyond the right edge of the car, and Mrs. Kennedy was seated on the extreme left of the back seat. They were seated at the opposite ends of the back seat in order to give their full attention to the crowds on each side.

As we proceeded through Dallas the motorcade slowed down on a number of occasions, but I do not believe it ever stopped. When we passed through the heart of Dallas, the crowds were about ten deep. We then turned off of Main Street onto Houston and made the sharp swing to the left up Elm Street.

At that time we were traveling very slowly, no more than 12 miles an hour. In accordance with my custom, I was very much concerned about our timing and at just about that point I looked at my watch and noted that it was almost exactly 12:30 p.m., which was the time we were due at the Trade Mart. I commented to Ken O'Donnell that it was 12:30 and we would only be about five minutes late when we arrived at the Trade Mart. Shortly thereafter the first shot went off and it sounded to me as if it were a firecracker. I noticed then that the President moved quite far to his left after the shot from the extreme right hand side where he had been sitting. There was a second shot and Governor Connally disappeared from sight and then there was a third shot which took off the top of the President's head and had the sickening sound of a grapefruit splattering against the side of a wall. The total time between the first and third shots was about 5 or 6 seconds. My first impression was that the shots came from the right and overhead, but I also had a fleeting impression that the noise appeared to come from the front in the area of the triple overpass. This may have resulted from my feeling, when I looked forward toward the overpass, that we might have ridden into an ambush.

At about the time of the third shot, the President's car accelerated sharply, with the follow-up car driving right behind it. Mrs. Kennedy climbed onto the back of the car. Perhaps she may have been looking for help and perhaps she really didn't know what she was doing. I think Special Agent Clinton Hill saved her life by climbing up on the back of the car and pushing her into the back seat because she probably would have fallen off the rear end of the car and would have been right in the path of the other cars proceeding in the motorcade.

We proceeded at a high rate of speed to Parkland Hospital. Upon arriving at the emergency entrance, I raced over to where President Kennedy lay and Special Agent Hill and I, along with Special Agent Kellerman, placed him on

a stretcher. The three of us and Special Agent Greer pushed him into the emergency area. I stayed with Mrs. Kennedy the entire time at the hospital. She went in and out of the emergency room and when she wasn't in the emergency room, she sat on a chair right outside the emergency room door. I believe Ken O'Donnell went to call the Attorney General as soon as we arrived at the hospital.

I accompanied the President's body and Mrs. Kennedy on the trip from the hospital to the airport. Some seats were removed from a rear compartment of the President's plane and the casket was placed there. On the trip back to Washington, Mrs. Kennedy refused to change her clothes or eat, but did sip some coffee. Upon arriving at Andrews Air Force Base, Mrs. Kennedy declined to take a helicopter to Bethesda Naval Hospital but instead chose to ride with President Kennedy's body in the hearse. Kenneth O'Donnell and I stayed with Mrs. Kennedy and the other members of the President's family at Bethesda until the early hours of the morning on November 23, 1963.

Signed the 18th day of May 1964 at Washington, D.C.

(S) David F. Powers,
DAVID F. POWERS.

AFFIDAVIT OF CLIFTON C. CARTER

The following affidavit was executed by Clifton C. Carter on May 20, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

DISTRICT OF COLUMBIA, ss:

I, Clifton C. Carter, make the following affidavit concerning my knowledge of the events of November 22, 1963.

Vice President Johnson and I had been in Texas during the week preceding November 22nd, and we had met the party of President Kennedy in San Antonio, Texas, on Thursday, November 21, 1963.

I was on the Vice President's plane (AF-2) when it landed at Dallas Love Field on November 22 at about 11:30 a.m. Vice President and Mrs. Johnson left their plane and joined the reception party which greeted President and Mrs. Kennedy, who arrived in the President's plane (AF-1). President and Mrs. Kennedy then shook hands with people in the crowd along an iron fence. While the Presidential party greeted the crowd, I went to the automobile where I was to ride in the motorcade. It was a Secret Service vehicle assigned to follow and protect the Vice President. Our car was right behind the Vice President's automobile, which was immediately to the rear of the Presidential Secret Service follow-up car, which drove right behind the President's automobile.

The automobile in which I rode was driven by a Dallas policeman. I sat in the middle of the front seat and held some radio equipment on my lap. Special Agent Jerry D. Kivett sat on my right and Special Agent Len Johns and someone else were in the rear seat. This was an unmarked Dallas police car.

Nothing unusual occurred on the motorcade route from Love Field to the downtown Dallas area. The crowds were very large and very friendly, except for two or three signs which contained derogatory comments about President Kennedy. I would estimate that the crowds were twice as big as they were in September of 1960 when Mr. Kennedy campaigned in Dallas. The motorcade slowed down at times, but I do not believe that it stopped.

The motorcade proceeded west on Main Street, made a righthand turn onto Houston and then swung around to the left on Elm, proceeding slowly at about 5 to 10 miles per hour. At approximately 12:30 p.m., our car had just made the lefthand turn off Houston onto Elm Street and was right along side of the Texas School Book Depository Building when I heard a noise which sounded like a firecracker. Special Agent Youngblood, who was seated on the righthand

side of the front seat of Vice President Johnson's car immediately turned and pushed Vice President Johnson down and in the same motion vaulted over the seat and covered the Vice President with his body. At that instant Mrs. Johnson and Senator Yarborough, who were riding in the back seat along with the Vice President, bent forward. Special Agent Youngblood's action came immediately after the first shot and before the succeeding shots.

I distinctly remember three shots. There was an interval of approximately 5 to 6 seconds from the first to the last shot, and the three shots were evenly spaced. The motorcade promptly accelerated and traveled at high speeds up to 75 to 80 miles an hour to Parkland Memorial Hospital. The President's automobile, the President's follow-up car, the Vice President's automobile, and the Vice President's follow-up car pulled into the emergency entrance at Parkland. Attendants from the hospital with two stretchers carried President Kennedy and Governor Connally into the hospital. At one point I briefly helped remove Governor Connally from the car onto the stretcher. After President Kennedy and Governor Connally had been taken into the hospital, Vice President Johnson, Mrs. Johnson, Special Agent Youngblood and I entered the emergency area and were taken to a small room where we waited. I went out on a couple of occasions to secure coffee. Congressmen Henry Gonzalez, Jack Brooks, Homer Thornberry and Albert Thomas came into the room where Vice President Johnson waited. About 1 o'clock Mrs. Johnson left the room, stating that she wanted to visit with Mrs. Kennedy and Mrs. Connally.

At 1:12 p.m. Special Agent Emory Roberts brought the news that President Kennedy was dead. At that moment the only people present were Vice President Johnson, Congressman Thornberry, Special Agent Len Johns, and I. Special Agent Roberts advised Vice President Johnson to return to the White House forthwith because of the concern of the Secret Service that there might be a widespread plot to assassinate Vice President Johnson as well as President Kennedy.

Vice President Johnson then asked that Kenny (O'Donnell) and Larry (O'Brien) be consulted to determine what their views were on returning promptly to Washington. Kenny and Larry came down and told Vice President Johnson that they agreed he should return to Washington immediately. Vice President Johnson then asked me to try to alert some of the members of his staff to go to the airport for the return trip to Washington. I then proceeded to look for those members of the staff, and I was later driven to Love Field by a young Dallas policeman. By the time I returned to the Presidential plane (AF-1), Vice President and Mrs. Johnson had already boarded the plane and arrangements had already been made to have Vice President Johnson sworn-in as the President. I do not have any personal knowledge of Vice President Johnson's conversation with Attorney General Kennedy concerning the advisability of a prompt swearing-in or of the arrangements to have Judge Sara Hughes participate in that ceremony. I was present at the swearing-in and shortly thereafter the President's plane took off for the Washington area.

The original conversations concerning President Kennedy's trip to Texas occurred on June 5, 1963 at the Cortez Hotel in El Paso, Texas. President Kennedy had spoken earlier that day at the Air Force Academy and Vice President Johnson had spoken at Annapolis. The President and Vice President met with Governor Connally at the Cortez Hotel to discuss a number of matters, including a trip by the President to Texas. Fred Korth and I were present when the three men assembled, but Fred Korth and I left during their discussion of the President's proposed trip. The first tentative date was to have the trip coincide with Vice-President Johnson's birthday on August 27th, but that was rejected because it was too close to Labor Day. President Kennedy's other commitments prevented him from coming to Texas any sooner than November 21st, which was the date finally set.

Signed this 20th day of May 1964.

(S) Clifton C. Carter,
CLIFTON C. CARTER.

TESTIMONY OF EARLE CABELL

The testimony of Earle Cabell was taken at 9 a.m., on July 13, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Leon D. Hubert, Jr., assistant counsel of the President's Commission. Sam Kelley, assistant attorney general of Texas, was present.

Mr. HUBERT. This is the deposition of Hon. Earle Cabell, mayor of the city of Dallas.

Mr. CABELL. Former mayor.

Mr. HUBERT. Is that right?

Mr. CABELL. I resigned in February.

Mr. HUBERT. Mr. Cabell, my name is Leon D. Hubert. I am a member of the advisory staff of the General Counsel of the President's Commission. Under the provisions of Executive Order 11130 dated November 29, 1963, and the joint resolution of Congress No. 137, and the rules of procedure adopted by the President's Commission in conformance with that Executive order and the joint resolution, I have been authorized to take a sworn deposition from you, among others.

I state to you now that the general nature of the Commission's inquiry is to ascertain, evaluate, and report upon the facts relevant to the assassination of President Kennedy and the subsequent violent death of Lee Harvey Oswald.

In particular as to you, Mr. Cabell, the nature of the inquiry today is to determine what facts you know about the death of Oswald and any other pertinent facts you may know about the general inquiry.

Now Mr. Cabell, you appeared today by virtue of a letter which I understand was received by you on either July 8 or 9, written by Mr. J. Lee Rankin, General Counsel of the President's Commission; is that correct?

Mr. CABELL. That is correct.

Mr. HUBERT. Would you stand and raise your right hand? Do you solemnly swear that the testimony you are about to give in this matter will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CABELL. I do.

Mr. HUBERT. Will you please state your name for the record?

Mr. CABELL. My name is Earle Cabell.

Mr. HUBERT. What is your residence?

Mr. CABELL. My place of residence is 5338 Drane Drive, Dallas, Tex.

Mr. HUBERT. Mr. Cabell, I understand that you were formerly the mayor of Dallas, but you resigned about 2 or 3 months ago?

Mr. CABELL. I was installed as mayor of Dallas May 1, 1961, for a 2-year term. Was reinstalled May 1, 1963, upon reelection. Resigned that office on February 3, 1964, to become a candidate for the House of Representatives of the United States.

Mr. HUBERT. Prior to your becoming mayor, what occupation did you have? I simply want to get some background for the record.

Mr. CABELL. For the past 30-odd years I have been engaged in dairy products and food retailing in the city of Dallas and surrounding areas.

Mr. HUBERT. You still have that business?

Mr. CABELL. No; I am not connected with that business officially any longer. I retain my office at the former headquarters of that company, which is 4017 Commerce Street. I am on a retainer with the company in an advisory capacity.

Mr. HUBERT. Mr. Cabell, we are interested in a number of matters, but I think we can cover much of the ground by asking you to comment upon an interview of you by FBI Agents Warren Debrueys and George Carlson on December 12, 1963, which I have marked for identification as follows: On the first page in the right-hand margin I have marked "Dallas, Texas, July 13, 1964, Exhibit No. 1, deposition of Honorable Earle Cabell." I have signed my name under that and on each of these succeeding three pages I have marked my initials in the right-hand lower corner.

Exhibit No. 1 consists therefore of 4 pages. Mr. Cabell, I think you have had an opportunity to read this Exhibit No. 1; is that right?

Mr. CABELL. I have read it.

Mr. HUBERT. Now I ask you if the exhibit, which is, as I have said, a report of an interview of you by the FBI agents named, is an accurate and fair statement of the conference or interview had between you?

Mr. CABELL. It is entirely so.

Mr. HUBERT. Do you have any corrections or additions?

Mr. CABELL. I find no corrections or additions to make to that statement.

Mr. HUBERT. For the record, I would like you to state briefly just what was the chain of command of governmental authority in the city of Dallas, starting with you, I take it, as the top, on down at least to the police department.

Mr. CABELL. Under the charter of the city of Dallas, the city council is composed of councilmen and the mayor, the mayor having the status of a councilman, but also being the presiding officer elected by the people at large as the mayor. He is the presiding officer and the spokesman for the council. The council does not have administrative responsibilities nor authority. The council is a legislative and policymaking body who appoint the city manager, among certain other city officials or department heads.

The city manager in turn has the discretion of appointing those department heads under his direct jurisdiction, including the appointment of the chief of police. The council, by ordinance, is not authorized to, and in fact is prohibited from taking direct administrative action through or over any of the department heads appointed by and responsible to the city manager.

Mr. HUBERT. How many members compose the council, sir?

Mr. CABELL. Eight members, in addition to the Mayor.

Mr. HUBERT. They are elected?

Mr. CABELL. They are all elected by the citizens of Dallas at large. That is, they are all voted upon.

Mr. HUBERT. Now the city manager, as I understand it, is appointed by the council or by the mayor?

Mr. CABELL. No; the city manager is appointed by the council, by council action.

Mr. HUBERT. Now the city manager on November 22 through 24, 1963, was Mr. Crull?

Mr. CABELL. Elgin E. Crull.

Mr. HUBERT. Of course, for the record, you were then Mayor?

Mr. CABELL. That is correct.

Mr. HUBERT. I think it might be well also for the record if we have the names of the people that composed the council at that time.

Mr. CABELL. The council at that time was composed of Mr. Carie Welch. He was also mayor pro tem. Mr. William Roberts, Mrs. Tracy Rutherford, Mr. Joe Moody, Mr. Joe Golman, Mrs. Elizabeth Blessing, Mr. George Underwood, Jr., Mr. R. B. Carpenter.

Mr. HUBERT. I understand that Mr. Crull had been serving as city manager for quite some time?

Mr. CABELL. Something over 10 years.

Mr. HUBERT. Could you describe briefly for us the relationship between the mayor and the council and the city manager?

Mr. CABELL. Well, it is the relationship of the general manager of a corporate entity and his board of directors, with most day-to-day contact being made through the mayor as the presiding officer of that board.

Mr. HUBERT. In other words, the city manager really has the detailed administration of city affairs?

Mr. CABELL. He is entirely responsible for the administrative functions of the city government.

Mr. HUBERT. Now, the mayor, then, is responsible for policies with the council; is that correct?

Mr. CABELL. As the presiding officer, the mayor has only one vote on the action of the council, as any other councilman, but by virtue of being the presiding officer and the spokesman of the council, then on day-to-day routine matters, the contact of the city manager is through the mayor.

Mr. HUBERT. Does the council make any other appointments than the appointment of the city manager?

Mr. CABELL. Yes; the direct appointees of the council are the city attorney,

the city secretary, the supervisor of public utilities, and the city auditor, with the city auditor being nominated by the Dallas Clearing House Association.

Mr. HUBERT. I understand then that the chief of police is appointed by the city manager completely?

Mr. CABELL. That is correct; and is responsible only to the city manager.

Mr. HUBERT. Does the city council or mayor confirm the appointees of the city manager? What authority do they have?

Mr. CABELL. They confirm by virtue of approval of the budget wherein their salaries are stipulated and they are named.

Mr. HUBERT. But it is not an appointment such as with Federal officials where the President appoints and the city confirms?

Mr. CABELL. No.

Mr. HUBERT. Now I want to ask you to state what you observed concerning the actual shooting of the President, and perhaps the best way to start is to tell us what position you were in in the Presidential parade.

Mr. CABELL. We were separated from the President's car by the car in which the Vice President and Senator Yarborough were riding, and by a station wagon holding, I think, certain members of the press and possibly some Secret Service, and I believe one other car of Secret Service so there were either two or three intervening cars between our place in the motorcade and the Presidential car.

Mr. HUBERT. Who was in your car other than the driver?

Mr. CABELL. Mrs. Cabell and Congressman Ray Roberts from McKinney, Tex., Congressman from the Fourth District, and myself.

Mr. HUBERT. Just the three of you?

Mr. CABELL. That is correct.

Mr. HUBERT. Do you remember who the driver was?

Mr. CABELL. I do not remember his name. He was a member of the Department of Public Safety of the State of Texas.

Mr. HUBERT. When did you observe anything at all relative to the shooting of the President?

Mr. CABELL. Well, we were just rounding the corner of Market and Elm, making the left turn, when the first shot rang out.

Mr. HUBERT. Would you describe what you saw or heard, please, sir?

Mr. CABELL. I heard the shot. Mrs. Cabell said, "Oh a gun" or "a shot", and I was about to deny and say "Oh it must have been a firecracker" when the second and the third shots rang out. There was a longer pause between the first and second shots than there was between the second and third shots. They were in rather rapid succession. There was no mistaking in my mind after that, that they were shots from a high-powered rifle.

Mr. HUBERT. Are you familiar with rifles so that your statement that it was your opinion it came from a high-powered rifle was that of a person who knows something about it?

Mr. CABELL. I have done a great deal of hunting and also used military shoulder guns, as well as hunting rifles.

Mr. HUBERT. Were you in the armed services during the war?

Mr. CABELL. No; I was not, but there was no question in my mind as to their being from a high-powered rifle and coming from the direction of the building known as the School Book Depository.

Mr. HUBERT. That you judged, I suppose, by the direction from which you thought the sound came?

Mr. CABELL. Right.

Mr. HUBERT. Could you estimate the number of seconds, say, between the first and second shots, as related to the number of seconds between the second and third shots? Perhaps doing it on the basis of a ratio?

Mr. CABELL. Well, I would put it this way. That approximately 10 seconds elapsed between the first and second shots, with not more than 5 seconds having elapsed until the third one.

Mr. HUBERT. Two to one ratio?

Mr. CABELL. Approximately that. And again I say that, as you mentioned, as a matter of being relative. I couldn't tell you the exact seconds because they were not counted.

Mr. HUBERT. Now when you became conscious that these were shots and that they seemed to be coming from the building known as the Texas School Book Depository Building, did you look toward that building?

Mr. CABELL. My back was turned to it at the time, because I was riding in the front seat and was conversing with Mrs. Cabell and Mr. Roberts.

Mr. HUBERT. Who were in the back? And you were next to the driver?

Mr. CABELL. I was sitting in the front seat with the driver. This was a convertible in which we were riding with the top down.

Mr. HUBERT. So that actually the shots seemed to you to come from behind?

Mr. CABELL. From behind.

Mr. HUBERT. Did you turn in the direction of the shots?

Mr. CABELL. I turned then, rather looking down toward the Presidential car, and then I saw the people scattering and some throwing themselves on the ground. One man threw himself over a child that was sitting in the grass there. I did not observe anything in connection with the building itself.

Mr. HUBERT. You did not see anybody in any of the windows?

Mr. CABELL. No.

Mr. HUBERT. Now I think you mentioned that Mrs. Cabell made a remark to you, "Oh, that is a shot." I take it from what you have said, that remark was made immediately after the first shot?

Mr. CABELL. Just immediately; yes.

Mr. HUBERT. And before the second and third, is that right?

Mr. CABELL. And really before I could get my answer out—I think it was motivated by wishful thinking as much as anything else, to deny or to say possibly it wasn't—then the second and third shots rang out.

Mr. HUBERT. Were there any other spontaneous remarks made by anyone else in the car?

Mr. CABELL. Well, in the discussion which followed, both Mr. Roberts and myself said that it must have been from a gun similar to a .30-06.

Mr. HUBERT. By spontaneous, I meant those remarks made just immediately, not the discussion thereafter, you see.

Mr. CABELL. I don't remember.

Mr. HUBERT. So you do not recall any remarks made by anyone else of a spontaneous nature?

Mr. CABELL. No; I don't.

Mr. HUBERT. Well, what did you do after the shots were fired and the Presidential car and the vice presidential car went on?

Mr. CABELL. Then we just followed and told the driver to follow them.

Mr. HUBERT. You went on then to the—

Mr. CABELL. We went on to the hospital. We could not tell whether they were just going back to the airport or going toward the hospital. Now there was a question raised among us as to where we were headed.

Mr. HUBERT. You didn't in fact know who had been hit, I take it?

Mr. CABELL. No; we couldn't tell. We could tell, of course, there was confusion in the presidential car—activity. The Secret Service men ran to that car. From out of nowhere appeared one Secret Service man with a sub-machine gun. His attention seemed to be focused up toward the building. One of the motorcycle officers and the escort pulled his motorcycle over to the side and jumped off with his drawn handgun and ran up the slope toward the building, toward the School Book Depository. I do not recall any other shots being fired than the three which I mentioned.

Mr. HUBERT. I take it also that you got to the hospital very shortly after the Presidential car did?

Mr. CABELL. Of course, when we turned off of Stemmons Expressway, we knew then that we were headed toward Parkland. Otherwise, we would have proceeded on Stemmons to Mockingbird Lane, which would have been the direct route to the airport.

Mr. HUBERT. When you got to the hospital, had the President been removed from the car?

Mr. CABELL. He was in the process of being removed; was on the carriage. Another carriage was brought out, and I was there and helped to steady the carriage when the Governor was taken out of the car and placed on the car-

riage and wheeled in. And I helped escort the carriage on into the hospital into the anteroom and stayed there until the body was removed.

Mr. HUBERT. Did you happen to go to the room in which a press conference was held, at which the official announcement was made of the President's death?

Mr. CABELL. I was not in when any official thing—I assumed that the President was dead.

Mr. HUBERT. I was trying to get the anteroom or hallway that you described. Where was this with reference to the outside door of the hospital, or the emergency room, or something of that sort?

Mr. CABELL. Well, this was in the emergency section. There is a large anteroom with a glassed-in enclosure where telephones were, and then off from that larger room was a narrow anteroom from which a series of operating rooms connected.

The President was in one of those, and directly across this little hallway then was where Governor Connally was.

Mr. HUBERT. Were there any news people in that area?

Mr. CABELL. Yes; I am sure there must have been. I don't recall any whom I recognized personally.

Mr. HUBERT. Specifically, do you know a reporter, newspaperman now with Scripps-Howard, by the name of Seth Kantor?

Mr. CABELL. I can't recall.

Mr. HUBERT. Now there is some information, Mr. Cabell, that Jack Ruby was around the hospital some place, either near the entrance or near the pressroom, or something of that sort. And, of course, I take it that you now know what he looks like, from pictures in the press?

Mr. CABELL. Well, I knew him by sight.

Mr. HUBERT. You knew him by sight prior to this?

Mr. CABELL. Yes.

Mr. HUBERT. How long had you known him?

Mr. CABELL. I would say for several years.

Mr. HUBERT. Did you see him around the hospital then at any time?

Mr. CABELL. No; I did not.

Mr. HUBERT. And you stayed until the President's body was removed?

Mr. CABELL. Yes.

Mr. HUBERT. What did you do after that, sir?

Mr. CABELL. We went—Mrs. Cabell accompanied me and went back to Love Field. There was a number of members of the Texas delegation to the Congress who had accompanied the President and Vice President on the trip down here, and I more or less took them in tow and secured a station wagon from the vehicles that were outside the hospital and carried them, at the direction of one of the Secret Service agents who was more or less in charge in there, to the Southwest Airmotive side of Love Field, which is the eastern side, because he advised me that Air Force I would take off from that side. So there was some with us in our car, and then the station wagon with the additional ones. When we got to Southwest Airmotive, Air Force I was still parked on the west side of the field where they had deplaned the passengers earlier. Realizing that it was going to take off rather quickly, I asked the public relations man for Southwest Airmotive to get on the radio and contact the Air Force officer in charge through the control tower as to what to do about these men, whether to bring them over to that side, or was the plane going to come over there.

We did not get a direct answer, but the squad car of the Dallas Police Department, which is assigned to Love Field, came over and got us, apparently through clearance of the control tower, and carried us right straight across the field. Apparently they stopped any movement to get us across the field. Then those men were able to board the plane.

Mr. HUBERT. Well, after you left the field, after Air Force I had left, what was your activity then, sir?

Mr. CABELL. We stayed there on the ground until after *Air Force I* had taken off with the body of the President. We conferred for a few minutes with Sheriff Bill Decker and Chief of Police Curry. Chief Curry was in the plane and a witness to the swearing in of President Johnson. Shortly after it took off, then Mrs. Cabell, and I returned home. We dropped Mrs. Cabell off, and

then the driver carried me to Mr. Jonsson's house where I left my car, and then I returned home.

Mr. HUBERT. When did you first know of the apprehension of Lee Harvey Oswald?

Mr. CABELL. On the field there, Chief Curry told us of the killing of Officer Tippit, and I believe told us at the same time that they had apprehended the suspect.

Mr. HUBERT. That is to say, the suspect of the killing of the President, or of Tippit?

Mr. CABELL. That he was one and the same.

Mr. HUBERT. Did he tell you what information he had to indicate that the killer of Tippit was also the assassin of the President?

Mr. CABELL. Only that it was believed that he was one and the same. Now the details, I did not get at that time either concerning the killing of Officer Tippit or the subsequent apprehension of Oswald.

Mr. HUBERT. What was your next contact with Curry, if you recall?

Mr. CABELL. I don't recall any further contact with Curry. This was not a face to face or personal contact. It was telephonic concerning the issuance of this parade permit, which is covered in the report by the bureau man.

Mr. HUBERT. That was a conference by telephone on Sunday the 24th?

Mr. CABELL. That is correct.

Mr. HUBERT. You had no contact, to your knowledge, with him?

Mr. CABELL. I don't recall any further contact with Chief Curry.

Mr. HUBERT. Did you have a contact with any other member of the police department?

Mr. CABELL. No.

Mr. HUBERT. Did you have any knowledge of the situation in the county jail with reference to the news media?

Mr. CABELL. That was the city jail.

Mr. HUBERT. I beg your pardon, city jail, with reference to the covering of the matter by the news media, and the confusion that came about as a result of that?

Mr. CABELL. I knew fairly well what was going on by watching my own TV from time to time and the covering that they had on the activities around the police department of the city hall.

Mr. HUBERT. Was there any meeting of the council during the interval between the 22d and the 24th?

Mr. CABELL. No.

Mr. HUBERT. Did you have any contact with City Manager Crull during that time?

Mr. CABELL. The Sunday morning, I knew that the city manager was out of town, and in my conversation with Chief Curry subsequent to the shooting of Oswald, I asked him if he had made contact with Mr. Crull, and suggested that if he had not, that he do make immediate contact and ask for his return to the city.

Mr. HUBERT. That was after the shooting of Oswald?

Mr. CABELL. This was after the shooting of Oswald. And he told me at that time that Mr. Crull had been contacted and was on his way back.

Mr. HUBERT. Did you know prior to the shooting of Oswald, or have you learned since whether there was any awareness in the police department of possible danger to Oswald?

Mr. CABELL. No, no. After it had all occurred, then I recall having been told by someone that there had been an attempt, or that an attempt would be made, but that is not clear, and purely a matter of hearsay.

Mr. HUBERT. I believe in your conversation with Chief Curry on Sunday, you discussed a threat that had been made to you, or indirectly?

Mr. CABELL. He called me that this call had come through the switchboard of the city hall, and it was his understanding that it was long distance, but he did not know the source, and since it was a direct dial and they could not trace it, there was not enough time, wherein the caller said that an attempt would be made on my life.

Mr. HUBERT. He told you that was a long-distance call?

Mr. CABELL. It was his impression, the switchboard operator's impression that it was some long distance.

Mr. HUBERT. That was prior to Oswald's death?

Mr. CABELL. No; that was following Oswald's death, and that is when he told me that he was sending officers out to maintain security.

Mr. HUBERT. Attached to page 3 it seems to indicate that the call with Curry must have occurred a bit before you received the news of Oswald's shooting?

Mr. CABELL. The first call from Curry, or only the starting of any conversations with Chief Curry were relative to this torchlight parade on that night. I had called him and told him that I would recommend the cancellation of that parade. He had granted it, but then I had recommended the cancellation, and I would assume full responsibility for having given that instruction.

Mr. HUBERT. At that time Oswald had not been shot?

Mr. CABELL. No.

Mr. HUBERT. But on that first call then, was there any discussion between you and Chief Curry about the transfer of Oswald?

Mr. CABELL. No.

Mr. HUBERT. Was there any discussion about the security precautions that were being observed or the problems that they were?

Mr. CABELL. I do not recall any discussion on that at all.

Mr. HUBERT. Chief Curry did not tell you that any threats had been made to Oswald?

Mr. CABELL. No.

Mr. HUBERT. Now during the period November 22 until the shooting of Oswald, did you have any conversations with the press concerning the whole matter?

Mr. CABELL. There were a number of calls. There were members of the press, both the national and international press that came to my home during that period. I had given a statement on Friday night to both television stations.

Mr. HUBERT. That was by—

Mr. CABELL. That was on Friday.

Mr. HUBERT. On television?

Mr. CABELL. Yes.

Mr. HUBERT. Do you recall whether any part of those statements or interviews had to do with the transfer of Oswald?

Mr. CABELL. None whatsoever. There was never any during that period. There was never any mention of that. It was not brought up nor discussed.

Mr. HUBERT. Then later on Sunday morning, I understand after the security call from Chief Curry, there was another call from him with regard to the death of Oswald?

Mr. CABELL. He called me.

Mr. HUBERT. I mean the shooting of Oswald.

Mr. CABELL. Yes; the incident referred to here about a friend calling.

Mr. HUBERT. You say "here." You are referring to page 3 of Exhibit No. 1?

Mr. CABELL. "He received a telephone call from a friend." That friend was Mrs. R. O. Alexander who said, "Do you have your television on?" And I said, "No." She said, "Get it on quick. They have just shot Oswald." And I immediately turned my television on. I was in the den where I was sitting and taking these telephone calls, and then just as I get it turned on, they still had not removed Oswald at that time because this was just a matter of a minute or 2 from the actual shooting. Then Chief Curry called and said, "They have just shot Oswald." And I said, "Yes; I have it on TV now."

Mr. HUBERT. Was any action taken then by anybody, do you know, concerning, first, security measures or further protection against?

Mr. CABELL. Nothing to my knowledge.

Mr. HUBERT. I think I have asked this before. If I have, then just disregard it, but did you contact City Manager Crull during the interval?

Mr. CABELL. No; I did not contact him. Now he came to my home immediately on his return to the city.

Mr. HUBERT. Which was about what time?

Mr. CABELL. This was, well, it was early afternoon.

Mr. HUBERT. Of the 24th?

Mr. CABELL. This was on the 24th, on Sunday; yes. It was about 1 o'clock.

Mr. HUBERT. Can you comment upon this Lancaster Smith proposal of a parade?

Mr. CABELL. Lanc Smith is a very well-known, very active lay worker in the Catholic church, and he had called me earlier, and I think the suggestion for this came from some nuns, and when he first talked to me I didn't realize frankly the implications or the hazard of a procession such as that, and I told him—he asked about a permit, and I said that that is a matter that is handled by the chief of police, that he would have to be the one to issue a permit for any type of parade, because that is what that amounted to.

Mr. HUBERT. What was the proposal of Mr. Smith?

Mr. CABELL. Well, a torchlight procession of both the clergy and any lay people as a procession of mourning that would pass by the site of the assassination and put flowers at the site.

Mr. HUBERT. That was proposed for Sunday night?

Mr. CABELL. That was proposed for Sunday night, and after having talked with him, then the implications began to dawn on me, and when I realized that that was in a rather poorly lighted area, it is not in the best part of town, and that the procession itself would pass possibly under the very window of the jail where Oswald presumably would be by that time, then that was the reason behind my calling the chief then.

He told me he had issued the permit because he had no reason not to, and then that is when I made the recommendation that it be canceled.

Mr. HUBERT. It was canceled in fact?

Mr. CABELL. Yes; it was.

Mr. HUBERT. Before Oswald was shot?

Mr. CABELL. Oh, I think undoubtedly, because he said he would call Lanc immediately back.

Mr. HUBERT. When did Lancaster Smith call you?

Mr. CABELL. I think it must have been around 8 or 9 o'clock in the morning, originally.

Mr. HUBERT. Then you called Chief Curry about what time?

Mr. CABELL. Must have been very shortly after that. I would say 9 o'clock or possibly a short time after. I believe that it must have been just a little before 10, because I think that he was talking to me in his office at the time word was brought to him that Oswald was shot, or possibly had hung up the phone, or he would have mentioned that to me at the time.

Mr. HUBERT. Because the evidence we now have shows that Oswald was shot about 11:20, so perhaps your time would have been 11 rather than 10?

Mr. CABELL. Yes; I was thinking in terms of 10 o'clock being the hour of shooting, but we can move this conversation with Curry to a matter of minutes preceding the shooting of Oswald.

Mr. HUBERT. Now were any threatening calls received by you directly?

Mr. CABELL. Only one, which was received by Mrs. Cabell on New Year's Eve.

Mr. HUBERT. December 31, 1963?

Mr. CABELL. December 31, 1963; yes, sir.

Mr. HUBERT. Were there any received indirectly?

Mr. CABELL. Only those that were reported to us by Chief Curry. There was one incident which was not a call, but which was an unusual thing and which caused a certain amount of apprehension.

On a Saturday evening, which one I can't tell you, but it was while security was being maintained, that I decided to go out and eat dinner. Mrs. Cabell did not want to go. She said she would just stay at home. One of the officers stayed with Mrs. Cabell. The other one accompanied me to Tupinamba, a Mexican cafe on Lovers Lane. I told Mrs. Cabell I would get Mexican food there. There are three places in the immediate vicinity, all of which we patronize from time to time.

The officer and I were in having our dinner when the proprietor came over and said that I was wanted on the phone. I picked up the receiver. I could hear traffic noises in the background, so I 'knew that the line was open. I said, "Hello" several times, and the receiver clicked in my ear. I thought that Mrs. Cabell had possibly tried to get hold of me, and I called her, and she said, "No, she had not." So it was obvious that someone who was either in

the restaurant and had left when we came in, or had seen us enter the restaurant, put in this call, apparently just a nuisance or harassing type of thing.

Mr. HUBERT. How long after you had been in the restaurant did this call come?

Mr. CABELL. Oh, a matter of 10 or 15 minutes.

Mr. HUBERT. You never found the source of that?

Mr. CABELL. No.

Mr. HUBERT. Was any investigation made?

Mr. CABELL. There was no way of making an investigation. The assumption is that the call was placed from one of the public telephones that are up and down that business section there.

Mr. HUBERT. Mr. Cabell, there have been some reports as to the authenticity or veracity of, for which I do not vouch at all, to the effect that some pressure was put upon Chief of Police Curry by you or others to cooperate with the press in all ways possible. I think in fairness I should give you an opportunity to comment upon that.

Mr. CABELL. There was one that has been rumored. One of our local weekly publications made that as a statement. That is completely false. At no time did I have any contact with Chief Curry to the extent that I gave him any orders, instructions, or make any comment upon the situation other than the contact which I have mentioned with reference to this proposed torchlight parade.

Mr. HUBERT. Do you know of any pressure put upon him by anyone in authority over him?

Mr. CABELL. I do not know of any, and my assumption would be, and I say assumption, would be that none had been made, because I know how Mr. Crull operates to the extent that he would not interfere in the duties of his chief of police. Now I am sure that they had conversations with reference to security and that sort of thing, but I would question very definitely that any orders as such on that subject would have been issued by Mr. Crull.

Mr. HUBERT. In any case, neither you nor anyone else, to your knowledge, did anything of that sort, to wit, bring pressure upon him in anyway whatsoever?

Mr. CABELL. That is entirely correct.

Mr. HUBERT. Mr. Cabell, do you have anything else to say, sir?

Mr. CABELL. No, sir; I don't know of anything else that I could add.

Mr. HUBERT. Prior to the commencement of the recordation of your testimony, we had a very short conversation, but will you agree with me now that there was nothing that was discussed in that conversation relating to the testimony that has not been actually covered in the deposition?

Mr. CABELL. That is correct. I recall no conversation of any sort pertaining to this incident that has not been covered in the examination under this deposition.

Mr. HUBERT. All right, sir, thank you very much.

(The following questions were asked upon completion of the deposition of Mrs. Earle Cabell.)

Mr. HUBERT. Mayor Cabell, I wonder if you would agree for just a couple of questions for your deposition to be continued under the same terms and conditions that I began, and that you are under the same oath?

Mr. CABELL. Yes.

Mr. HUBERT. I would like for you to comment, if you will, please, about the recordation of conversations on your telephone, telling us when the recordation system was set up, and when removed.

Mr. CABELL. It was set up on Sunday afternoon. That would have been the 24th; which recorded all conversations that came into action when the receiver was taken off the hook. It was removed on, I would say, after about 3 weeks. I am quite sure that it had been removed prior to December 31.

Mr. HUBERT. Have you yourself ever learned of any conversations that were of a threatening nature?

Mr. CABELL. No.

Mr. HUBERT. You have not heard the tape, of course?

Mr. CABELL. No; I have not.

Mr. HUBERT. It is reasonable to suppose that if any had been recorded, it would have been brought to your attention?

Mr. CABELL. I am sure it would.

Mr. HUBERT. Who has the possession of that tape?

Mr. CABELL. The police department.

Mr. HUBERT. They still have it?

Mr. CABELL. I am assuming that they still have it.

Mr. HUBERT. All right, thank you very much, sir. I certainly thank both of you.

TESTIMONY OF MRS. EARLE CABELL

The testimony of Mrs. Earle Cabell was taken at 10 a.m., on July 13, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Leon D. Hubert, Jr., assistant counsel of the President's Commission. Sam Kelley, assistant attorney general of Texas, was present.

Mr. HUBERT. This is the deposition of Mrs. Earle Cabell. Mrs. Cabell, my name is Leon D. Hubert. I am a member of the advisory staff of the general counsel of the President's Commission. Under the provisions of Executive Order 11130 dated November 29, 1963, and the joint resolution of Congress No. 137, and the rules of procedure adopted by the President's Commission in conformance with that Executive order and the joint resolution, I have been authorized to take a sworn deposition from you, among others.

I state to you now that the general nature of the Commission's inquiry is to ascertain, evaluate, and report upon the facts relevant to the assassination of President Kennedy and the subsequent violent death of Lee Harvey Oswald. In particular as to you, Mrs. Cabell, the nature of the inquiry today is to determine what facts you know about the death of Oswald and any other pertinent facts you may know about the general inquiry.

Now Mrs. Cabell, you appear today by virtue of a letter addressed actually to you and your husband, Mayor Earle Cabell, by Mr. J. Lee Rankin, general counsel of the staff of the President's Commission, is that correct? That letter was dated either the 8th or 9th, or in any case was received on the 8th or 9th of July?

Mrs. CABELL. Yes.

Mr. HUBERT. Now will you stand, please, and take the oath? Do you solemnly swear that the testimony you are about to give in this matter will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. CABELL. I do.

Mr. HUBERT. Please state your name for the record, please, ma'am.

Mrs. CABELL. Mrs. Earle Cabell.

Mr. HUBERT. You are the wife of former Mayor Earle Cabell?

Mrs. CABELL. Yes.

Mr. HUBERT. You reside with him now at what address?

Mrs. CABELL. 5338 Drane.

Mr. HUBERT. Mrs. Cabell, I think you were with your husband in the presidential parade on November 22, 1963?

Mrs. CABELL. That's right.

Mr. HUBERT. I wish you would tell us in your own words what you observed concerning the shooting of the President. I might say that your husband has testified that you were in the second or third car behind the President's car—the third or fourth car.

Mrs. CABELL. Third or fourth. We have never been able to be sure about that, because we were under the impression—of course, the chief of police's car preceded the presidential car, and we were under the impression that it was the presidential car, the vice presidential car, the station wagon apparently with Secret Service men, and then our car. There have been other statements made which we have never been quite sure of, that there was a Secret Service car

between the presidential car and the vice presidential car. If that is true, we were one car further back.

Mr. HUBERT. You were sitting on the rear seat of the convertible?

Mrs. CABELL. Behind the driver.

Mr. HUBERT. Behind the driver. That would have put——

Mrs. CABELL. Me on the left.

Mr. HUBERT. Who was on your right?

Mrs. CABELL. Congressman Ray Roberts?

Mr. HUBERT. Your husband was seated to the left of the driver on the front seat?

Mrs. CABELL. The right of the driver.

Mr. HUBERT. The right of the driver. Now will you tell us in your own words, ma'am, what you saw and heard concerning the President's death?

Mrs. CABELL. As my husband has told you, he had his back to the School Depository Building. He was looking back talking to us.

Congressman Roberts was sitting just as this lady is now, and turned the same way. I was turned facing him. We were looking directly at each other, The position of our car was such that when that first shot rang out, my position was such that I did not have to turn to look at the building. I was directly facing it.

Mr. HUBERT. In other words, your car was still really on Houston?

Mrs. CABELL. No; we were making the turn.

Mr. HUBERT. Just on the turn?

Mrs. CABELL. Just on the turn, which put us at the top of the hill, you see.

Mr. HUBERT. Since you were actually turned toward Representative Roberts on your right?

Mrs. CABELL. Yes.

Mr. HUBERT. Actually, you were facing——

Mrs. CABELL. The building.

Mr. HUBERT. The Texas Depository Building?

Mrs. CABELL. I was actually facing it.

Mr. HUBERT. What was the first thing you noticed of an extraordinary nature, or heard?

Mrs. CABELL. I heard the shot, and without having to turn my head, I jerked my head up.

Mr. HUBERT. Why did you do that?

Mrs. CABELL. Because I heard the direction from which the shot came, and I just jerked my head up.

Mr. HUBERT. What did you see?

Mrs. CABELL. I saw a projection out of one of those windows. Those windows on the sixth floor are in groups of twos.

Mr. HUBERT. In which window did you see the projection?

Mrs. CABELL. I have always been a little confused about that, but I think it was the first window.

Mr. HUBERT. On what floor?

Mrs. CABELL. On the top floor. Now I cannot take oath and say which window. There was some confusion in my mind.

Mr. HUBERT. But you say there were double windows. Is the confusion about whether it was the first or second double window, or the first or second window of the double windows?

Mrs. CABELL. The first or second window of the first group of double windows.

Mr. HUBERT. What was this projection?

Mrs. CABELL. I cannot tell you. It was rather long looking, the projection.

Mr. HUBERT. What did it seem like? An arm of an individual, or something mechanical?

Mrs. CABELL. I did not know, because I did not see a hand or a head or a human form behind it. It was in just a fleeting second that I jerked my head up and I saw something in that window, and I turned around to say to Earle, "Earle, it is a shot", and before I got the words out, just as I got the words out, he said, "Oh, no; it must have been a——" the second two shots rang out. After that, there is a certain amount of confusion in my mind. I was acutely

aware of the odor of gunpowder. I was aware that the motorcade stopped dead still. There was no question about that.

Mr. HUBERT. Let me ask you, after the first shot and your observation of this object in that window as you have described it, you turned your attention from that window?

Mrs. CABELL. That is right.

Mr. HUBERT. So that you were not looking in the direction of that window when the second and third shots were fired?

Mrs. CABELL. No.

Mr. HUBERT. Did you look in that direction thereafter?

Mrs. CABELL. If I did, I don't recall. I am completely aware of the people running up that hill. I saw the man throw the child on the ground and throw himself. I saw a woman in a bright green dress throw herself on the ground. I saw the policeman running up the grassy slope.

Mr. HUBERT. You also mentioned that you were acutely aware of the smell of gunpowder?

Mrs. CABELL. Yes.

Mr. HUBERT. When was that relative to the shots? I mean how soon after?

Mrs. CABELL. I cannot say for sure, because as I told you, the motorcade was stopped. And somewhere in there, Congressman Roberts said, "That is a .30-06." I didn't know what a .30-06 was.

Mr. HUBERT. Did he say that after all the shots were fired?

Mrs. CABELL. I believe so. There was much confusion.

Mr. HUBERT. And it was about that time that you observed the odor?

Mrs. CABELL. Of gunpowder.

Mr. HUBERT. That was when your car at least had come to a standstill?

Mrs. CABELL. Every car in the motorcade had come to a standstill.

Mr. HUBERT. Therefore, of course, it was before you followed on to the hospital?

Mrs. CABELL. Yes.

Mr. HUBERT. Did you make the observation to anyone at that time that you had smelled gunpowder?

Mrs. CABELL. No; because there was too much confusion. But I mentioned it to Congressman Roberts when we were in Washington a couple of weeks ago.

Mr. HUBERT. Did he say that he had observed it?

Mrs. CABELL. As well as I remember, he said "Yes." We were in a group, a large group, and there was much conversation.

Mr. HUBERT. Did you hear any other spontaneous remarks by anyone else? By spontaneous remarks, I mean remarks made then, not later.

Mrs. CABELL. Congressman Roberts—and I believe this was after the third shot, because we were dead still for a matter of some seconds—then when the motorcade started up, Congressman Roberts said—these might not be his exact words, but this is what he meant: "If all is well ahead, we are headed for Love Field. We are getting out."

Mr. HUBERT. His previous remark about the caliber of the rifle, which you did not at that time understand, was made after the third shot was fired and before you began to move?

Mrs. CABELL. Yes.

Mr. HUBERT. Was there any other remark made by anyone other than those that you have covered?

Mrs. CABELL. No; except that as the motorcade started up, he said, "If all is well—"

Mr. HUBERT. Who said?

Mrs. CABELL. Congressman Roberts said, "If all is well, we are headed for Love Field. We are getting out."

Mr. HUBERT. Did the driver say anything, to your knowledge?

Mrs. CABELL. I don't recall that he said a word.

Mr. HUBERT. During the time that you were standing absolutely still for a few seconds, did you have occasion, or did you in fact look up at that window again?

Mrs. CABELL. Not again, as I recall.

Mr. HUBERT. Did you go to the hospital too?

Mrs. CABELL. Yes.

Mr. HUBERT. You were with your husband?

Mrs. CABELL. When we reached the hospital, the Presidential car was pulled up toward the slot ordinarily reserved for ambulances, which pulled us up a little closer to the entrance of the hospital. And as my husband jumped out of the car, he turned around and looked at me and said, "Stay in the car." And I believe at that time that Congressman Roberts got out of the car. The Texas delegation was standing around the cars at that time. And I sat in the car with our driver for quite some time.

Mr. HUBERT. How long, about?

Mrs. CABELL. I cannot tell you. Time left me that day. I sat there for quite a long time. I stood up and I saw them taking the President out of the car. I saw my husband by the carriage when the Governor was taken out of the car. Then our driver, after they went into the hospital, turned the car radio on and we and the other members of the Texas delegation, Senator Yarborough, all of the others—the delegation moved back and forth from the car where I was sitting, up to the door of the hospital. It is my impression that none of them went in.

Mr. HUBERT. Did you go in?

Mrs. CABELL. Yes; twice. Do you want me to tell you both times?

Mr. HUBERT. Yes, ma'am.

Mrs. CABELL. Well, this is a little difficult for me to tell.

Mr. HUBERT. Let me put it this way. What I am interested in is whether or not you saw Jack Ruby there. Did you know him prior to that time?

Mrs. CABELL. No.

Mr. HUBERT. Of course you have seen his pictures?

Mrs. CABELL. Since; but I had never seen him before.

Mr. HUBERT. Did you see him at any place that you went in the hospital, in front of the hospital, or about the hospital on that day?

Mrs. CABELL. No.

Mr. HUBERT. In order to know where you were, to exclude your seeing him there, would you tell us just what places you were?

Mrs. CABELL. In the hospital?

Mr. HUBERT. Were you out there for some time?

Mrs. CABELL. There came a time when it was necessary for me to find a ladies' room. I walked up to one of the many police officers at the door and I said, "Officer, I am Mrs. Earle Cabell." He said, "Yes, Mrs. Cabell, I know." I have no idea which officer it was. I said, "It is necessary for me to go into the ladies' room. Can you get me in?" He said, "I can try." He had quite a good deal of trouble getting me in and identifying me. They did not let me go in until a nurse's aid was brought to the door. They did not let me stay on the first floor where the emergency section was. They took me to the left. This nurse's aid took me to the left with the police officer following, and we crossed the cafeteria and went over toward the front of the building. The nurse's aid went into the ladies' room with me. The policeman stood at the door. We went back the same way.

Mr. HUBERT. Tell me who was guarding the front door so that there was some difficulty getting you in.

Mrs. CABELL. I do not know. An elderly man in shirt sleeves, that I remember. I assume he was a part of the hospital personnel. I don't really know that to be true.

Mr. HUBERT. Were there police or State police or city police?

Mrs. CABELL. They were everywhere.

Mr. HUBERT. But you mean they were checking people going into the hospital?

Mrs. CABELL. Yes. Then as I came in, the policeman escorted me back to our car. I sat there again, I do not know how much longer I sat, but somebody brought me a Coca-Cola. We, as you know, had nothing to eat or drink since coffee at Mr. and Mrs. Eric Jonsson's, where we gathered before going to Love Field. Then a man came up to me. I have to assume that he was a Secret Service man. He said, "Are you Mrs. Earle Cabell?" I said, "Yes." He said, "There are no ladies presently with Mrs. Kennedy. We feel that it might be nice if you go in." So I handed my partially drunk Coca-Cola to the

driver, and I went in with this man. Another thing that makes me think he had some authority was that this second time when we got to the door, this man said, "This is Mrs. Earle Cabell," and we walked right in.

Mr. HUBERT. He said that to whom?

Mrs. CABELL. The man at the door.

Mr. HUBERT. The same man that had been at the door before?

Mrs. CABELL. I assume it was. There was such a short time that elapsed. He took me down. You turn to the right as you went in the door down this very wide hall, and as we were going down the hall, we met my husband coming toward us going out. I looked at him and he said, "I will be back." So we walked on in to this smaller hallway which separated the emergency rooms, either side of them. Mrs. Kennedy was sitting just outside the door of Emergency Room No. 1 in a straight chair. I walked up to her—

Mr. HUBERT. She was alone?

Mrs. CABELL. She was alone. There were, I am sure, Secret Service men. There was a group of men standing behind her, but she was sitting alone. I walked up to her and I said, "Mrs. Kennedy, I am Elizabeth Cabell. I wish there was something that I could do to help." And in a very dazed manner she said, "Yes, I remember you gave me the roses." And somebody put a chair by her for me and we sat there for just a few moments. And she said, "I would like a cigarette." My purse was on the floor behind my chair. I turned around to pick up my purse to give her a cigarette, and when I turned back around, she was walking into Emergency Room No. 2. I judge that it was next to the President, the room the President's body was in, and her purse was on a carriage in that emergency room. She was fumbling in her purse, and I said to her, "I have a cigarette here for you." It was exactly as though she had not heard me. She didn't answer me at all, and she kept fumbling in her purse and finally she came up with a cigarette. Then she turned to me as though she had never seen me before, but said, "But I don't have a match." And I said, "I have a match here for you." I lighted her cigarette and she turned around and walked out of that emergency room. We went back to the two chairs outside of Emergency Room No. 1 and sat down.

Just at that time I looked up and saw a Catholic priest coming toward us. It was not Father Huber. It was a man I did not recognize. I later understood he was the Catholic chaplain of the hospital. I am not sure about that. I got up and walked a few steps to meet him, and I said, "Father, take my chair by Mrs. Kennedy." Which he did do. In the meantime, my husband had come back in, and I stepped back where my husband was standing, and we stood there until the casket was wheeled out.

Mr. HUBERT. Was any announcement made to Mrs. Kennedy of the death of her husband?

Mrs. CABELL. Not while I was in there. I am under the impression—you see, I was still sitting out in the car when they brought Vice President, I guess then, and Mrs. Johnson out and put them in the car and took them away.

Mr. HUBERT. Did you know of the President's death when you went to Mrs. Kennedy?

Mrs. CABELL. Congressman Roberts had come back to the car and said, "He is gone."

Mr. HUBERT. It is your impression that Mrs. Kennedy then knew of the death of her husband when you first came up to her?

Mrs. CABELL. That is my impression. We did not discuss it.

Mr. HUBERT. Now I understand that there was a telephone call received by you that was of a threatening nature?

Mrs. CABELL. Yes.

Mr. HUBERT. Would you tell us about that, please, ma'am? The time and so forth?

Mrs. CABELL. Yes; it was New Year's Eve. Of necessity, the security had asked us not to be out, that so many people had come in for the New Year's Day game, that they were uneasy. There was the possibility that Chief Justice Warren might come. There was the rumor that he might come. There was the

rumor that the President himself might come. We knew that the President's daughters were here, so they asked us not to wander around that night. We have spent New Year's night for many years with a very close group of friends, so we invited them to our home that night, but we explained to them that early in the evening and under rather heavy security, we went downtown to the Sheraton Hotel into a private suite to greet the Under Secretary of Navy and his wife. We stayed in this group possibly 30 or 40 minutes and then we went back to our home. At that time security had been lessened in our home. There were only two men with us at all times then. It had been much heavier earlier. The men had been in our home so long that they were like members of the family almost. They knew most of our guests because they had accompanied us on the Christmas parties and festivities that we went to. We were never without them.

We did not drive our own cars for 2 months. So most of these guests were known to the security officers that were in our home that night. But I am again hazy on the time. It must have been about 11 o'clock. I walked back into our bedroom for something, and the phone rang back there. I picked it up. This man's voice—it was not a kid, it was not a drunk—said, "Mrs. Cabell?" I said, "Yes." He said, "We are coming to kill that God damn mayor now." And hung up the phone.

Mr. HUBERT. Tell me, do you have a listed number?

Mrs. CABELL. An unlisted number. That is what startled us.

Mr. HUBERT. It is an unlisted number?

Mrs. CABELL. Yes; it is an unlisted number, and that is what startled us. I walked out of the bedroom through the living room, through the dining room, and into the kitchen and caught the eye of one of the security officers and motioned to him. He followed me back into the bedroom, and I closed the door and told him what had happened. He walked straight to the phone and called his superior officer.

Mr. HUBERT. Let me ask you, did this seem to be a local call, or long distance?

Mrs. CABELL. I have no way of knowing. When I picked up the phone and said "Hello," this man's voice said, "Mrs. Cabell."

Mr. HUBERT. And he said what you have just said, and that is all?

Mrs. CABELL. He hung up before I did. So Officer Beaty picked up the phone and called his superior. I had said to him, "Please ask what to do about our guests." Because there had always been the thinking among the security officers, the possibility of a bomb being thrown at the house.

Mr. HUBERT. Let me ask you, was your unlisted phone number carefully guarded or kept?

Mrs. CABELL. No, no. It was given to our church. It was given to the press. They all had it. They had to talk to Earle. It was given to some organizations to which we belonged. The thinking on our part was that we wanted to be available to responsible people. It was merely the crank calls that we were trying to avoid after Earle went in office.

Mr. HUBERT. So it was rather widely disseminated, and I suppose recorded by those people?

Mrs. CABELL. Who it had been given to; that's right. So it was not an impossible number to obtain. It couldn't be in Earle's position.

Mr. STOREY. (after shortly entering the room). Mr. Hubert, I might say I had trouble in finding it the one time I wanted to call the mayor.

Mr. HUBERT. Well, Mrs. Cabell, I have nothing more to ask you. If you have anything you would like to say concerning the subjects we have covered, or anything else pertinent to the inquiry, we would be glad to hear from you.

Mrs. CABELL. I do not know of anything that would be of any help except that from Earle's experience at Tupinamba, that somebody knew when those police cars pulled in and out of that driveway. There was always one facing the street. They were not squad cars. They were cars that the Special Service men drove. They were Galaxies, different color, but they all carried the license that people who knew about things like that could recognize them as being a police car. One evening Chief Curry called and talked to my husband and said things had been so quiet that if you and Mrs. Cabell feel all right about it, I am going to bring the boys in. And my husband said, "Now Chief, that has

always been up to you. Whatever you think, is what we want you to do. Within 30 minutes, I would say, after the security officers and the cars had gone, a threatening call came through the police switchboard, so within another 30 minutes the security was back.

Mr. HUBERT. Do you remember what that was?

Mrs. CABELL. No; I cannot give you the date.

Mr. HUBERT. How did you come to know of it?

Mrs. CABELL. I didn't know it until the next morning. The boys didn't come in the house that night. Earle didn't know it. We have a very trusted colored man who has been with us 26 years, and when he used his own key to come in the house next morning, I said, "Well, Phillip, I guess you miss our friends." And he said, "Mrs. Cabell, they haven't gone. They are outside." And I looked out the kitchen window and there they were. I went out——

Mr. HUBERT. You don't know, do you, whether that threatening call made reference to the fact that the security had been removed?

Mrs. CABELL. No; I do not. But the thinking on the part of the police was that somebody was watching that driveway, because the call came in within 30 minutes after the car had gone.

Mr. HUBERT. Have you anything else that you wish to say?

Mrs. CABELL. Only that, and days again escape me—I think it was the day of the President's funeral, my husband was in Washington. This can be verified, because by that time all of our phone calls were recorded. The phone rang early one afternoon, and I picked it up, and this man's voice said, "Mrs. Cabell." I said, "Yes." He said, "This is so-and-so—and the name I did not catch, or recall—said "I am with one of the news media. I would like to come out for an interview." Or words to that effect. And I said, "Well, Mr. Cabell is not here. You will have to talk to him about that." Then he said to me, "How heavily are you being guarded out there? Do you still have security?" And I don't know what I said, but I put it off. I passed it off. And by that time I had motioned to the security man that was in the next room, and he picked up the receiver, but the man had hung up by that time.

Mr. HUBERT. You mentioned that your calls were being recorded as early as the date of the President's funeral?

Mrs. CABELL. No; earlier.

Mr. HUBERT. Earlier?

Mrs. CABELL. Because the telephone men were out there within an hour after the shooting of Oswald.

Mr. HUBERT. They set up a recordation system whereby all calls could be recorded?

Mrs. CABELL. Yes.

Mr. HUBERT. Was that still on at the time of New Year's Eve?

Mrs. CABELL. No.

Mr. HUBERT. When was that removed?

Mrs. CABELL. I can't tell you. Sometime during that 2 months, but I cannot say when.

Mr. HUBERT. But you do not think it was on at the time of the New Year's Eve call?

Mrs. CABELL. I am sure it wasn't, because the little recording machine, or whatever it was, had been——

Mr. HUBERT. Soundscriber?

Mrs. CABELL. Had been removed, and I believe I am correct in saying that that was removed at the time, and I can't give you a date, that they cut down to only two officers at a time being with us. For a long time there were two with me and two with Earle and two at the house.

Mr. HUBERT. Mrs. Cabell, I don't think there was actually any conversation much before the recordation of your deposition began between us, but in any case, I think you will agree with me that nothing was covered during the unrecorded conversation we had that has not been recorded here?

Mrs. CABELL. As far as I know; that is true.

Mr. HUBERT. Thank you very much, ma'am.

Mrs. CABELL. Thank you.

TESTIMONY OF PHILLIP L. WILLIS

The testimony of Phillip L. Willis was taken at 2:30 p.m., on July 22, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Wesley J. Liebeler, assistant counsel of the President's Commission.

Mr. LIEBELER. Would you raise your right hand [standing]? 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. WILLIS. I do.

Mr. LIEBELER. Please sit down. My name is Wesley J. Liebeler. I am an attorney on the staff of the President's Commission investigating the assassination of President Kennedy. I have been authorized to take your testimony by the Commission pursuant to authority granted to it by Executive Order No. 11130, dated November 29, 1963, and joint resolution of Congress No. 137. Under the rules of the Commission's procedure, you are entitled to have an attorney present if you wish to have him here. You are entitled to 3 days' notice for the hearing, and you are entitled to exercise whatever privileges there are available to you as far as not answering questions are concerned. I assume that you are prepared to go ahead with your testimony without an attorney present, because you are here without one?

Mr. WILLIS. Absolutely.

Mr. LIEBELER. Would you state your full name for the record, please?

Mr. WILLIS. Phillip L. Willis.

Mr. LIEBELER. What is your address, sir?

Mr. WILLIS. 2824 Ava Lane, Dallas 27, Tex.

Mr. LIEBELER. When were you born?

Mr. WILLIS. August 2, 1918.

Mr. LIEBELER. Where?

Mr. WILLIS. Kaufman County, Tex.

Mr. LIEBELER. Have you lived in Texas throughout most of your life?

Mr. WILLIS. All my life, with the exception of my military service.

Mr. LIEBELER. How long have you lived here in Dallas?

Mr. WILLIS. Since April 1, 1960.

Mr. LIEBELER. What business are you engaged in, or by whom are you employed?

Mr. WILLIS. I am a retired major, Air Force, disabled World War II, and I am on disability retirement from the Air Force. I am an independent real estate broker.

Mr. LIEBELER. It is my understanding that you were in the vicinity of the Texas School Book Depository Building on November 22, 1963, at the time of the assassination; is that correct?

Mr. WILLIS. Yes, sir.

Mr. LIEBELER. Can you tell me where you were and what you saw happen, and what you did at that time?

Mr. WILLIS. I had a driver drop my family and I in the parkway so that we could have a chance to get a good view of the President's party, having taken my children out of school for the occasion. We were told by the policeman that they were coming down from Main Street approaching the area on Main, and I stood at the corner of Main and Houston and watched them approach. I am an amateur photographer, a poor one, but we wanted to get some good colored pictures of the President. So I photographed the President coming in front of the courthouse and making the turn onto Houston Street.

Mr. LIEBELER. Where did you station yourself at first? Were you at the corner, you say?

Mr. WILLIS. At the corner of Houston and Main.

Mr. LIEBELER. So that you saw him—

Mr. WILLIS. Across from the county jail on the parkway there near the esplanade.

Mr. LIEBELER. So you saw the motorcade coming down Main Street, did you?

Mr. WILLIS. Yes; we could see it for a block or two.

Mr. LIEBELER. Then the motorcade turned onto Houston and you took some pictures at that time?

Mr. WILLIS. I remained there until I got the shot of the President approaching the turn onto Houston Street, and being a personal friend of then Vice President Lyndon Johnson, we were anxious to get him in one, and did. Then I took a picture as they turned onto Houston Street. Then another one from the rear after they proceeded down Houston approaching the turn they were to make onto Elm. Then I immediately ran across the plaza, raced over to Elm Street and stationed myself on the curb in front of the Texas School Book Depository.

Mr. LIEBELER. You were there when the motorcade made a left turn on Houston and went down Elm Street; is that correct?

Mr. WILLIS. Yes; and I photographed the President. I was standing in front of the curb, as is shown in Life magazine, on the edge of the street, and I photographed the presidential car at not more than 10 feet because I didn't get the front or the rear of the car. I just got the occupants in the center. I was that close.

Mr. LIEBELER. Now you have indicated that you are depicted in a picture which is in the John F. Kennedy Memorial Edition of Life magazine in a picture that you said you were in the upper left-hand corner of page 4; is that correct?

Mr. WILLIS. Yes, sir.

Mr. LIEBELER. You are the individual who stands almost directly behind the first motorcycle policeman in that picture, and you are shown with a camera?

Mr. WILLIS. With my camera raised; yes, sir. The little girl in the red dress and white scarf and coat is my daughter.

Mr. LIEBELER. The farthest person in the right in the back of that picture?

Mr. WILLIS. The farthest person in that picture.

Mr. LIEBELER. Now did you stand at that particular spot the entire time, or did you move down Elm Street?

Mr. WILLIS. No, sir; I took that picture just seconds before the first shot was fired, to get back close up. Then I started down the street, and the regular weekly edition of Life magazine came out and shows me in about three different pictures going down the street. Then my next shot was taken at the very—in fact, the shot caused me to squeeze the camera shutter, and I got a picture of the President as he was hit with the first shot. So instantaneous, in fact, that the crowd hadn't had time to react.

Mr. LIEBELER. Now you have, as I understand it, a series of 12 slides, which apparently have been prepared by something called Phil Willis Enterprises, and which I understand is being marketed, at least in the Dallas area?

Mr. WILLIS. We haven't done anything with them as yet, but I am the only one, I am told, who has a complete set of the prints covering the last 25 seconds of the President's life and the assassination and the tragedy following.

I was so shocked I didn't sell any, like everyone did at the moment. And the same people who bought those said they would have been invaluable had I brought them to them, but it didn't dawn on me to do that. And later there has been so many requests because of the historical nature, that we felt compelled to make them available to the public.

Mr. LIEBELER. I have here a picture that has been marked Hudson Exhibit No. 1, which I now show you and I suggest to you that it is one of the pictures that is a picture made from one of the slides.

Mr. WILLIS. I made that picture.

Mr. LIEBELER. You made that picture yourself?

Mr. WILLIS. Yes, sir.

Mr. LIEBELER. That is the same as slide No. 5? In your series of slides?

Mr. WILLIS. That is correct.

Mr. LIEBELER. Can you tell us when that picture was made?

Mr. WILLIS. That picture was made at the very instant that the first shot was fired. As a matter of fact, the fellow standing on the ledge under the right-hand corner of the Stemmons Highway sign is a gentleman who took the last pictures

that appeared in Life, and his pictures showed that this instant with this sign in between the photographer and the President, shows that at this instant he had already grabbed his throat.

This was pointed out to the Secret Service and the Federal Bureau of Investigation. Picture No. 2 will verify that, in Life magazine. You see the highway sign that he has the rear of, is the one I have the front of. And as he approached this same sign in this film, he has already grabbed his throat. That is verified by that fact.

Mr. LIEBELER. Referring to the pictures on page 4 of the memorial edition of Life magazine. Picture No. 1 shows you standing, as we have already indicated, standing back with your camera?

Mr. WILLIS. Picture 2 shows the President just as the car comes from behind this sign, and it shows that he has already reached for his throat at that time.

Mr. LIEBELER. The sign in question is one that reads "Stemmons Freeway Keep Right", and the front of that sign appears in the picture that you took which is marked Hudson Exhibit No. 1?

Mr. WILLIS. The only one in that vicinity. It has to be the same one. You will also note in my first picture, he is facing the outside of the street and smiling and waving, and he had already turned his head the other way when I have the picture in question here from the rear.

That same picture from the other side of the street in Life shows he has grabbed his throat when they proceeded to that point of the sign in question.

Mr. LIEBELER. Go through that again. I didn't understand it. Let me remind you of this. When you mention a picture, let's try and refer to them by numbers, because if you do that, I won't have to repeat it again, because we have to get the numbers down on the record. You were making a point just a minute ago about something that I didn't understand. You were referring to some of the pictures in Life magazine, and also to Hudson Exhibit No. 1, which is the picture you took.

Mr. WILLIS. All right, sir, Hudson Exhibit No. 1, which is a copy of the picture I took, shows the President's car had proceeded almost past the "Stemmons Freeway Keep Right" sign. Referring back to panel No. 2 of the Life Memorial Edition of Life magazine on page 4, it shows that Mrs. Kennedy has her hand over her mouth, and the President has already grabbed his throat. That picture shows that his car has not passed the Stemmons sign completely.

Mr. LIEBELER. Yes.

Mr. WILLIS. Referring back to Hudson Exhibit No. 1, which I took, the President's car in fact has passed the Stemmons sign, and he has turned the opposite direction from the previous picture that I took close up, and it proves without question that at this instant the President had been hit.

Mr. LIEBELER. Now, you mentioned the picture that you took, the other picture that you took close up. Is that included in your set of slides here?

Mr. WILLIS. Yes, sir; it is slide No. 4, which you see doesn't include the front or the rear of the President's car, but the center. That is proving how close it was.

Mr. LIEBELER. Picture No. 4 in your group of slides was taken shortly before picture No. 5 was taken, is that right?

Mr. WILLIS. Yes, sir; not more than 3 seconds.

Mr. LIEBELER. Do you know which picture you were taking or you took at the time that is shown here in panel No. 1 of this memorial edition of Life magazine?

Mr. WILLIS. Yes, sir; the number just mentioned, slide No. 4, the closeup of the President directly in front of the Texas School Book Depository.

Mr. LIEBELER. Now from the time that you took No. 4, and when you took No. 4, you were standing as shown in picture No. 1 in Life magazine?

Mr. WILLIS. Correct.

Mr. LIEBELER. What did you do before you took No. 5, which we have marked here as Hudson Exhibit No. 1? Did you move down the street, or were you standing in the same place, or do you remember?

Mr. WILLIS. No, sir; as human nature would guide in an instance of this importance, I moved down the street slightly to try to get another view, and, of

course, I had the camera looking through the viewfinder to try to get another picture of him before he went out of range. I moved as far as I could within that 3 seconds.

Mr. LIEBELER. So you are not able to tell us exactly where you were when you took the picture that we have here as Hudson Exhibit No. 1, but it was a little bit farther on down Elm Street, still on the grassy area described by Elm and Main Street; is that correct?

Mr. WILLIS. Yes, sir; I can verify that where I was going back to Life magazine again, because this picture No. 2 on page 4 of the John F. Kennedy Memorial Edition of Life, there is a tree in the background. The only tree in that immediate vicinity on that side of the street. And the shadow of that tree is shown in slide No. 5 that I took, which would show my position.

Mr. LIEBELER. Yes. I see you would have to study just from where the sun was coming, but it could be determined where you were standing, and we could also apparently determine it by lining it up with across the street?

Mr. WILLIS. Off the record. Let me say this. You see in No. 1 shot where I am shown, you can see this shadow on the ground from this tree. This little bush—there is the shadow from the tree. This tree is on the ground, so if you look in my picture here, you can see the shadow in that picture. So you see that I did move down approximately this far.

Mr. LIEBELER. All right. Now, you are certain that the first shot was fired at approximately the time or shortly at approximately the time you took the picture that has been marked Hudson Exhibit No. 1; is that right?

Mr. WILLIS. I am positive.

Mr. LIEBELER. Do you remember hearing the shot?

Mr. WILLIS. Absolutely. I, having been in World War II, and being a deer hunter hobbyist, I would recognize a high-powered rifle immediately.

Mr. LIEBELER. Did you recognize this as a high-powered rifle?

Mr. WILLIS. Absolutely.

Mr. LIEBELER. And you heard it just about the time you took the picture that has been marked?

Mr. WILLIS. That's right.

Mr. LIEBELER. Prior to the time you took the picture, which is marked Hudson Exhibit No. 1?

Mr. WILLIS. Absolutely.

Mr. LIEBELER. How many shots were fired altogether, Mr. Willis?

Mr. WILLIS. Three shots.

Mr. LIEBELER. Do you have any question about that at all?

Mr. WILLIS. No, sir.

Mr. LIEBELER. Did you follow the car down Elm Street after you took the picture, which we have marked Hudson Exhibit No. 1?

Mr. WILLIS. I proceeded down the street and didn't take any other pictures instantly, because the three shots were fired approximately about 2 seconds apart, and I knew my little daughters were running along beside the Presidential car, and I was immediately concerned about them, and I was screaming for them to come back, and they didn't hear me. But I was concerned about them immediately, because I knew something tragic had happened, and the shots didn't ring out long like a rifle shot that is fired into midair in a distance. I knew it hit something, and it couldn't have been a firecracker or anything like that; so it impressed me, I remember, and after I found my daughters, I saw they were heading back toward their mother.

Mr. LIEBELER. Where was she?

Mr. WILLIS. She was back in the crowd looking through this concrete structure. How do you refer to that?

Mr. LIEBELER. Well, your wife was back closer toward the intersection of Main Street and Houston Street?

Mr. WILLIS. No; it is a very short distance when you stand in here. No; that is the one across the street—no; here she was. She was in between Main and Elm Streets, but real near Elm Street. In fact, she was only a few feet back from my daughters. She wasn't more than 40 feet from where the President was hit.

Mr. LIEBELER. So she was toward the triple underpass from the concrete structure on Dealey Plaza?

Mr. WILLIS. She was inside the concrete structure looking through an opening.

Mr. LIEBELER. Looking toward the triple underpass?

Mr. WILLIS. Toward the Texas School Book Depository where she had a clear view, and there were surprisingly few people there at that time—at that moment—and none in between her and the street to block her vision.

Mr. LIEBELER. Did you actually observe the President when he was hit in the head?

Mr. WILLIS. No, sir; I did not. I couldn't see that well, and I was more concerned about the shots coming from that building. The minute the third shot was fired, I screamed, hoping the policeman would hear me, to ring that building because it had to come from there. Being directly across the street from the building, made it much more clear to those standing there than the people who were on the side of the street where the building was.

Mr. LIEBELER. So you thought you had picked out a particular building at the time when you heard the shots?

Mr. WILLIS. Absolutely.

Mr. LIEBELER. What building was that?

Mr. WILLIS. The Texas School Book Depository Building.

Mr. LIEBELER. You were pretty sure?

Mr. WILLIS. I felt certain. I even looked for smoke, and I knew it came from high up.

Mr. LIEBELER. How did you know that?

Mr. WILLIS. I even observed the clock on top of the building, it was 12:33 when I looked up there.

Mr. LIEBELER. The clock on top of the School Book Depository?

Mr. WILLIS. There is a Hertz sign on top of the building, and it alternates the time of day and the temperature, and when I looked up, it was 12:33, and the temperature was 68 degrees, as shown in my slide on No. 12.

Mr. LIEBELER. So you did not actually observe the President at the time he was hit in the head?

Mr. WILLIS. No, sir; I was just taking a picture of him, and the presidential party in the car come through my viewfinder and my camera. But my little daughter ran back and said, "Oh, Daddy, they have shot our President. His whole head blew up, and it looked like a red halo."

Mr. LIEBELER. Which one? Is this the girl that is here today?

Mr. WILLIS. The little one was the one that made that remark. My youngest daughter, Rosemary. The one that is with me today also saw it, and she went back and told her mother the same thing. And her mother said, "Yes; I saw it."

Mr. LIEBELER. Now, did you see anything hitting in the street along the President's car as it went down Elm Street?

Mr. WILLIS. No, sir; I did not.

Mr. LIEBELER. You say there were three shots fired? You heard three shots fired?

Mr. WILLIS. Yes.

Mr. LIEBELER. Did you think that the President had been hit by the first shot?

Mr. WILLIS. I didn't really know, sir.

Mr. LIEBELER. You couldn't tell whether he was hit by the first shot? You couldn't tell whether he had been hit by the first shot or the second shot or the third shot, or by how many shots he had been hit?

Mr. WILLIS. No, sir; except this one thing might be worthy of mention. When I took slide No. 4, the President was smiling and waving and looking straight ahead, and Mrs. Kennedy was likewise smiling and facing more to my side of the street. When the first shot was fired, her head seemed to just snap in that direction, and he more or less faced the other side of the street and leaned forward, which caused me to wonder, although I could not see anything positively. It did cause me to wonder.

Mr. LIEBELER. You say that the President looked toward his left; is that correct? Toward the side of Elm Street that you are standing on, or which way?

Mr. WILLIS. In slide No. 4 he was looking pretty much toward—straight ahead, and she was looking more to the left, which would be my side of the street. Then when the first shot was fired, she turned to the right toward him and he more or less slumped forward, and it caused me to wonder if he were hit, although I couldn't say.

(Discussion off the record.)

Mr. LIEBELER. In order to clarify some of the discussion we have had about the various number of slides, I want to mark a set of your slides as Willis Exhibit No. 1 and I have initialed a set of these, Mr. Willis, with my own initials, and I will ask you to do the same thing for the purpose of identification so we know what we are talking about when we refer to this exhibit.

(Mr. Willis marks initials.)

Mr. LIEBELER. We have already established that the picture that has been marked as Hudson's Exhibit No. 1 is a print made from the negative or from slide No. 5 on Willis' Exhibit No. 1; is that correct?

Mr. WILLIS. Yes, sir.

Mr. LIEBELER. Did you have occasion to look up toward the railroad tracks that go across the triple underpass at any time, at about the time the President was shot?

Mr. WILLIS. Yes; I did, after the third shot was fired.

Mr. LIEBELER. Was there anybody up there? Did you see anybody up there on those railroad tracks?

Mr. WILLIS. Yes, sir; I had noticed before the President's arrival that there were spectators up there, but there were also policemen up there.

Mr. LIEBELER. You did see policemen up there?

Mr. WILLIS. Yes, sir; there were definitely policemen up there among the spectators.

Mr. LIEBELER. About how many spectators would you say were up there? Was there a big crowd?

Mr. WILLIS. No, sir; there was no big crowd in the area, actually. But I would say, and this is strictly a wild guess, maybe 2 dozen.

Mr. LIEBELER. Did you see any evidence of any shots having been fired from that direction?

Mr. WILLIS. No, sir; there was no doubt in my mind. I saw people falling on the ground and police officers racing over toward a concrete wall.

Mr. LIEBELER. Across the street from Elm Street?

Mr. WILLIS. Across the street from Elm Street on the same side as the School Book Depository, which goes down the hill toward the underpass, and the policemen started going over there, called to see if someone, evidently thinking it came from that direction, and then is when I started to ring this building. I knew it came from high above directly across the street from me, and that is the one thing I was absolutely positive about.

Mr. LIEBELER. You made that judgment from the sound of the shots?

Mr. WILLIS. From the sound, absolutely. And this may be verified by the fact that I took several pictures of the crowd immediately around that building.

Mr. LIEBELER. Yes; I notice.

Mr. WILLIS. I had no doubt about that, because I was that certain in my own mind.

Mr. LIEBELER. I don't think I have any other questions about these pictures, unless you can think of something else that you think I should have asked you about, that I have forgotten about.

Mr. WILLIS. In slide No. 6, people were still on the ground and I took that picture, knowing that the party had come to a temporary halt before proceeding on to the underpass, and I have an arrow there which shows the back of the Secret Service agent climbing onto the back of the presidential car.

Mr. LIEBELER. That is that far in the background, way in the back of the picture, or down toward the underpass of the street?

Mr. WILLIS. Yes; that would be the background.

Mr. LIEBELER. I think I would like to ask your daughter about three or four questions about what she saw of it. We might just bring her in while you are still here.

TESTIMONY OF LINDA KAY WILLIS

The testimony of Linda Kay Willis was taken at 3:15 p.m., on July 22, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Wesley J. Liebeler, assistant counsel of the President's Commission.

Mr. LIEBELER. Would you rise and raise your right hand and I will swear you as a witness. 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? Miss WILLIS. I do.

Mr. LIEBELER. As I told your father, I am an attorney for the President's Commission on the Assassination of President Kennedy, and he has told me that you were with him in the vicinity of the School Book Depository Building at the time of the assassination, and I wanted to ask you two or three questions about that.

First of all, would you state your name for the reporter, please?

Miss WILLIS. Linda Kay Willis.

Mr. LIEBELER. How old are you?

Miss WILLIS. I will be 15, July 29.

Mr. LIEBELER. Your father has told us that you were out in front of the School Book Depository Building along with your sister on the day of the assassination, and your mother and father were also there, is that correct?

Miss WILLIS. Yes, sir.

Mr. LIEBELER. Did you hear any shots, or what you later learned to be shots, as the motorcade came past you there?

Miss WILLIS. Yes; I heard one. Then there was a little bit of time, and then there were two real fast bullets together. When the first one hit, well, the President turned from waving to the people, and he grabbed his throat, and he kind of slumped forward, and then I couldn't tell where the second shot went.

Mr. LIEBELER. Now, you were standing right along the curb on Elm Street, is that right, when the motorcade came by across the street from the School Book Depository Building?

Miss WILLIS. Yes, sir.

Mr. LIEBELER. Did you follow the motorcade down Elm Street at all, or did you stand on the corner up toward Houston Street and watch from there?

Miss WILLIS. I was right across from the sign that points to where Stemmons Expressway is. I was directly across when the first shot hit him.

Mr. LIEBELER. Directly across from the sign that says, "Stemmons Freeway"?

Miss WILLIS. I was right in line with the sign and the car, and I wasn't very far away from him, but I couldn't tell from where the shot came.

Mr. LIEBELER. Did you just stay right there, or did you go on down Elm Street?

Miss WILLIS. I stayed there. I was on the corner across from the courthouse when the motorcade first came down Main Street, and when it turned the corner on Houston, well, I followed along the street with the car, and then he turned the corner on Elm and I stood there where the Stemmons sign is.

Mr. LIEBELER. Did you see the President get hit in the head?

Miss WILLIS. Yes.

Mr. LIEBELER. You actually saw the President get hit that way?

Miss WILLIS. Yes.

Mr. LIEBELER. How far away would you say that you were when you saw that?

Miss WILLIS. Oh, about twice as far as I am from here to this door. Maybe not quite that far.

Mr. LIEBELER. About 25 feet or so?

Miss WILLIS. About that.

Mr. LIEBELER. Now when you saw the President get hit in the head, did you hear any more shots after that?

Miss WILLIS. Yes; the first one, I heard the first shot come and then he slumped forward, and then I couldn't tell where the second shot went, and then the third one, and that was the last one that hit him in the head.

Mr. LIEBELER. You only heard three shots altogether?

Miss WILLIS. Yes; that was it.

Mr. LIEBELER. So you don't think there were any more shots after he got hit in the head?

Miss WILLIS. No.

Mr. LIEBELER. Did you recognize the noises that you heard as shots right away?

Miss WILLIS. No; when the first shot rang out, I thought, well, it's probably fireworks, because everybody is glad the President is in town. Then I realized it was too loud and too close to be fireworks, and then when I saw, when I realized that the President was falling over, I knew he had been hit. But I didn't know how badly.

Mr. LIEBELER. Okay, I just wanted to ask you about whether you heard any shots after the President got hit in the head, and if you didn't hear any more shots, that is really all I wanted to ask you about. Thank you very much.

Miss WILLIS. All right.

TESTIMONY OF HELEN MARKHAM

The testimony of Helen Markham was taken at 10 a.m., on July 23, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Wesley J. Liebler, assistant counsel of the President's Commission.

Mr. LIEBELER. Will you stand and take the oath, please? Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. MARKHAM. I do.

Mr. LIEBELER. My name is Wesley J. Liebler [spelling] L-i-e-b-e-l-e-r. I am an attorney on the staff of the President's Commission investigating the assassination of President Kennedy. I have been authorized to take your testimony for the Commission pursuant to authority granted it by the President in Executive Order No. 11130, dated November 29, 1963, and joint resolution of Congress No. 137. I think you are somewhat familiar with the proceedings of the Commission because you have already testified before the Commission in Washington; is that right?

Mrs. MARKHAM. Yes; but you know, I don't know nothing about the Kennedy—President Kennedy.

Mr. LIEBELER. I understand you were there when Oswald shot Officer Tippit?

Mrs. MARKHAM. Yes; that's right.

Mr. LIEBELER. Since you are familiar with the Commission's procedure, I'll just go right into your testimony. I wanted to ask you some questions about some of the things you told the Commission when you appeared before it on March 26, 1964, when Mr. Ball took your testimony before the Commission.

Mrs. MARKHAM. Yes.

Mr. LIEBELER. Do you remember at that time that Mr. Ball asked you the question, "Did you ever talk to a New York lawyer who said he was from New York?" And that you answered, "No, sir." Mr. Ball then asked you, "Did you ever talk to a lawyer who was investigating the case on behalf of the deceased man, Lee Oswald?" Your answer was, "No, sir." Mr. Ball asked, "Did you ever talk to a man who said he was representing the mother of Lee Oswald?" And you answered, "No, sir." And then Mr. Ball asked you, "You don't remember ever talking to a man named Mark Lane?" And then you answered, "No, sir."

Mrs. MARKHAM. Right.

Mr. LIEBELER. Do you remember giving that testimony at that time?

Mrs. MARKHAM. Yes, sir.

Mr. LIEBELER. Have you ever talked to Mark Lane?

Mrs. MARKHAM. No; I haven't—I haven't never seen the man in my life.

Mr. LIEBELER. Have you ever talk to Mark Lane on the telephone?

Mrs. MARKHAM. No.

Mr. LIEBELER. And you remember that Congressman Ford specifically, and Mr. Dulles, asked you whether or not you had talked to Mark Lane on the telephone and you told them at that time that you had not talked to Mark Lane?

Mrs. MARKHAM. No, sir; I have never seen the man. If he was to come in here, I wouldn't know who he was.

Mr. LIEBELER. Now, aside from the fact you have never seen the man, you also told the Commission when you were in Washington that you had never talked to him over the telephone?

Mrs. MARKHAM. Right.

Mr. LIEBELER. Have you talked to Mark Lane over the telephone since you were in Washington, before today?

Mrs. MARKHAM. No, sir.

Mr. LIEBELER. You have never talked to Mark Lane over the telephone?

Mrs. MARKHAM. No, sir; no, sir. Now, the old lady, and they told me they were reporters, came to my house.

Mr. LIEBELER. Right, but you have no recollection of ever talking to him yourself?

Mrs. MARKHAM. I never even talked to her even.

Mr. LIEBELER. Well, now, I'll tell you very frankly, that we have a tape recording of a conversation that purports to be a conversation between you and Mark Lane on the telephone and I have a transcript which we will mark as Markham Exhibit No. 1—

Mrs. MARKHAM. Let me tell you now—

Mr. LIEBELER. I ask you to read the transcript and I will make arrangements—I hadn't thought you would be here until 1 o'clock this afternoon, so I don't have a tape recorder here, but I think I can have the Secret Service bring one over. Would you like to hear the tape, so you can tell us whether or not that is your voice?

Mrs. MARKHAM. Yes; sure.

Mr. LIEBELER. Let me make arrangements then to have the Secret Service bring the tape recorder on over and we will see if it is your voice.

Mrs. MARKHAM. I am going to tell you this, now, there was someone—let me tell you this—there was someone one day—this was all to me—I was scared, and I was, you know, frightened, and one day—now, this brings me back—the memories [referring to the transcript heretofore mentioned]. One day on my job there was someone that called, but he told me he was from the city.

Mr. LIEBELER. From here in Dallas?

Mrs. MARKHAM. That's right; the city hall down here, and this man told me he was—now, I can tell you what he told me he was—he said he was Captain Fritz—over this telephone—Capt. Will Fritz and I know you are familiar with him, maybe. Now, he said he was Captain Fritz with the police department of the city of Dallas.

Mr. LIEBELER. Well, this transcript indicates that someone called a number, a telephone number—do you remember the telephone number at your office where you worked; were you working?

Mrs. MARKHAM. Yes; I was working down here on Main Street.

Mr. LIEBELER. Do you know what the telephone down there is?

Mrs. MARKHAM. No; I have really forgotten it, but it was over this office phone. It's a Riverside 8 number.

Mr. LIEBELER. Is there such a number as Matthew 7-6797?

Mrs. MARKHAM. No, sir.

Mr. LIEBELER. Or is there such a number as MA 7-6797, is there such a number as that that you know of?

Mrs. MARKHAM. No, sir.

Mr. LIEBELER. This transcript here indicates that some gentleman called this number here, Matthew 7-6797.

Mrs. MARKHAM. My number at home is Whitehall and this number that I worked at was Riverside 8.

Mr. LIEBELER. Well, I think what we should do is have the Secret Service bring a tape recorder here, because I want you to listen to this conversation, and if it is not your voice, we certainly want to know that.

Mrs. MARKHAM. Sure, and this man—what this man told me—he told me he

was from the Dallas Police Department and he said it was concerning the Oswalds and they had to get a little more information from me.

Mr. LIEBELER. Well, let me call the Secret Service.

Mrs. MARKHAM. And listen, that was the only call that I know of. You see, I kept racking my brain thinking back, you know.

Mr. LIEBELER. Why don't we suspend momentarily and as soon as the Secret Service man brings the tape recorder over here, which should be within a short time, a half an hour, we will play the tape.

Mrs. MARKHAM. All right.

(At this point the proceedings were recessed and resumed at 11:40 a.m., as follows:)

Mr. LIEBELER. This is Mr. John Joe Howlett with the Secret Service and he has brought over the tape recorder and has put the tape on it and we will continue with your deposition, Mrs. Markham. Mr. Howlett, with the U.S. Secret Service, will operate the tape recorder and I will ask you, Mrs. Markham, to listen to this conversation and tell us whether or not this is an accurate reflection of a conversation that you had over the telephone some time ago?

The COURT REPORTER. How much of this tape recording do you want on the record here?

Mr. LIEBELER. I don't want any of this on the record now; however, I will give you, Mrs. Markham, a transcript of this telephone conversation to review and follow along, if you will. This memorandum consists of 29 pages appearing on the letterhead of the Federal Bureau of Investigation, dated July 16, 1964, and I want you to see if that is not in fact a transcript, a typed copy of what is on this tape.

Mrs. MARKHAM. Yes; I'll watch this.

(At this point Mr. Howlett proceeded to play the tape recording of the telephone conversation heretofore referred to and when the witness, Mrs. Markham, began to indicate reactions to the recorded conversation, the reporter resumed recording same as hereinafter shown and the record here begins with the question and answer at the time Mrs. Markham began indicating her reactions.)

"Mr. LANE. I wonder if you would be good enough to tell me—I have your affidavit which you gave the police on that date.

"Mrs. MARKHAM. Yes, sir.

"Mr. LANE. And I have read that, of course, and I wonder if you would be good enough to talk to me?"

Mr. LIEBELER. You are shaking your head, as you listen to this tape recorder, Mrs. Markham.

John Joe, let's stop the recorder for a moment. What do you mean to indicate by that?

Mrs. MARKHAM. I never talked to that man.

Mrs. LIEBELER. Is that not your voice on the tape?

Mrs. MARKHAM. I can't tell about my voice, but that man—I never talked to no woman or no man like that.

Mr. LIEBELER. Well, we will play the recording some more, and are you following it along, Mrs. Markham?

Mrs. MARKHAM. Yes; I am right here.

Mr. LIEBELER. And does this memorandum appear to be an accurate and exact transcript of the recording?

Mrs. MARKHAM. That man—whoever that man is—I don't know, but it says, "Mark Lane." No, sir—I'll tell the truth (raising right hand) and those words that he's saying—that's nothing like the telephone call I got—nothing.

Mr. LIEBELER. Let's continue with the recording and see if you recognize your voice here on the tape.

"Mr. LANE. Tell me the description of the man whom you saw.

"Mrs. MARKHAM. This is an office business phone and I just can't tell you that. I don't have the time to.

"Mr. LANE. Well, could you just give me one moment and tell me—I read where you told some of the reporters that he was short and stocky and had bushy hair.

"Mrs. MARKHAM. No, no; I did not say that.

"Mr. LANE. You did not say that?

"Mrs. MARKHAM. No, sir.

"Mr. LANE. Would you say that he was stocky?
"Mrs. MARKHAM. He was short.
"Mr. LANE. He was short?
"Mrs. MARKHAM. Yes.
"Mr. LANE. And was he a little on the heavy side?
"Mrs. MARKHAM. Not too heavy.
"Mr. LANE. Not too heavy, but slightly heavy?
"Mrs. MARKHAM. Well, he was—no—he didn't look too heavy.
"Mr. LANE. He wasn't too heavy and would you say that he had a rather bushy kind of hair?"
Mrs. MARKHAM. Yes; that's my voice.
"Mrs. MARKHAM. Yes; just a little bit bushy.
"Mr. LANE. It was a little bit bushy?
"Mrs. MARKHAM. Yes.
"Mr. LANE. Yes. Was there anybody else around when you saw this happen?
"Mrs. MARKHAM. No, sir; I didn't see anyone.
"Mr. LANE. There was no one else there. Did you ever have a chance to see Mr. Oswald when he was alive, I mean after he was arrested, did they bring you down to look at him?
"Mrs. MARKHAM. I saw him on the lineup.
"Mr. LANE. Yes. Did he look anything like the man who shot Oswald?
"Mrs. MARKHAM. I identified him.
"Mr. LANE. You identified him as the man who did shoot him. Did anyone point him out to you at that time as the man?
"Mrs. MARKHAM. In the lineup?
"Mr. LANE. Yes.
"Mrs. MARKHAM. No; they did not.
"Mr. LANE. Did they tell you who it might be?
"Mrs. MARKHAM. They didn't tell me one thing.
"Mr. LANE. No. Do you recall what the gentleman was wearing who shot Officer Tippit?
"Mrs. MARKHAM. Yes, sir.
"Mr. LANE. How was he dressed?
"Mrs. MARKHAM. He had on a light gray looking jacket.
"Mr. LANE. Yes.
"Mrs. MARKHAM. Kind of dark trousers.
"Mr. LANE. Dark trousers?
"Mrs. MARKHAM. Uh-huh.
"Mr. LANE. And did you see what color shirt?
"Mrs. MARKHAM. No; I could not.
"Mr. LANE. The jacket was open or closed?
"Mrs. MARKHAM. Yes, sir; it was zipped up a little bit—the neck was closed—pretty close too.
"Mr. LANE. Well, as I said, I have read your affidavit and it indicates the police car stopped and then this man walked over to it and leaned on it and placed his arms up against the car.
"Mrs. MARKHAM. Up in the window.
"Mr. LANE. In the window?
"Mrs. MARKHAM. Yes.
"Mr. LANE. You didn't see the police officer call him over, did you?
"Mrs. MARKHAM. Yes; I seen the police car stop—I seen it all.
"Mr. LANE. I beg your pardon?
"Mrs. MARKHAM. Yes, sir; I seen the police car stop.
"Mr. LANE. You heard the police car stop?
"Mrs. MARKHAM. I seen it.
"Mr. LANE. You saw it stop and then Oswald or this gentleman, whoever it was, walked over to the car?
"Mrs. MARKHAM. Yes, sir; he walked over to the car.
"Mr. LANE. You didn't see the officer call him over, though, did you?
"Mrs. MARKHAM. He rolled down the window.
"Mr. LANE. He did what?
"Mrs. MARKHAM. He rolled down his window.

"Mr. LANE. The officer rolled down the window?

"Mrs. MARKHAM. Yes; uh-huh.

"Mr. LANE. Of course, you didn't put that in your affidavit.

"Mrs. MARKHAM. Sir?

"Mr. LANE. That was not in your affidavit.

"Mrs. MARKHAM. It should have been.

"Mr. LANE. It should have been—you told that to the officers?

"Mrs. MARKHAM. Yes, sir; he had to have the window rolled down, because, you see, he leaned over in the window.

"Mr. LANE. I see. Now, did you tell the officers at the police station when they questioned you, the description of the man who shot Tippit?

"Mrs. MARKHAM. I told them that at the scene of the murder.

"Mr. LANE. You told the officers the description?

"Mrs. MARKHAM. Yes, sir.

"Mr. LANE. Did you say that he was short and a little bit on the heavy side and had slightly bushy hair?

"Mrs. MARKHAM. No; I did not. They didn't ask me that.

"Mr. LANE. They never asked you his description?

"Mrs. MARKHAM. Yes; they asked what he was wearing.

"Mr. LANE. Just what he was wearing?

"Mrs. MARKHAM. Yes, sir.

"Mr. LANE. But they never asked you how he was built or anything like that?

"Mrs. MARKHAM. No, sir.

"Mr. LANE. Well, you went to the police station where they took your affidavit, right?

"Mrs. MARKHAM. Yes."

Mr. LIEBELER. Now, you are shaking your head at this point.

Miss Reporter, you are taking the transcript down.

The REPORTER. Yes.

Mr. LIEBELER. Now, at this point you were shaking your head, what do you mean by that?

Mrs. MARKHAM. This man—I have never talked with. This lady was never on the telephone. This man that called me like I told you, he told me he was from the city hall, the police department, the police department of the city hall.

Mr. LIEBELER. Well, now, do you remember having this conversation with somebody?

Mrs. MARKHAM. Yes; I do, but he told me he was from the police department of city hall and he had to get some information, a little more information from me. That was my boss that told me—the one that said, "Wait a minute," that was my boss, Mr. Sam Gambolus.

Mr. LIEBELER. And you received this call at the place where you work?

Mrs. MARKHAM. Yes.

Mr. LIEBELER. Do you remember specifically that when the telephone calls started, that this man told you he was from the city hall of the police department?

Mrs. MARKHAM. Yes, sir; yes, sir; right. Because—you see—I had got a call from a man, but it was—I found out later, because the lady had called me back, it was from Mr. Tippit's sister, and I had told them that I couldn't talk, you know, I was busy on my job and this man told me that he was from the police department of the city hall and he had to get a little more information and it wouldn't take much of my time, and so I got permission from this boss, Mr. Gambolus, to talk with this man. Now, he told me that.

Mr. LIEBELER. Now, did he tell you he was from the police department?

Mrs. MARKHAM. Yes, sir.

Mr. LIEBELER. Now, on this tape recording right here, this man is asking you what the police did.

Mrs. MARKHAM. I know it.

Mr. LIEBELER. And he said they—the police took you and took your affidavit.

Mrs. MARKHAM. That man—I have never talked to that man. I talked to a man that was supposed to have been from the police department of the city hall.

Mr. LIEBELER. Do you recognize this as the voice of the man you talked to?

Mrs. MARKHAM. No; it is not.

Mr. LIEBELER. This is not the same voice?

Mrs. MARKHAM. No.

Mr. LIEBELER. How do you explain the fact that the woman's voice on this tape recording is your voice?

Mrs. MARKHAM. I never heard that.

Mr. LIEBELER. You never heard the man's voice before?

Mrs. MARKHAM. And I never heard this lady's voice before—this is the first time.

Mr. LIEBELER. Do you have any doubt in your mind at all that the lady's voice on the tape now is your voice?

Mrs. MARKHAM. It is my voice, but this man told me he was from the city police.

Mr. LIEBELER. Did it occur to you as you were talking to him—when he said, for example, on the tape here just a few minutes ago, did you tell the officers—you told this person you were talking to on this tape that you saw the police car stop and that this man walked over to the car and that the officer had rolled the window down and this man's voice said you did not put in the affidavit that you had seen the officer roll the window down.

Mrs. MARKHAM. Man, I have never heard such a thing as this.

Mr. LIEBELER. At the bottom of page 6 he says, "I see. Now, did you tell the officers at the police station, when they questioned you, the description of the man who shot Tippit?"

You couldn't have thought he was from the police department if he was asking you what you were telling the police before—do you agree with me?

Mrs. MARKHAM. Yes; but he told me he was from the police department and he had to get some information from me and I wanted to get back to my work.

Mr. LIEBELER. So, it is your testimony that even though you engaged in this conversation here, the man—when he started out, he told you that he was from the police department; is that right?

Mrs. MARKHAM. Yes, sir; I wouldn't have never talked to this man. Just like if I get a telephone call I say, "You know where I am at, come down to see me." He told me he was from the police department and this lady never talked to me.

Mr. LIEBELER. Which lady is that?

Mrs. MARKHAM. On this tape.

Mr. LIEBELER. Which lady on the tape?

Mrs. MARKHAM. It was a woman talking.

Mr. LIEBELER. The lady's voice that was talking on the tape here?

Mrs. MARKHAM. Yes.

Mr. LIEBELER. I thought that was your voice?

Mrs. MARKHAM. Not at the first there.

Mr. LIEBELER. Not at the first—you mean the telephone operator, the one that was the telephone operator? The tape here indicates that the long-distance telephone operator or some telephone operator called you to the telephone and a man answered the telephone.

Mrs. MARKHAM. No; my boss called me to the telephone.

Mr. LIEBELER. So, when you came to the telephone it was this man on the telephone and he told you that he was from the police department?

Mrs. MARKHAM. Yes, sir.

Mr. LIEBELER. And then you engaged in this telephone conversation?

Mrs. MARKHAM. Yes; he certainly did.

Mr. LIEBELER. So that, in fact, your testimony is that you had never had anybody introduce themselves to you as Mark Lane?

Mrs. MARKHAM. No, sir.

Mr. LIEBELER. And you haven't talked to him over the telephone?

Mrs. MARKHAM. No, sir; and so help me [raising right hand] I did not.

Mr. LIEBELER. You don't have any doubt, however, that you did engage in this particular conversation, except that you are having trouble at the beginning and end of it because you said that the man told you that he was from the police department when he called?

Mrs. MARKHAM. Yes, sir; he certainly did. I know he did.

Mr. LIEBELER. Did you ever tell anybody that this man who shot Officer Tippit was short and stocky and had bushy hair?

Mrs. MARKHAM. No. [Handed instruments to Mr. Liebeler.]

Mr. LIEBELER. You have brought a couple of pieces of paper here that you want me to look at?

Mrs. MARKHAM. Please—this here doesn't make sense and let me show you—I don't know what to think about it, but I got this, but my daughter wouldn't let me have it because I was very upset at the time and I don't know what it even means.

Mr. LIEBELER. Let the record show that the witness has handed me a piece of paper, a single sheet of paper enclosed in an envelope of the Statler-Hilton Hotel in Dallas and postmarked Dallas, Tex., July 11, 1964, and addressed to Mrs. Helen Markham at 328 East Ninth Street in Dallas, and the letter has a return address of P.O. Box 2897, Dallas 21, Tex. It is dated July 10, 1964, and it is addressed to Mrs. Markham and it says, "At your convenience, would you kindly call me Saturday or any weekday morning between 9 a.m. and 12 noon. I would like the opportunity of discussing a matter which I believe will be mutually profitable. Sincerely, James Kerr."

We will mark the envelope and the letter as Markham Deposition Exhibit No. 2. I have marked the letter as indicated and I have put my initials on it and would you put your initials on it, Mrs. Markham, so we don't have any trouble identifying it in the future.

Mrs. MARKHAM. Just my initials?

Mr. LIEBELER. Yes; just your initials.

(Mrs. Markham initials instrument referred to.)

Mr. LIEBELER. Now, did you ever call this Mr. Kerr?

Mrs. MARKHAM. Now, where at—there wasn't no telephone or nothing. It gives a post office box is all I saw.

Mr. LIEBELER. You never looked the telephone number up in the book or anything like that?

Mrs. MARKHAM. No; I didn't. There are so many Kerrs—you never know who it is.

Mr. LIEBELER. Now, the envelope has the telephone listing on it—RI 9-3195; did you notice that?

Mrs. MARKHAM. Well, I called that number off of that.

Mr. LIEBELER. Do you remember whose number that is?

Mrs. MARKHAM. No; I believe it was either the police department—I don't know, but I called.

Mr. LIEBELER. You also have a telegram you want me to look at?

Mrs. MARKHAM. Yes; I do.

Mr. LIEBELER. You never did talk to this Mr. Kerr; is that right?

Mrs. MARKHAM. No, sir; that's all I've gotten. I want you to see what you think about that.

Mr. LIEBELER. The witness has produced a telegram dated July 21, apparently 1964, and addressed to her, which reads as follows:

"Dear Mrs. Markham:

"The United States Information Agency is preparing a televised report on the findings of the Warren Commission.

"To aid us in our objectives, we have requested the on-camera presence of President Johnson, the Commission members and selected witnesses who have given testimony here in Washington. We would like to request your cooperation in appearing on our program. In our opinion, your presence and perhaps a statement of your feeling and of your feelings in truthful note and fashion will serve to alleviate the tension and misgivings following the death of Officer Tippit and, of course, the other Dallas tragedies. I would be most anxious to have your reaction and will contact you personally concerning our request.

"I look forward to talking with you.

"Sincerely, Buck Richard Pennington, Producer, Television Service. U.S. Information Agency, Washington 25, D.C., phone Worth 2-0319."

When did you receive this?

Mrs. MARKHAM. Well——

Mr. HOWLETT. Just a moment, I talked to Mrs. Markham about this—she called me on the telephone about that. The U.S. Information Agency is a legitimate Government organization and they are planning to do this. They have contacted us to assist them in the location of some witnesses and we checked with our office in Washington and they came back and told us it was a legitimate venture, but we were, the Secret Service, was engaged with the Commission and that we wouldn't be able to help, but it is supposed to be a legitimate operation.

Mr. LIEBELER. So, you have discussed this with Agent Howlett, is that right, as he indicated?

Mrs. MARKHAM. Now, this man—Buck Pennington?

Mr. LIEBELER. Yes.

Mrs. MARKHAM. He called me right after I got this telegram and whatever you think—he wanted me to come up there Monday or Tuesday. Do you think it would be all right?

Mr. LIEBELER. Well, neither one of us is in a position to give you any advice on that at all, Mrs. Markham.

Mrs. MARKHAM. Well, who do I go to? I don't want to do something wrong. I've done talked to somebody, I didn't know who I was talking to.

Mr. LIEBELER. I suggest you write a little note to Mr. Rankin, general counsel of the Commission's staff in Washington and ask him what he thinks you should do.

Mrs. MARKHAM. Would you write that address down?

Mr. LIEBELER. Would you give her that address, Joe? Afterward.

Mr. HOWLETT. That's Mr. Rankin's address in Washington?

Mr. LIEBELER. Yes.

Mrs. MARKHAM. I don't know if it would be all right to go up there and do that or not.

Mr. LIEBELER. Well, why don't you write to Mr. Rankin and he will handle that aspect of it.

Now, I want to mark this transcript, Mrs. Markham, and we have listened to the tape—not all the way through, but part of the way through, to about page 6, and you followed it through to that extent, have you not?

Mrs. MARKHAM. Yes.

Mr. LIEBELER. And you are satisfied that to the extent we have listened to the tape, that it is accurately set forth in this memorandum?

Mrs. MARKHAM. Yes.

Mr. LIEBELER. Is that correct?

Mrs. MARKHAM. Yes; but that man is wrong. Why would anybody want to do anything like that?

Mr. LIEBELER. Would you put your initials on that memorandum, please?

Mrs. MARKHAM. Yes; may I use a pencil?

Mr. LIEBELER. Yes.

Mrs. MARKHAM. I just wrote Markham down there.

Mr. LIEBELER. All right. Thank you very much, Mrs. Markham. I don't have any other questions at this time.

Mrs. MARKHAM. Well, that just worries me.

Mr. LIEBELER. Well, we will have to do further investigation into this.

Mrs. MARKHAM. Because he told me he was from the police department. It never dawned on me. You know, I was in a hurry to get back because I was going to get fired if I didn't get back.

Mr. LIEBELER. Thank you very much, Mrs. Markham.

Mrs. MARKHAM. Well, will I get in any trouble over this?

Mr. LIEBELER. I don't think so, Mrs. Markham. I wouldn't worry about it. I don't think anybody is going to cause you any trouble over that [referring to the telegram].

Mrs. MARKHAM. That was dirty in that man doing that.

Mr. LIEBELER. Pardon?

Mrs. MARKHAM. That was dirty in that man doing that.

Mr. LIEBELER. Well, I would think that's right.

Mrs. MARKHAM. Well, he's not no better than Oswald—that's right.

Mr. LIEBELER. Thank you, Mrs. Markham, very much.

TESTIMONY OF MRS. DONALD BAKER

The testimony of Mrs. Donald Baker was taken at 11:50 a.m., on July 22, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Wesley J. Liebeler, assistant counsel of the President's Commission.

Mr. LIEBELER. Before you sit down, will you raise your right hand and please take the oath? 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?

Mrs. BAKER. I do.

Mr. LIEBELER. Mrs. Baker, my name is Wesley J. Liebeler. I am an attorney on the staff of the President's Commission investigating the assassination of President Kennedy. I have been authorized to take your testimony by the Commission, pursuant to authority granted to it by Executive Order 11130, dated November 29, 1963, and the joint resolution of Congress No. 137. Under the rules of the Commission, you are entitled to have an attorney present and you are entitled to 3 days' notice of the hearing. You don't have to answer any questions that you think would violate any of your constitutional rights. I presume from the nature of the testimony that we are going to ask you about that you don't want your attorney present and that you are willing to proceed with the testimony at this point; is that correct?

Mrs. BAKER. Yes, sir.

Mr. LIEBELER. Would you state your full name for the record, please?

Mrs. BAKER. Mrs. Donald Baker.

Mr. LIEBELER. Have you been married since the 22d of November 1963?

Mrs. BAKER. February 1, 1963.

Mr. LIEBELER. You were married on February 1, 1963?

Mrs. BAKER. Yes, sir.

Mr. LIEBELER. Are you Virgie Rachley or is that somebody else?

Mrs. BAKER. That's me.

Mr. LIEBELER. How come I have your name as Virgie Rachley and also Mrs. Donald S. Baker?

Mrs. BAKER. I don't know.

Mr. LIEBELER. Well, I have a report from the FBI that is dated November 24, 1963, and they refer to you as Virgie Rachley in that report, but you had already been married at that time; is that correct?

Mrs. BAKER. I married this year.

Mr. LIEBELER. Oh, February of 1964?

Mrs. BAKER. This is 1964—I'm sorry.

Mr. LIEBELER. That's right. Now, we've got it. You were Virgie Rachley on November 24, 1963, and you were married in February 1964.

Mrs. BAKER. Yes; that's right.

Mr. LIEBELER. I understand that you were employed at the time of the assassination as a bookkeeper at the Texas School Book Depository; is that correct?

Mrs. BAKER. Yes.

Mr. LIEBELER. How long had you worked there?

Mrs. BAKER. Well, I have been there since July 16, 1963.

Mr. LIEBELER. Last year?

Mrs. BAKER. Yes.

Mr. LIEBELER. Did you ever meet Lee Harvey Oswald or have occasion to see him while you were employed at the Texas School Book Depository?

Mrs. BAKER. I had seen him.

Mr. LIEBELER. You had seen him?

Mrs. BAKER. Yes.

Mr. LIEBELER. Had you ever said anything to him or talked to him at all?

Mrs. BAKER. No, sir.

Mr. LIEBELER. Did you form any impression of him just from seeing him around the building?

Mrs. BAKER. Just that he was awful quiet.

Mr. LIEBELER. Other than that, did you form any impression of him at all?

Mrs. BAKER. No, sir.

Mr. LIEBELER. Tell me what happened on the 22d of November in connection with the motorcade, would you please, what you saw and what you did?

Mrs. BAKER. Well, we came out of the building across the street at approximately 12 or 12:15 and we stood out in front, directly in front of the Depository Building and as the motorcade came by the President waved and he got down—

Mr. LIEBELER. Where were you standing at this point, at the time the motorcade came along?

Mrs. BAKER. Well, there is a divisional line—I don't know exactly what you would call it—the little part of the street that runs in front of the Depository and then there is—I don't know what you would call it—the grassy stuff that comes out to form the plaza along the front.

Mr. LIEBELER. You say there is a little street that runs immediately in front of the School Book Depository Building; is that right?

Mrs. BAKER. Yes.

Mr. LIEBELER. Do you know if that street has a name or not?

Mrs. BAKER. I'm sure it doesn't—I have never seen one.

Mr. LIEBELER. And then after that little street that runs right in front of the Depository Building, there is a little strip of grass with some trees on it; is that correct?

Mrs. BAKER. Yes.

Mr. LIEBELER. And then comes Elm Street; is that right?

Mrs. BAKER. Yes.

Mr. LIEBELER. And on the other side of Elm Street there is a sort of a triangular plot of grass.

Mrs. BAKER. I guess you could say we were standing just at the edge of Elm Street at the side of the Depository because we were out almost in the street—Elm Street.

Mr. LIEBELER. Elm Street is separated from another street that runs down through the triple underpass. Do you know the name of that street that runs right down here—I am showing you Commission Exhibit No. 354, an aerial view of the street that runs by and three streets converge and go under the railroad tracks and that's the triple underpass.

Mrs. BAKER. I think that goes out to Stemmons Expressway or leads into Stemmons Expressway.

Mr. LIEBELER. The street that runs right down through here, the middle, is that Main Street?

Mrs. BAKER. That would be Main Street and this one would be Commerce.

Mr. LIEBELER. Now, can you point to me approximately where you were standing?

Mrs. BAKER. Let me find the building here—it would be right here—we were standing right at the edge, approximately directly in front of the building or at the edge of the building; we were standing right here.

Mr. LIEBELER. So, you were standing directly in front of the Texas School Book Depository Building and on the same side of Elm Street that the Texas School Book Depository is located?

Mrs. BAKER. Yes.

Mr. LIEBELER. Tell me what you saw?

Mrs. BAKER. Well, after he passed us, then we heard a noise and I thought it was firecrackers, because I saw a shot or something hit the pavement.

Mr. LIEBELER. And you heard that immediately after the first noise; is that right?

Mrs. BAKER. Yes.

Mr. LIEBELER. Could you tell or did you have any idea where the noise came from when you first heard it?

Mrs. BAKER. No; I thought there were some boys standing down there where he was—where the President's car was.

Mr. LIEBELER. Down farther on the street, you mean?

Mrs. BAKER. Yes; close to the underpass.

Mr. LIEBELER. Had the President's car already passed you at the time you heard the first noise?

Mrs. BAKER. Yes.

Mr. LIEBELER. Can you tell me approximately how far down the street it had gone when you heard the first shot?

Mrs. BAKER. I don't know exactly—I could still see the back of the car—I can't judge distance so I really couldn't tell you.

Mr. LIEBELER. It hadn't gone out of sight in your opinion?

Mrs. BAKER. No, sir.

Mr. LIEBELER. Could you still see the President?

Mrs. BAKER. Not too well.

Mr. LIEBELER. There is a gradual curve on Elm Street and the car had already started slightly into the curve by the time it had gone by you?

Mrs. BAKER. Yes.

Mr. LIEBELER. You say you saw something hit the street after you heard the first shot; is that right?

Mrs. BAKER. Yes.

Mr. LIEBELER. Where did you see it hit the street?

Mrs. BAKER. Have you got that—can you see the signs on that picture there?

Mr. LIEBELER. Well, you can't see the signs too well on that picture, which is Commission Exhibit No. 354, but I will show you some other pictures here on which the signs do appear. First of all, let me show you Hudson Exhibit No. 1 on which appears a sign that says, "Stemmons Freeway, Keep Right."

Mrs. BAKER. Yes.

Mr. LIEBELER. Could you see that sign?

Mrs. BAKER. No.

Mr. LIEBELER. The Stemmons Freeway sign from where you were standing?

Mrs. BAKER. No; I couldn't see the sign because I was angled—we were stepping out in the street then and it was approximately along in here, I presume, the first sign—I don't know which one it is, but I saw the bullet hit on down this way, I guess, right at the sign, angling out.

Mr. LIEBELER. You think the bullet hit the street, only it was farther out in the street?

Mrs. BAKER. Yes.

Mr. LIEBELER. Even though you couldn't see the sign, you could see this thing hit the street near the sign?

Mrs. BAKER. Yes, sir.

Mr. LIEBELER. It appears to me from looking at Commission Exhibit No. 354, that you can in fact make out where the signs are located along the side of the road and let's see if these do look like the signs. Now, as you come down Elm Street past the place you were standing going toward the triple underpass, there is a tree here on this little grassy triangular spot that is on the side of Elm Street toward the Texas School Book Depository Building, right on Dealey Plaza here by this concrete structure. Then, after the tree, going on down toward the triple underpass, it appears in the aerial photograph—a spot that looks like a sign or a shadow—it looks like a sign to me.

Mrs. BAKER. There is a sign there.

Mr. LIEBELER. And then there's another sign farther on down there.

Mrs. BAKER. This was a big sign here and there was a small one here.

Mr. LIEBELER. And you think that it was approximately near the first sign?

Mrs. BAKER. As I can remember, it was.

Mr. LIEBELER. As you went down Elm Street that you saw this thing hit the street—what did it look like when you saw it?

Mrs. BAKER. Well, as I said, I thought it was a firecracker. It looked just like you could see the sparks from it and I just thought it was a firecracker and I was thinking that there was somebody was fixing to get in a lot of trouble and we thought the kids or whoever threw it were down below or standing near the underpass or back up here by the sign.

Mr. LIEBELER. Would they have been as far down as the underpass or somewhere near the sign to have thrown a firecracker in the street?

Mrs. BAKER. It was near the signs.

Mr. LIEBELER. How close to the curb on Elm Street was this thing you saw

hit; do you remember? It would have been on the curb side—near the curb side away from the Texas School Book Depository Building on the opposite side of the street; is that right?

Mrs. BAKER. Yes.

Mr. LIEBELER. How close to the opposite curb do you think it was?

Mrs. BAKER. It was approximately in the middle of the lane—I couldn't be quite sure, but I thought it was in the middle or somewhere along in there. I could even be wrong about that but I could have sworn it that day.

Mr. LIEBELER. You thought it was sort of toward the middle of the lane?

Mrs. BAKER. Toward the middle of the lane.

Mr. LIEBELER. Of the left-hand lane going toward the underpass; is that correct?

Mrs. BAKER. Yes.

Mr. LIEBELER. Where was the thing that you saw hit the street in relation to the President's car? I mean, was it in front of the car, behind his car, by the side of his car or was it close to the car?

Mrs. BAKER. I thought it was—well—behind it.

Mr. LIEBELER. Had the car already gone by when you saw this thing hit in the street?

Mrs. BAKER. Yes.

Mr. LIEBELER. Do you remember whether it hit toward the left-hand side or the right-hand side of the President's car, or was it just immediately behind it? If you can't remember it that closely, all right.

Mrs. BAKER. I can't remember it.

Mr. LIEBELER. Did you actually see the President get hit by any bullets?

Mrs. BAKER. No, sir.

Mr. LIEBELER. How many shots did you hear?

Mrs. BAKER. Three.

Mr. LIEBELER. When did you first become aware that they were shots?

Mrs. BAKER. With the second shot.

Mr. LIEBELER. Did you have any idea where they were coming from?

Mrs. BAKER. Well, the way it sounded—it sounded like it was coming from—there was a railroad track that runs behind the building—there directly behind the building and around, so I guess it would be by the underpass, the triple underpass, and there is a railroad track that runs back out there and there was a train that looked like a circus train as well as I can remember now, back there, and we all ran to the plaza—the little thing there I guess you call it a plaza—back behind there—this other girl and I almost ran back over there and looked and we didn't see anything.

Mr. LIEBELER. When you say the plaza, you mean Dealey Plaza, the area that lies between Elm Street and this little street that runs by the Texas School Book Depository Building; is that correct? Is that what you mean?

Mrs. BAKER. Yes, sir.

Mr. LIEBELER. After you heard the shots, you ran down the little street that runs in front of the School Book Depository?

Mrs. BAKER. Along the grass.

Mr. LIEBELER. Along the grass—alongside there, running toward the triple underpass where Elm Street goes, but you were actually running down the little street or alongside the street on the grass, alongside the street that runs right in front of the Texas School Book Depository?

Mrs. BAKER. Yes.

Mr. LIEBELER. And you say there are some railroad tracks back in there; is that right?

Mrs. BAKER. Yes.

Mr. LIEBELER. Immediately behind Dealey Plaza away from Elm Street?

Mrs. BAKER. Yes.

Mr. LIEBELER. And is that where you thought the shots came from?

Mrs. BAKER. Yes.

Mr. LIEBELER. And when you went down there and looked, did you see anybody at all?

Mrs. BAKER. Just a policeman and several people were down there around the tracks working.

Mr. LIEBELER. But you didn't see anybody you thought might have been the assassin?

Mrs. BAKER. No, sir.

Mr. LIEBELER. Now, you have subsequently heard, I'm sure, and from reading in the newspapers and one thing and another, that it appears that the shots actually came from the Texas School Book Depository Building; is that right?

Mrs. BAKER. Yes.

Mr. LIEBELER. Does that seem possible to you in view of what you heard at the time?

Mrs. BAKER. Well, I guess it might have been the wind, but to me it didn't.

Mr. LIEBELER. The sounds you heard at the time did not appear to come from the Texas School Book Depository Building?

Mrs. BAKER. No, sir.

Mr. LIEBELER. Did you look up at the Texas School Book Depository Building at all while you were standing there?

Mrs. BAKER. No, sir.

Mr. LIEBELER. So, you had no occasion to see anybody in any of the windows in that building?

Mrs. BAKER. No, sir.

Mr. LIEBELER. According to the FBI report of the interview that you gave them on November 24, you said that just after the shooting some man who had been sitting on a wall directly across the street from you came up and said he saw everything; is that so?

Mrs. BAKER. Yes.

Mr. LIEBELER. Did you ever find out what that man's name was?

Mrs. BAKER. No, sir; I did not. I didn't see him after that.

Mr. LIEBELER. Did he tell you what he had seen?

Mrs. BAKER. No; I don't remember—he came over—I don't know when he came over now, but he told us he had seen everything—it might have been later that afternoon. I think it was—I think it was later that afternoon.

Mr. LIEBELER. Did he tell you where he had been, where he could see all this?

Mrs. BAKER. He said he was sitting on that wall.

Mr. LIEBELER. Now, when you say "that wall" I show you again Commission Exhibit No. 354.

Mrs. BAKER. This wall here [indicating].

Mr. LIEBELER. Are you referring to a wall that is on the triangular spot formed by Elm Street and Main Street and across Elm Street from the Texas School Book Depository Building? And on Commission Exhibit No. 354; that area has some ink marks on it around part of it?

Mrs. BAKER. Yes.

Mr. LIEBELER. Did this man tell you exactly where on the wall he had been sitting?

Mrs. BAKER. No; I presume it was on this high wall here—it sticks up real high—I presume he was up there on top.

Mr. LIEBELER. You have indicated the part of the wall that faces toward the triple underpass down toward where Elm Street and Main Street and Commerce all come together?

Mrs. BAKER. Yes.

Mr. LIEBELER. Now, there has been some speculation that perhaps the shots might have come from right off the triple overpass, from the railroad tracks that go up over the top, were you able to see these railroad tracks at the time from where you were standing down here—when I say, "Down here," I mean the railroad tracks that actually go over Elm Street and Main Street and Commerce.

Mrs. BAKER. No, sir.

Mr. LIEBELER. You could not see that?

Mrs. BAKER. No, sir.

Mr. LIEBELER. Did the shots sound like they had come from that area, or did they sound like they had come from the area more around toward the Texas School Book Depository Building and behind Dealey Plaza?

Mrs. BAKER. It sounded like it was coming from along in here—it didn't sound like it was too far off.

Mr. LIEBELER. It didn't sound like it was coming, however, directly from the railroad tracks that go over Elm, Main, and Commerce; is that right?

Mrs. BAKER. No, sir.

Mr. LIEBELER. The FBI report also indicates that after the second shot you began to smell gunsmoke; is that correct?

Mrs. BAKER. Yes.

Mr. LIEBELER. Could you tell where it was coming from?

Mrs. BAKER. No, sir.

Mr. LIEBELER. Looking at Commission Exhibit No. 354, could you pick out the place on Elm Street as the approximate place where you saw this object hit the ground for us, and we will mark it with a pen or pencil. Let's first of all mark the place where you were standing, Mrs. Baker, if we can.

Mrs. BAKER. Okay, after he had gone by, I got out into the street, I guess, along in here in the middle of the lanes.

Mr. LIEBELER. Is that in the middle of the right-hand lane?

Mrs. BAKER. Yes; the right-hand lane.

Mr. LIEBELER. So, we will mark that as No. 1 and we will put a circle around it and its right in front of the Texas School Book Depository Building.

Mrs. BAKER. Yes.

Mr. LIEBELER. On Elm Street in the right-hand lane.

Mrs. BAKER. Yes.

Mr. LIEBELER. And I guess that this tree was along in here somewhere?

Mrs. BAKER. I couldn't be sure.

Mr. LIEBELER. There appear to be two trees, one on this side of Elm Street—this looks like a tree right here on the opposite side of Elm Street toward the Dealey Plaza.

Mrs. BAKER. That's correct.

Mr. LIEBELER. And across the street—across Elm Street there appears to be another tree just down from the wall.

Mrs. BAKER. There's not a tree there.

Mr. LIEBELER. There's not a tree there?

Mrs. BAKER. No, there's a sign there, I think.

Mr. LIEBELER. That's a sign.

Mrs. BAKER. I think so.

Mr. LIEBELER. Can you tell us by judging from the tree that's in the corner of Dealey Plaza closest towards the School Book Depository Building, judging from that, where the thing hit the street?

Mrs. BAKER. Approximately right here—between the sign and the tree.

Mr. LIEBELER. Right here, would you say?

Mrs. BAKER. Yes.

Mr. LIEBELER. We have indicated the approximate area where you think it hit and we will indicate it by the No. 2, is that correct?

Mrs. BAKER. Yes.

Mr. LIEBELER. I have marked this photograph, Baker Exhibit No. 1, and I have placed my initials on it and would you put your initials on it just below mine so that we can identify the picture for the purposes of our record?

Mrs. BAKER. [Complied with request of Mr. Liebeler.]

Mr. LIEBELER. Will you look at that picture and see if you can tell from it where you were standing and if that helped you to place the spot where the bullet hit?

Mrs. BAKER. It would be back in here behind this car.

Mr. LIEBELER. That would have been where you were standing or where the bullet hit?

Mrs. BAKER. I really can't tell for the tree there and everything—but it was right in here.

Mr. LIEBELER. Now, as we look at this picture this is Baker Exhibit No. 1, starting from the left front, there are—there is a car down there and there is a Volkswagen panel truck in the picture and then there are two cars immediately behind the Volkswagen and then there is a convertible out—approximately in the middle of the street, isn't that right?

Mrs. BAKER. Yes.

Mr. LIEBELER. And you think you might have been standing somewhere behind the spot where that convertible is located in this picture; is that right?

Mrs. BAKER. Either there or right in here.

Mr. LIEBELER. Right in back around the second car behind the Volkswagen?

Mrs. BAKER. Yes.

Mr. LIEBELER. Now, this picture actually shows the little grassy area and the trees that lie between Elm Street and the little street that runs in front of the Texas School Book Depository, doesn't it?

Mrs. BAKER. Yes.

Mr. LIEBELER. Can you give me an estimate, looking at this picture, where that thing might have hit the street?

Mrs. BAKER. Yes.

Mr. LIEBELER. It may not be in this picture—I don't know that it is.

Mrs. BAKER. I just can't tell—I would say it was over in here somewhere in this picture.

Mr. LIEBELER. Somewhere in about here?

Mrs. BAKER. It could have been further on up.

Mr. LIEBELER. Well, we will mark the place "X", but you think it might have been right along here or somewhere farther down. Now, is there a concrete divider somewhere here on Elm Street?

Mrs. BAKER. Not until you pass the underpass.

Mr. LIEBELER. Not until you get down here towards the underpass and then there are concrete dividers here between Elm Street and Main Street?

Mrs. BAKER. Yes.

Mr. LIEBELER. Back up here toward the intersection at Houston Street, there is a curb on the side of Elm Street and that's all?

Mrs. BAKER. Yes, sir.

Mr. LIEBELER. In other words, you turn down from Houston Street and go right on down Elm Street?

Mrs. BAKER. Yes.

Mr. LIEBELER. You saw this thing hit the street before you heard the second shot; is that correct?

Mrs. BAKER. Yes, sir; yes.

Mr. LIEBELER. Are you absolutely sure of that?

Mrs. BAKER. I hope I am—I know I am.

Mr. LIEBELER. In marking the "X" on Baker Exhibit No. 1 that we marked, we were assuming, were we not, that the "X" was fairly near the first sign on the right-hand side of Elm Street going toward the triple underpass after the Texas School Book Depository Building?

Mrs. BAKER. I think that's right.

Mr. LIEBELER. I think that we will find that the "X" is—well, it is very difficult to tell the exact spot from which Baker Exhibit No. 1 was taken, but if in fact we are correct, if in fact it is taken from the side of Main Street toward Commerce Street, then the "X" would not be in the right place, would it, if this lamppost here that appears in the picture is actually at the end of the grassy spot made by Main Street and Elm Street, then the "X" that we have on Baker Exhibit No. 1 would be too far down toward the Triple Underpass to be in the right place where you saw it hit, isn't that right; do you follow me?

Mrs. BAKER. Yes.

Mr. LIEBELER. Because, if this is actually the end of this grassy spot, if the lamppost is actually the end of the grassy spot here between Elm Street and Main Street, this "X" is very close to the Triple Underpass.

Mrs. BAKER. Yes.

Mr. LIEBELER. And you didn't see the bullet hit that far down the street, did you?

Mrs. BAKER. No; not that far.

Mr. LIEBELER. It would have been much closer, up towards the Texas School Book Depository Building—near the first sign?

Mrs. BAKER. This right here are the steps—to the plaza.

Mr. LIEBELER. That's right, and as a point of fact, as we look at that now, it becomes quite clear that it was taken from a spot much closer to the triple

underpass than we had originally thought, because in the left-hand side of the picture you can see the steps coming down from the plaza.

Mrs. BAKER. It must have been right here in this area because these were the steps—I can't tell which sign is which, but I know there were four girls standing near the sign and it must have been back up here because there must have been another sign closer up.

Mr. LIEBELER. Looking at Hudson Exhibit No. 1, which was taken at the time of the assassination, it shows Dealey Plaza here and there are some steps that go down over here in the very background of the picture and they go down onto the sidewalk and it runs along past Elm Street here.

Mrs. BAKER. This would be the first sign here.

Mr. LIEBELER. The Stemmons Freeway sign.

Mrs. BAKER. This one over here—the steps are already here.

Mr. LIEBELER. Yes; the steps are toward the background in Hudson Exhibit No. 1 and those appear to be the steps that are also toward the front left of Baker Exhibit No. 1.

Mrs. BAKER. It was probably back over this way.

Mr. LIEBELER. Yes, so the "X" on Baker Exhibit No. 1 is actually in the wrong place as far as these pictures here—it is not correct—it should be further back on up here.

Mrs. BAKER. Yes; definitely.

Mr. LIEBELER. So, we will put a "Y" back up here toward the School Book Depository Building, and actually if you look at Commission Exhibit No. 354, you can see the steps coming right down to Elm Street.

Mrs. BAKER. Yes.

Mr. LIEBELER. At the end of Dealey Plaza toward the Triple Underpass, and I think that those steps are the same steps we can see in the left front foreground of Baker Exhibit No. 1.

Mrs. BAKER. That's the sign right in there—that big sign there, and I don't know—the sign would be here, you know.

Mr. LIEBELER. That's right, and the sign that we see in the very left front foreground of the picture would be the sign here that is toward the Triple Underpass from the steps to go down to Dealey Plaza on the right-hand side of Elm Street?

Mrs. BAKER. Yes; this is confusing.

Mr. LIEBELER. In any event, you are quite clear in your mind that you saw this thing hit before you heard the second shot?

Mrs. BAKER. Yes.

Mr. LIEBELER. So, if what you saw hitting the street was, in fact, a bullet, it would have been the first shot?

Mrs. BAKER. Yes.

Mr. LIEBELER. Did you see anything else around the area of the Texas School Book Depository Building that day that you think might have anything to do with the assassination?

Mrs. BAKER. I don't know, but before the parade ever got there, someone passed out and I guess it would be to the left, coming down Elm Street over in this plaza between Elm Street and Main, because an ambulance pulled up and picked someone up—we never could tell who. This was before the motorcade ever got to Houston Street—I would say onto Elm Street.

Mr. LIEBELER. About how long before the motorcade came did this ambulance come and pick up this person?

Mrs. BAKER. I'll judge—5 minutes—about 5 minutes.

Mr. LIEBELER. The ambulance had already left the area about 5 minutes before the Presidential motorcade came?

Mrs. BAKER. Yes.

Mr. LIEBELER. What time did you come to work that morning; do you remember?

Mrs. BAKER. Well, it could have been 6:30 or 7, because I rode with daddy; my daddy works behind the Depository for the Katy Railroad and if he had to be there at 6, then I got there at 6, but that morning, I couldn't tell you, but whatever time daddy had to be at work, that's when I had to be there.

Mr. LIEBELER. Did you see Oswald on the morning of November 22 at any time?

Mrs. BAKER. No, sir.

Mr. LIEBELER. Do you know Billy Lovelady?

Mrs. BAKER. Yes, sir.

Mr. LIEBELER. I show you Commission Exhibit No. 203, and I call your attention to a man standing in the doorway of the Texas School Book Depository Building?

Mrs. BAKER. Yes.

Mr. LIEBELER. Do you recognize him?

Mrs. BAKER. That looks like Billy.

Mr. LIEBELER. That looks like Billy Lovelady?

Mrs. BAKER. Yes.

Mr. LIEBELER. And that man you pointed to is immediately as we face the picture to the right of the mark "A" in the picture?

Mrs. BAKER. Yes.

Mr. LIEBELER. And is standing directly against the side of the doorway of the building—of the Texas School Book Depository Building?

Mrs. BAKER. Yes.

Mr. LIEBELER. Thank you. If you don't have anything else you would like to tell us about this that you think we should know and that I haven't asked you, I have no other questions at this point.

Mrs. BAKER. Thank you.

TESTIMONY OF JAMES W. ALTGENS

The testimony of James W. Altgens was taken at 12:45 p.m., on July 22, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Wesley J. Liebeler, assistant counsel of the President's Commission.

Mr. LIEBELER. Will you please stand and take the oath. 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. ALTGENS. I do.

Mr. LIEBELER. Mr. Altgens, my name is Wesley J. Liebeler. I am an attorney on the staff of the President's Commission on the Assassination of President Kennedy. I have been authorized to take your testimony by the Commission, pursuant to authority granted to it by President Johnson's Executive Order No. 11130, dated November 29, 1963, and the joint resolution of Congress No. 137. Under the rules of the Commission's proceedings you are entitled to have an attorney present if you want one. If you don't think you need one, it's perfectly all right. You are entitled to 3 days' notice and you may actually have gotten 3 days' notice, but if you did not, I presume you are prepared to go ahead, since you are here?

Mr. ALTGENS. Yes; as a matter of fact I had more than 3 days' notice because the time that was originally set up was postponed for almost an additional week, so I had plenty of time.

Mr. LIEBELER. Would you state your full name for the record, please?

Mr. ALTGENS. James W. Altgens [spelling], A-l-t-g-e-n-s.

Mr. LIEBELER. Where do you live, sir?

Mr. ALTGENS. 6441 Pemberton [spelling], P-e-m-b-e-r-t-o-n Drive.

Mr. LIEBELER. Here in Dallas?

Mr. ALTGENS. Yes; Dallas.

Mr. LIEBELER. Are you employed here in Dallas at the present time?

Mr. ALTGENS. Yes.

Mr. LIEBELER. In what capacity?

Mr. ALTGENS. Officially, I am hired as a wire photo operator, but they use me in three different classifications. I am a photographer and a news photo editor as well as a wire photo operator.

Mr. LIEBELER. By whom are you employed?
Mr. ALTGENS. The Associated Press, Dallas Bureau.
Mr. LIEBELER. How long have you been employed by the AP?
Mr. ALTGENS. Approximately 26½ years.
Mr. LIEBELER. So one might say you are an experienced photographer and have a little experience in the area of photographic work?
Mr. ALTGENS. I would assume so.
Mr. LIEBELER. When were you born, sir?
Mr. ALTGENS. April 28, 1919.
Mr. LIEBELER. Here in Dallas?
Mr. ALTGENS. Here; yes, sir.
Mr. LIEBELER. Have you lived most of your life here in Dallas?
Mr. ALTGENS. All except my service connected time.
Mr. LIEBELER. We have been advised that on November 22, 1963, you were assigned to take pictures of the Presidential motorcade; is that correct?
Mr. ALTGENS. Yes, sir.
Mr. LIEBELER. Did you do that?
Mr. ALTGENS. Yes, sir.
Mr. LIEBELER. Would you tell us the circumstances surrounding the taking of the picture or pictures that you did take and just what happened, where you were and all that you know about the events of November the 22d?
Mr. ALTGENS. Would you like for me to take it from the time that I arrived on the scene up until the time of the shooting?
Mr. LIEBELER. Yes, sir.
Mr. ALTGENS. I arrived on the triple overpass at approximately 11:15 a.m.
Mr. LIEBELER. When you say the triple overpass, you mean the railroad tracks that cross over Elm, Commerce, and Main Streets?
Mr. ALTGENS. Yes, sir.
Mr. LIEBELER. As they run near the Texas School Book Depository Building?
Mr. ALTGENS. As well as in the opposite direction.
Mr. LIEBELER. Yes, sir.
Mr. ALTGENS. My original assignment was to make a pictorial scene of the caravan with the Dallas skyline in the background and the triple overpass was selected as the site for making that picture, and when I arrived on the triple overpass there was no one up there but two uniformed policemen and one of the uniformed policemen came over to me and asked me if I was a railroad employee and I told him, "No," and I showed him my press tag and told him I had a Department of Public Safety ID card showing I was connected with the AP—Associated Press, and he said, "Well, I'm sorry, but this is private property. It belongs to the railroad and only railroad employees are permitted on this property." And, I explained to him that this was a public event and I thought I would be privileged to make a picture from that area, and he says, "No. This is private property and no one but railroad personnel are permitted in this area."

This is a little extraneous but I wanted to point this out, and I said, "Well, it looks like you have got it pretty well protected from this area because I see you two uniformed policemen on this overpass and I see you have another uniformed policeman on the overpass on Stemmons," and he said, "Yes, and no one is permitted over on that overpass." So, then, I had to decide on another location for shooting my pictures, so I proceeded on across the triple overpass into the parking lot which is just behind the Book Depository Building and proceeded on down to Elm to the corner of Elm and Houston, crossed Elm going—is that east or south—I guess it is south on Houston. Yes; south on Houston over to Main and Houston. That seemed to me to be the most likely spot to make any pictures. Then I could, by advance planning, get away from that spot after I had made a picture or two and run across the Dealey Plaza and catch the caravan again down on Elm as it proceeded toward the triple overpass and probably get some more pictures, and that was my planning.

Well, I was at that site when the Presidential caravan arrived at that intersection.

Mr. LIEBELER. That intersection being the intersection of Houston and Elm Streets?

Mr. ALTGENS. Houston and Main.

Mr. LIEBELER. Houston and Main?

Mr. ALTGENS. Yes; Houston and Main. When the caravan reached Houston and Main I made at least one shot—one picture—I don't have the roll of film with me now so I don't know exactly, but I know I had made an additional one or two pictures of the caravan coming down Main Street prior to that, but I got the one picture with the President waving into the camera. Mrs. Kennedy was looking at me at the time, just as I got ready to snap it the north wind caught her hat and almost blew it off, so she raised her left hand to grab her hat and I did not get her looking into the camera, but I got the Governor and Mrs. Connally and the President with the President waving into the camera.

Mr. LIEBELER. This was as they turned?

Mr. ALTGENS. This was as they turned into the sunlight.

Mr. LIEBELER. Turning into Houston Street; is that right?

Mr. ALTGENS. Turning right—headed toward the Book Depository Building.

Mr. LIEBELER. All right.

Mr. ALTGENS. I thereupon grabbed my gadget bag that I carry my extra lenses in and ran fast down across the Dealey Plaza to get down in front of the caravan for some additional pictures and I took this one picture—

Mr. LIEBELER. Wait just a minute now—at this point, as you ran across, you were along Elm Street; is that correct?

Mr. ALTGENS. Well, I ran across and reached up into—well, the curb area on the west side of Elm Street.

Mr. LIEBELER. Across Elm Street from the Texas School Book Depository Building?

Mr. ALTGENS. Yes, sir; and if I had a picture I could probably show you exactly where I was standing. I did show it to Agent Switzer, if that would be of any help to you.

Mr. LIEBELER. Yes; I would like to locate that spot. I show you Exhibit No. 354, which is an aerial view of the area that we have been discussing.

Mr. ALTGENS. This is the Book Depository Building, correct?

Mr. LIEBELER. Yes.

(The witness points to the School Book Depository Building.)

Mr. ALTGENS. This would put me at approximately this area here, which would be about 15 feet from me at the time he was shot in the head—about 15 feet from the car on the west side of the car—on the side that Mrs. Kennedy was riding in the car.

Mr. LIEBELER. You have indicated a spot along the side of Elm Street which I have marked with a No. 3; is that correct?

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. Is that approximately where you were standing?

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. Now, when you took the picture of the caravan turning from Main Street to the right on Houston Street, you then ran across this Dealey Plaza?

Mr. ALTGENS. Down this way; yes, sir.

Mr. LIEBELER. Along the lawn part.

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. To the point marked No. 3 on Commission Exhibit No. 354?

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. And at that point did you take another picture?

Mr. ALTGENS. I made one picture at the time I heard a noise that sounded like a firecracker—I did not know it was a shot, but evidently my picture, as I recall, and it was almost simultaneously with the shot—the shot was just a fraction ahead of my picture, but that much—of course—at that time I figured it was nothing more than a firecracker, because from my position down here the sound was not of such volume that it would indicate to me it was a high-velocity rifle.

Mr. LIEBELER. Did you have any idea where the sound came from when you were standing there at No. 3 on Commission Exhibit No. 354?

Mr. ALTGENS. Well, it sounded like it was coming up from behind the car from my position—I mean the first shot, and being fireworks—who counts fireworks explosions? I wasn't keeping track of the number of pops that took place, but

I could vouch for No. 1, and I can vouch for the last shot, but I cannot tell you how many shots were in between. There was not another shot fired after the President was struck in the head. That was the last shot—that much I will say with a great degree of certainty.

Mr. LIEBELER. What makes you so certain of that, Mr. Altgens?

Mr. ALTGENS. Because, having heard these shots and then having seen the damage that was done on this shot to the President's head, I was aware at that time that shooting was taking place and there was not a shot—I looked—I looked because I knew the shot had to come from either over here, if it were close range, or had to come from a high-powered rifle.

Mr. LIEBELER. When you say "over here," you indicate what?

Mr. ALTGENS. The left side of the car.

Mr. LIEBELER. That would be approximately the intersection of Elm Street and the little street that runs down in front of the Texas School Book Depository Building; isn't that right?

Mr. ALTGENS. Somewhere in that direction, yes, sir. But if it were a pistol it would have to be fired at close range for any degree of accuracy and there was no one in that area that I could see with any firearms, so I looked back up in this area.

Mr. LIEBELER. Indicating the buildings surrounding the intersection of Houston Street and Elm Street; is that correct?

Mr. ALTGENS. Yes. What made me almost certain that the shot came from behind was because at the time I was looking at the President, just as he was struck, it caused him to move a bit forward. He seemed as if at the time—well, he was in a position—sort of immobile. He wasn't upright. He was at an angle but when it hit him, it seemed to have just lodged—it seemed as if he were hung up on a seat button or something like that. It knocked him just enough forward that he came right on down. There was flesh particles that flew out of the side of his head in my direction from where I was standing, so much so that it indicated to me that the shot came out of the left side of his head. Also, the fact that his head was covered with blood, the hairline included, on the left side—all the way down, with no blood on his forehead or face—suggested to me, too, that the shot came from the opposite side, meaning in the direction of this Depository Building, but at no time did I know for certain where the shot came from.

Mr. LIEBELER. Because you didn't see who fired it?

Mr. ALTGENS. Because I didn't see who fired it. After the Presidential car moved a little past me, I took another picture—now, just let me back up here—I was prepared to make a picture at the very instant the President was shot. I had refocused to 15 feet because I wanted a good closeup of the President and Mrs. Kennedy, and that's why I know that it would be right at 15 feet, because I had prefocused in that area, and I had my camera almost to my eye when it happened and that's as far as I got with my camera.

Because, you see, even up to that time I didn't know that the President had been shot previously. I still thought up until that time that all I heard was fireworks and that they were giving some sort of celebration to the President by popping these fireworks. It stunned me so at what I saw that I failed to do my duty and make the picture that I was hoping to make.

The car never did stop. It was proceeding along in a slow pace and I stepped out in the curb area and made another picture as the Secret Service man stepped upon the rear step of the Presidential car and went to Mrs. Kennedy's aid and then after that I immediately crossed the street and once again I was looking to see if I could find anything in this area of Elm and Houston Streets that would suggest to me where the shot came from.

Moreover, I was interested in knowing whether or not somebody else had been struck by a bullet or one of the bullets in this area. I saw that no one else had been hit. I did notice after I got on this side of the street, that would be on the opposite side of the Presidential car from where I was standing originally, which would be the left side of the car from where I was standing—looking up toward the building—I saw people looking out of windows. I saw a couple of Negroes looking out of a window which I later learned was the floor below where the gun—where the sniper's nest was supposed to have been,

but it didn't register on me at the time that they were looking from an area that the bullet might have come from. There was utter confusion at the time I crossed the street. The Secret Service men, uniformed policemen with drawn guns that went racing up this little incline and I thought—

Mr. LIEBELER. When you speak of "little incline" that means the area—the little incline on the grassy area here by this concrete structure across Elm Street toward the School Book Depository Building, is that part of Dealey Plaza too over in here, this concrete structure, or is Dealey Plaza only the name ascribed to this area here between Elm Street and Commerce Street?

Mr. ALTGENS. I really don't know, sir—I don't know whether this is considered part of the Dealey Plaza or whether this is just something extra as you might have for dressing.

Mr. LIEBELER. The part we are referring to that we are not just sure if it is a part of Dealey Plaza lies between Elm Street and the railroad tracks that run behind it over here and from the railroad tracks that go over the triple underpass, and this little grassy area that you have just mentioned is just between the area formed by Elm Street and the street that runs directly in front of the School Book Depository Building; is that correct?

Mr. ALTGENS. Yes, sir.

I started up the incline with—or, after the officers, because they were moving well ahead of me and I was moving behind them thinking perhaps if they had the assassin cornered I wanted a picture, but before I had gotten over one-quarter of the way up the incline, I met the officers coming back and I presumed that they were just chasing shadows, so to speak, because there was no assassin in the area apparently, but I didn't learn the location of the sniper's nest until I was en route out to Parkland Hospital to continue my assignment and I heard it on the radio, that the assassin's nest was in the sixth floor window of the Book Depository Building.

After that I made a good look through this area to see that no one else had been hit. I noticed the couple that were on the ground over here with their children, I saw them when they went down and they were in the area and laid there some time after the Presidential car had disappeared.

Mr. LIEBELER. They threw themselves on the ground in this grassy area that I have just described previously where you ran across after this last shot?

Mr. ALTGENS. Yes; but they were not hit. I looked at them and they weren't hit by a bullet, so I took another long look around before I started my dash back to the office, and as it turned out, my report was the first that our service had on the assassination and my pictures were the only pictures we had available for a period of about 24 hours.

Mr. LIEBELER. I have a picture here which has been marked as Commission Exhibit No. 203 and I ask you if that is not the first picture that you took after you left the intersection of Main and Houston and crossed Dealey Plaza and stood on the side of Elm Street across from the Texas School Book Depository Book Building?

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. Do you recognize that as the picture which you took?

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. Do you know any of the individuals depicted in that picture?

Mr. ALTGENS. No, sir; I do not.

Mr. LIEBELER. You testified previously, I believe, that the first shot that was fired had just been fired momentarily before you took the picture, is that right?

Mr. ALTGENS. Yes, sir; it was so close you could almost say it was simultaneous because it was coincidental but nevertheless that's just the way it happened.

Mr. LIEBELER. When you first heard this shot, did you see any reaction either on the part of the President or anyone else that indicated they might have been hit by this shot?

Mr. ALTGENS. No, sir; and as a matter of fact, I did not know that Governor Connally had been hit until one of our reporters got the information out at Parkland Hospital.

Mr. LIEBELER. As the Presidential car went down Elm Street, did you observe Governor Connally's movements at all, did you see what he was doing?

Mr. ALTGENS. No, sir; my attention was primarily on the President and Mrs. Kennedy and I just wasn't paying too much attention about the other people in the car after what I saw happen. Of course, my concern was about the President and I just wasn't paying too much attention to others in the car.

Mr. LIEBELER. You are quite sure in your mind, however, that there were no shots, a noise that sounded like shots, prior to the time at which you took the picture that has been marked Commission Exhibit No. 203; is that correct?

Mr. ALTGENS. No, sir; I did not—you see—all of these shots sounded the same. If you heard one you would recognize the other shots and these were all the same. It was a pop that I don't believe I could identify it any other way than as a firecracker and this particular picture was made at the time the first firecracker noise was heard by me.

Mr. LIEBELER. Now, you don't think that there could have been any other shots fired prior to that time that you wouldn't have heard, you were standing right there and you would have heard them, would you not?

Mr. ALTGENS. I'm sure I would have—yes, sir.

Mr. LIEBELER. You also testified that you were standing perhaps no more than 15 feet away when the President was hit in the head and that you are absolutely certain that there were no shots fired after the President was hit in the head?

Mr. ALTGENS. Yes, sir; that's correct.

Mr. LIEBELER. Could you tell us approximately how many shots there were between the first and the last shot—as you well know—there were supposed to have been three shots, but how many shots did you hear?

Mr. ALTGENS. Well, I wouldn't want to say—I don't want to guess, because facts are so important on something like this. I am inclined to feel like that there were not as many as I have heard people say. I think it's of a smaller denomination, a smaller number, but I cannot—I can really only vouch for the two. Now, I know that there was at least one shot in between.

Mr. LIEBELER. At least one?

Mr. ALTGENS. I would say that—I know there was one in between. It is possible there might have been another one—I don't really know, but two, I can really account for.

Mr. LIEBELER. And that's the first one and the last one?

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. Do you have any recollection as to the spacing of these shots?

Mr. ALTGENS. They seemed to be at almost regular intervals and they were quick.

Mr. LIEBELER. How much time do you think elapsed between the first and the last shot?

Mr. ALTGENS. Well, let's see—I would have to figure it out on a speed basis because they were going at approximately 12 to 15 miles per hour downhill and I would say that all the shots were fired within the space of less than 30 seconds. That's an estimate.

Mr. LIEBELER. How far away was the Presidential car when you took the picture that has been marked Commission Exhibit No. 203—you must have had your camera focused?

Mr. ALTGENS. Yes, sir; it was about 30 feet.

Mr. LIEBELER. Looking at Commission Exhibit No. 354, we have placed you at No. 3 on that picture.

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. In looking at Commission Exhibit No. 203, does it appear to you that 203 could have been taken from position 3 on Commission Exhibit No. 354 and only be 30 feet away from the Presidential car at that time—I'm not saying it wasn't—I mean, just what does it look like to you? The question I'm driving at, of course, is—I want to know—did you move from the time you took the first picture, which is Commission Exhibit No. 203, and the time you saw the President's head hit, did you move down the street at all?

Mr. ALTGENS. May I ask you a question in return?

Mr. LIEBELER. Sure.

Mr. ALTGENS. I have no reason to doubt that by relating other testimony, that you have come up with this figure 1 as being an exact location as to when the Presidential car was struck by the bullet—the first bullet.

Mr. LIEBELER. You mean on Commission Exhibit No. 354?

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. Oh, no; not at all. These figures numbers 1, 2, and 3 don't indicate where the shots hit. They are for entirely different purposes. Figure No. 1 on this picture, Commission Exhibit No. 354, indicates where someone was standing—that's all that indicates.

Mr. ALTGENS. Well, I will have to ask you this question, then, sir, because as you will know by looking at this picture—

Mr. LIEBELER. Commission Exhibit No. 203?

Mr. ALTGENS. Excuse me—picture 203—there is a tree way behind the Presidential car. Now, figure 1 is placed up in front of this tree, which means that figure 1 would have been behind the car at the time the President received the first shot.

Mr. LIEBELER. Yes; referring to Exhibit No. 354.

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. Of course, that has no significance because these numbers have nothing to do with the place where the car was when the President was hit.

Mr. ALTGENS. I'm sorry—I just misinterpreted it.

Mr. LIEBELER. I can see why you could assume that, because as you look here at Commission Exhibit No. 354, you see 1, 2, 3, and 4 spaced down Elm Street and you did infer that that's the location the President's car was when it was hit.

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. Which is not right because those numbers do not indicate that in any way whatsoever—they are not related to that notion at all.

Mr. ALTGENS. Yes, sir; I did not move from fixed position 3. If I moved at all, it would be to step into the curb area to make a picture and back upon the curb because there were motorcycle policemen on either side of the Presidential car and I didn't want to get in their way, but if you will look at this picture—

Mr. LIEBELER. Referring to Exhibit No. 203.

Mr. ALTGENS. You will see by then referring to picture No. 354, that the Presidential car was well down Elm Street in front of a tree that is located in a grassy area which is just off of Elm Street and just off of the street that runs down in front of the Book Depository Building, which would indicate that the point at which he was struck, the location of the car, would be approximately 30 feet in front of the position from which I made this picture. Does that make sense?

Mr. LIEBELER. Yes; what you are saying is that picture 203 was taken at a time when the President's car had actually gone down Elm Street to a point past this tree that stands at the corner here, in the grassy area, outlined by Elm Street and a little street that runs down by the Texas School Book Depository Building?

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. Now, the thing that is troubling me, though, Mr. Altgens, is that you say the car was 30 feet away at the time you took Commission Exhibit No. 203 and that is the time at which the first shot was fired?

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. And that it was 15 feet away at the time the third shot was fired.

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. But during that period of time the car moved much more than 15 feet down Elm Street going down toward the triple underpass?

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. I don't know how many feet it moved, but it moved quite a ways from the time the first shot was fired until the time the third shot was fired. I'm having trouble on this Exhibit No. 203 understanding how you could have been within 30 feet of the President's car when you took Commission Exhibit No. 203 and within 15 feet of the car when he was hit with the last shot in the head without having moved yourself. Now, you have previously indicated that you were right beside the President's car when he was hit in the head.

Mr. ALTGENS. Well, I was about 15 feet from it.

Mr. LIEBELER. But it was almost directly in front of you as it went down the street; isn't that right?

Mr. ALTGENS. Yes.

Mr. LIEBELER. Am I wrong, or isn't it correct that under that testimony the car couldn't have moved very far down Elm Street between the time you took Exhibit No. 203, which you took when the first shot was fired, and the time that you saw his head being hit, which was the time the last shot was fired?

Mr. ALTGENS. Well, I have to take into consideration the law governing photographic materials and the use of optics in cameras—lenses—and while my camera may have been set on a distance of 30 feet, there is a plus or minus area in which the focus still is maintained. I figure that this is approximately 30 feet because that's what I have measured on my camera.

Mr. LIEBELER. And you say Exhibit No. 203 was taken about 30 feet away?

Mr. ALTGENS. But it might be 40 feet, but I couldn't say that that's exactly the distance because while it may be in focus at 40 feet, my camera has it in focus 30 feet. It's the same thing—if I focus at 15 feet, my focus might extend 20 feet and it might also be reduced to 10 feet, but my focusing was in that general area of 30 feet. I believe, if you will let me say something further here about this picture—

Mr. LIEBELER. Go ahead.

Mr. ALTGENS. Possibly I could step this off myself from this position, this approximate position where I was standing and step off the distance, using as a guidepost the marker on this post here or some marker that I can find in the area and I can probably step it off or measure it off and get the exact footage. I was just going by the markings on my camera.

Mr. LIEBELER. The important thing is—it's not all that important as to how far you were away from the car at the time you took the picture—the thing that I want to establish is that you are absolutely sure that you took Exhibit No. 203 at about the time the first shot was fired and that you are quite sure also in your own mind that there were no shots fired after you saw the President hit in the head.

Mr. ALTGENS. That is correct; in both cases.

Mr. LIEBELER. So, it is clear from your testimony that the third shot—the last shot, rather—hit the President?

Mr. ALTGENS. Well, off and on we have been referring to the third shot and the fourth shot, but actually, it was the last shot, the shot did strike the President and there was no other sound like a shot that was made after that. I was just going to make a conclusion here, but that's not my place to do that, so I'll just forget it—what I was going to say.

Mr. LIEBELER. Well, what were you going to suggest—go ahead.

Mr. ALTGENS. Well, it seems obvious now, when you think back on it—of course, at the time you don't reason these things out in a state of shock, but it seemed obvious to me afterwards that there wouldn't be another shot if the sniper saw what damage he did. He did enough damage to create enough attention to the fact that everybody knew he was firing a gun. Another shot would have truly given him away, because everybody was looking for him, but as I say, that's an obvious conclusion on my part, but there was not another shot fired after the President was struck in the head.

Mr. LIEBELER. Now, of course, you are aware of the fact that there is an individual portrayed in Exhibit No. 203, standing right in the door of the School Book Depository Building?

Mr. ALTGENS. Yes.

Mr. LIEBELER. Just to the right of the No. A in the picture?

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. You are aware that he has been thought to resemble Lee Harvey Oswald by certain people and it has been my understanding that a newspaper reporter by the name of Bonafede called you and discussed this picture with you?

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. Do you have any information as to whether or not that man might be Lee Oswald or some other man?

Mr. ALTGENS. No, sir; I have never seen the man before in my life and have seen no one that looks like him since.

Mr. LIEBELER. Did this newspaper reporter tell you that it was Oswald, or that it was somebody else—did you have any conversations with him about that?

Mr. ALTGENS. Oh, yes, sir; as a matter of fact I had two calls from him. I never met the man Bonafede, personally, but I had two calls from him and he indicated to me he was writing a story around this picture which showed this controversial figure standing in the doorway of picture No. 203. He was asking me if I knew him, if I had any information that I might be able to give him in connection with this, inasmuch as he was doing a story on it, and naturally I had no information to give him in that connection, but I don't know the man and I have never had an assignment down at the bookstore before or after the shooting so I have had no occasion to meet anyone down there in the building either before or after.

Mr. LIEBELER. I don't think I have any more questions at this point, Mr. Altgens. Can you think of anything else you think might be significant—let me ask you this—while you were standing there alongside of Elm Street and you heard this noise that you later deduced was a shot, after that time did you have any occasion to look up at the School Book Depository Building?

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. Did you see anything up there?

Mr. ALTGENS. Well, as I said earlier—when I crossed the street, my vision prior to that was sort of obstructed because of the growth of trees in that area and me being down in a low spot, I couldn't see the whole building too well, but after crossing the street, I looked up to that building as well as the other buildings back on Houston Street.

Mr. LIEBELER. Yes; I remember you testified about that and you said you saw those two Negroes?

Mr. ALTGENS. I saw the two Negroes but I at that time lent no significance to that until I later heard where the shots were coming from and also since that time I have heard other people say they saw them too.

Mr. LIEBELER. Do you know which window they were in, approximately, where on the fifth floor?

Mr. ALTGENS. Well, they looked to me to be on the floor below, but they were leaning out as though they were looking for something. I do remember that, but since they had nothing in their hands I didn't feel that the shot was coming from their particular area. I saw no rifle at any time although I was looking for one and I reported it to my Associated Press that the President was apparently shot by a high-powered rifle, that's the way we carried it on the wire—credited to my statement.

Mr. LIEBELER. When you saw these Negroes up there, were they in the center of the building or toward the part of the building closer to the triple underpass or toward Houston Street, or just where were they on the face here of the School Book Depository Building as it faces out on Elm Street? And Main Street?

Mr. ALTGENS. Well, as I recall, they were down here close to Houston Street. They weren't directly under the window that was later described as being the area of the assassin's nest, but I think they were in a pair of windows that was maybe the next set of windows over, which was a floor below.

Mr. LIEBELER. When you say "over," you mean down towards the triple underpass?

Mr. ALTGENS. Yes.

Mr. LIEBELER. So that they were closer to the corner of the building that is near the intersection of Elm and Houston than they were towards the triple underpass end of the building?

Mr. ALTGENS. Yes; there were also a number of people looking out of—I believe this building here [indicating on photograph].

Mr. LIEBELER. Indicating the building immediately across Houston Street from the School Book Depository?

Mr. ALTGENS. But—they were scattered and once again, I couldn't see anything over there that suggested to me that they might have a rifle, and, of course, the buildings here which are the county records and courthouse buildings—those windows—I think had nobody in them because I believe they are closed and locked. I'm not real certain of that, but I don't recall seeing anyone at those windows over there.

Mr. LIEBELER. And you indicate then the building that it catercornered across the street on Houston Street toward Main Street from the School Book Depository?

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. Right at the intersection of Houston Street and Elm as it comes down and goes past the School Book Depository Building?

Mr. ALTGENS. Yes.

Mr. LIEBELER. At any time after you went back up here and to the intersection on Elm and Houston and after the motorcade came, did you have occasion to look down toward the railroad tracks going across the triple underpass?

Mr. ALTGENS. Yes, sir.

Mr. LIEBELER. Did you see anybody down there?

Mr. ALTGENS. Yes, sir; as a matter of fact—let me go back to my position at Houston and Main. I was at that intersection approximately at 11:30, which meant I had close to an hour wait before the caravan was due in that area, and along about noon—of course, there were some other things that happened—there was a man who had an epileptic fit along about that area there, a young fellow approximately 19 or 20 years old, and I was standing over here at the intersection next to a sergeant's motorcycle—it was a tricycle motorcycle.

Mr. LIEBELER. This was the intersection of Main and Houston that you were standing near?

Mr. ALTGENS. Yes, sir; and the time was approximately 12:15, I would imagine—I say 12:15 and as I relate the events you will see why I say that, because this sergeant at the motorcycle called for an ambulance and an ambulance came and picked the man up and as the ambulance was leaving through the triple overpass, underneath the triple overpass, I saw the Presidential caravan, the red lights and so on that lead the caravan, coming on to Main Street off of Harwood.

Mr. LIEBELER. Further up Main Street from where you were standing?

Mr. ALTGENS. Yes; clear up at the other end of town because Main Street goes uphill and that made it easy for me to spot the red lights indicating the Presidential caravan then was starting down Main Street, and along about the time the sergeant called for the ambulance, I was looking back up here at the triple overpass and I remarked to the sergeant, I said, "Look at all those people up there on the triple overpass." I would estimate about a dozen were up there.

Mr. LIEBELER. On the railroad tracks immediately over Elm—immediately over the triple underpass?

Mr. ALTGENS. Yes, sir; and I said, "I wonder what the heck all those people are doing up there when they wouldn't let me up there to make pictures?" And he said, "Well, I suppose they are railroad people." I said, "Well, if they are permitted up there, it seems like they would let me up there just to make a picture." He said, "Well, you know we've got our orders too." So, I just dropped it at that time, but there were at that time—now, this was prior to the Presidential arrival in the Main-Houston Street area that I noticed these people up here.

Mr. LIEBELER. Up on the triple underpass?

Mr. ALTGENS. Yes; I keep forgetting that we are taking the testimony down here. After the Presidential caravan had proceeded down Elm Street, this was approximately 12:25, then, after the President was shot—the car passed in front of me—I stepped into the curb area and made a picture of the Secret Service man going to the assistance of Mrs. Kennedy. I made a picture at that time which shows part of the triple overpass but it does not show the people up on it.

Mr. LIEBELER. Did you notice whether there were still people on it at that time?

Mr. ALTGENS. Yes, sir; there were people up on it and I looked in that direction, but not for a firearm—I didn't really expect any.

Mr. LIEBELER. Why was that?

Mr. ALTGENS. Because as I said before—the way the bullet impact hit the President, it had to come from behind or beside the automobile in order to cause him to move forward a little bit and I didn't expect to find anything up in that area, so that is why I was concentrating my observation back in this part, back in the Main—excuse me—back in the Houston-Elm intersection area to see if I could find the rifle.

Mr. LIEBELER. And you didn't see anybody standing on the overpass with a fire-arm of any kind?

Mr. ALTGENS. No, sir.

Mr. LIEBELER. I don't think I have any more questions, Mr. Altgens, unless you can think of something else that you think would be significant that I haven't thought to ask you about, I think we can terminate the deposition.

Mr. ALTGENS. No, sir; I can't think of anything—it seems like we have covered it pretty well.

Mr. LIEBELER. Thank you very much for coming in.

Mr. ALTGENS. You are welcome, sir—I was glad to do it and I hope that whatever I've had to say will be of some help.

Mr. LIEBELER. I think it will.

Mr. ALTGENS. Let me tell you this off the record, because it doesn't matter, but you notice Mr. Switzer, the FBI agent that came out—he and his partner—and talked with me, he brought up this Bonafede to me—the name and then he asked me if I knew somebody else, a woman columnist in a Chicago newspaper.

Mr. LIEBELER. Yes?

Mr. ALTGENS. And then showed me a clipping where she too had referred to me in the taking of a picture and I also received a telephone call from a John Gold who is, I guess, a correspondent connected with the London Daily News. I got a call from him on the Thursday night about 11 or 11:30 at night, asking me what that story was all about because—

Mr. LIEBELER. The Magy Daley story or the Bonafede story?

Mr. ALTGENS. No; this was the Bonafede story, because they had put it on television—as a teaser to sell publications and the public on the upcoming Sunday—the Sunday publication.

Mr. LIEBELER. Yes; the New York Tribune.

Mr. ALTGENS. And gee, I didn't know what to tell the guy because I didn't know Bonafede had written, but Bonafede talked with me. I asked him and I said, "Are you going to quote me on anything I say?" And, he says, "Well, if I do quote you, I'll call you back and ask you for your permission," and I said, "Swell."

Mr. LIEBELER. Of course, he did quote you and he didn't call you back?

Mr. ALTGENS. Well, I got a copy of the thing—I didn't gather from the article he was quoting me on anything in particular other than to say that I was a witness and I hadn't been called to testify before the Commission or questioned by the FBI or the Secret Service, but I don't think that he really tied any information to me in the course of writing the story, but it was real strange the way the thing unfolded. I had tried previously to get my bureau chief to give me permission to notify the Warren Commission or someone to let them know I had been in the area, not that my testimony would be of much value, but still if it could be of just a little bit of help I wanted to do what I thought was right, and my boss never got permission for me to do that, and that's why I never did step forward, because I had no authority. Really, I didn't feel that I could act on my own. I wanted to wait until someone gave me authority to do it.

Mr. LIEBELER. Well, your testimony has been helpful to the extent that it helps to establish the timing of the shots and I'm glad you gave it to us.

Mr. ALTGENS. Well, I wish I had been able to give this information to you the next day when it was fresh on my mind because 6 months or so later, sometimes the facts might be just a little bit off and I hate to see it that way.

Mr. LIEBELER. All right. Thank you very much for coming.

TESTIMONY OF HARRY D. HOLMES

The testimony of Harry D. Holmes was taken at 2 p.m., on July 23, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Wesley J. Liebeler, assistant counsel of the President's Commission.

Mr. LIEBELER. Would you rise and raise your right hand? 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. HOLMES. I do.

Mr. LIEBELER. I understand that you have previously been examined by one of the attorneys on the staff, and I assume they advised you of the basis on which we are conducting the examination and the rights that you have in the situation, so I won't bother to go through that again.

Mr. HOLMES. Yes.

Mr. LIEBELER. Would you state your full name for the record?

Mr. HOLMES. Harry D. Holmes.

Mr. LIEBELER. You are the chief postal inspector?

Mr. HOLMES. No; it is just postal inspector.

Mr. LIEBELER. Stationed with the post office here in Dallas; is that correct?

Mr. HOLMES. Yes, sir.

Mr. LIEBELER. I just have a few questions that I wanted to ask you that have come up since we took your testimony the last time. One of the things I would like to know about, if you have any information on it, is how long it ordinarily takes a parcel post shipment to come to Dallas from Chicago.

Mr. HOLMES. It would depend on the time of day it was mailed, and whether it was mailed just prior to the next most expeditious dispatch. But I would say certainly not over, well, it would be in Dallas the next day. But whether it would get to a box—that's right, it would be available at his box—should be the next day.

Mr. LIEBELER. Of course, this question relates specifically to the shipment of the rifle.

Mr. HOLMES. That's right.

Mr. LIEBELER. Shipped from Chicago and addressed to Mr. Hidell at Post Office Box 2915 here in Dallas, and you say that it generally would have been available at the post office here in Dallas the day following its delivery to the post office in Chicago?

Mr. HOLMES. I have no idea when it was mailed there, but it should have been available here the next day. If it were to be delivered to a street address, it would be the second day, because it would not make morning delivery. But to a post office box, he should have. Of course, he had told me he didn't come to that box too regularly, so there is no assurance of when it was picked up.

Mr. LIEBELER. But as far as the possibility is concerned, it would have been available here at the post office box the following morning from Chicago?

Mr. HOLMES. That's right.

Mr. LIEBELER. After it has been received here in Dallas, as I understand the procedure, a notice would be put in the post office box indicating that a package was being held there in the post office; is that correct?

Mr. HOLMES. There is a regular card, when the package is too large to go in the box, or if it is c.o.d., or insured, or registered. However, this was an ordinary parcel. It was not insured or c.o.d. There would be a card for him put in the box, and he would have to pick it up at a window.

Mr. LIEBELER. What about as far as Los Angeles is concerned, from Los Angeles to Dallas? How long would it take a parcel post to reach Dallas from Los Angeles?

Mr. HOLMES. At least 2 days.

Mr. LIEBELER. Could it possibly be longer than 2 days?

Mr. HOLMES. Yes.

Mr. LIEBELER. How much longer, do you think? How about on the average, do you have any idea?

Mr. HOLMES. No; it depends on the time of mailing. It is 2 days' train run from Los Angeles here, and if it happens to catch an early dispatch, it would be in here the morning of the third day.

Mr. LIEBELER. From Chicago it is only a 1-day train run, is that correct?

Mr. HOLMES. Yes, sir.

Mr. LIEBELER. So it would be here, if it had an early dispatch, on the morning of the following day?

Mr. HOLMES. Yes, sir.

Mr. LIEBELER. My understanding is that an application for a post office box comes in three separate parts. Do you have—

(Mr. Holmes hands paper to attorney.)

Mr. LIEBELER. You have, in fact, handed me a sample of such an application.

Mr. HOLMES. I thought you might want one, so I brought one along.

Mr. LIEBELER. That was very good, and we will mark this as Holmes Exhibit No. 1-A on your deposition of July 23, 1964. I have put my initials on the corner after I have marked it. Would you initial it, too, for the purpose of identification?

(Mr. Holmes initials.)

Mr. LIEBELER. What is the ordinary procedure that is followed when a box is rented and this form is used?

Mr. HOLMES. The form is completed, usually by the applicant, and it must be signed by the applicant, even if an employee does complete it. This portion of the—I don't know how you want to designate it.

Mr. LIEBELER. We will number them portions 1, 2, and 3.

Mr. HOLMES. All right, part 1 of this application is simply the instructions on a combination box, and instructions to the patron is torn off, and he keeps it or they throw it away. Portions 2 and 3 are completed, too. 2 gives the applicant's name, the name of his corporation or firm he represents, if applicable, the kind of business, the business address, the home address, and the place for his signature and the date. On the third portion is a box for him to indicate whether he wants all mail in the box, or just whether he wants some other disposition and so on, and a place for name of person entitled to receive mail through the box other than the applicant himself, and he fills in that. These two portions then remain together in the file of the post office where he made application.

Mr. LIEBELER. That is portions 2 and 3?

Mr. HOLMES. Until he relinquishes the box. They pull this out and endorse it so the box has been closed, and the date and they tear off 3 and throw it away. It has no more purpose. That is what happened on box 2915.

Mr. LIEBELER. They have thrown part 3 away?

Mr. HOLMES. Yes; as it so happens, even though they closed the box in New Orleans, they still had part 3 and it showed that the mail for Marina Oswald and A. J. Hidell was good in the box. They hadn't complied with regulations. They still had it there.

Mr. LIEBELER. It was a lucky thing.

Mr. HOLMES. We wish they had here.

Mr. LIEBELER. Now is this regulation that says section 3 should be torn off and thrown away, is that a general regulation of the Post Office Department?

Mr. HOLMES. It is in the Post Office Manual Instructions to employees; yes, sir.

Mr. LIEBELER. So there is no way, as I understand it, to tell from the records maintained, as far as you know anyway, who was authorized to receive mail at Post Office Box 2915 that Oswald had while he was here in Dallas before he went to New Orleans in April of 1963; is that correct?

Mr. HOLMES. Other than Oswald himself and his name on the application.

Mr. LIEBELER. Right.

Mr. HOLMES. Now he did tell me in personal interrogation that no one was permitted to get mail in that box but him.

Mr. LIEBELER. He said that same thing about the box in New Orleans, too, didn't he?

Mr. HOLMES. He did at first, and then—

Mr. LIEBELER. Then you showed him portion three of the application and then he changed his story?

Mr. HOLMES. I said how about Marina Oswald, and he said, well, she was my wife. What is wrong with that? And I said how about A. J. Hidell, and he said I don't know anything about that. And I said look here. And he said, well, I don't know.

Mr. LIEBELER. Now supposing that Oswald had not in fact authorized A. J. Hidell to receive mail here in the Dallas box and that a package came addressed to the name of Hidell, which, in fact, one did at Post Office Box 2915, what procedure would be followed when that package came in?

Mr. HOLMES. They would put the notice in the box.

Mr. LIEBELER. Regardless of whose name was associated with the box?

Mr. HOLMES. That is the general practice. The theory being, I have a box. I have a brother come to visit me. My brother would have my same name—well, a cousin. You can get mail in there. They are not too strict. You don't have to file that third portion to get service for other people there. I imagine they might have questioned him a little bit when they handed it out to him, but I don't know. It depends on how good he is at answering questions, and everything would be all right.

Mr. LIEBELER. So that the package would have come in addressed to Hidell at Post Office Box 2915, and a notice would have been put in the post office box without regard to who was authorized to receive mail from it?

Mr. HOLMES. Actually, the window where you get the box is all the way around the corner and a different place from the box, and the people that box the mail, and in theory—I am surmising now, because nobody knows. I have questioned everybody, and they have no recollection. The man would take this card out. There is nothing on this card. There is no name on it, not even a box number on it. He comes around and says, "I got this out of my box." And he says, "What box?" "Box number so and so." They look in a bin where they have this by box numbers, and whatever the name on it, whatever they gave him, he just hands him the package, and that is all there is to it.

Mr. LIEBELER. Ordinarily, they won't even request any identification because they would assume if he got the notice out of the box, he was entitled to it?

Mr. HOLMES. Yes, sir.

Mr. LIEBELER. It is very possible that that in fact is what happened in this case?

Mr. HOLMES. That is in theory. I would assume that is what happened.

Mr. LIEBELER. On the other hand, it is also possible that Oswald had actually authorized Hidell to receive mail through the box?

Mr. HOLMES. Could have been. And on the other hand, he had this identification card of Hidell's in his billfold, which he could have produced and showed the window clerk. Either way, he got it.

Mr. LIEBELER. Right. I believe I am correct in my understanding that when Mr. Belin took your testimony previously, that you did mark as exhibits the various forms that Oswald had filled out here in the Post Office Department in Dallas; isn't that right?

Mr. HOLMES. You mean the box rent application?

Mr. LIEBELER. Yes.

Mr. HOLMES. I have long since given them to the FBI. However, I endorsed them at the time I gave them to the FBI.

Mr. LIEBELER. I can't remember.

Mr. HOLMES. I will show you a photocopy maybe.

Mr. LIEBELER. The basic thrust of my question is that you have given the originals of the documents to the FBI?

Mr. HOLMES. I have the receipts, except for Ruby's box, which nobody ever asked me for, and I still have them. That is Ruby's box at the Terminal Annex.

Mr. LIEBELER. Well, that is not a part of the record so far. We should mark it as a part of the record now. Are you required to keep this in your records?

Mr. HOLMES. If you will give me a receipt for it. I have a photocopy.

Mr. LIEBELER. It is quite as legible, the photocopy, so why don't I just mark the photocopy and you keep the original?

Mr. HOLMES. Okay.

Mr. LIEBELER. I have initialed the photocopy, and I would like to have you initial it also for the purpose of identification, and we will mark that as Holmes Exhibit No. 2-A on your deposition of July 23, 1964, a photocopy of a post office box application in the name of Jack Ruby, dated November 1, 1963. Post Office Box No. 5475, and as I understand it, this was an application that was made at the Terminal Annex here in Dallas, is that correct?

Mr. HOLMES. That is right.

Mr. LIEBELER. Is there any way in which we can tell from just looking at it, or that is something you know from having gotten the copy from the Terminal Annex?

Mr. HOLMES. The box number categories are set out for each station that comes within that bracket. The applications don't tell you what post office it is

from. It might be from San Antonio. But I don't know why. What are your initials and name?

Mr. LIEBELER. W. J. L., Wesley J. Liebeler.

Mr. HOLMES. How do you spell your last name?

Mr. LIEBELER (spelling). L-i-e-b-e-l-e-r.

Mr. HOLMES. Thank you [handing another card to Mr. Liebeler]. I will explain it to you, and you might want to ask me for the record what it is.

Mr. LIEBELER. Yes; you have handed me a postcard, Post Office Department Form 3546, Notice to Change Forwarding Order.

Mr. HOLMES. That is different from our 3575 in that this is simply a forwarding order. This is to change a forwarding order. To interpret it, Lee Oswald, on October 11, 1963, in New Orleans, gave his box 2915 in Dallas as the last address. He had given a forwarding order on this box to this box 30061 in New Orleans on May 14, 1963. Now then, he is again forwarding from this box. Not again, but it is a second forwarding.

Mr. LIEBELER. This would indicate that instructions had been given to forward from box 2915 here in Dallas?

Mr. HOLMES. Direct without going through—

Mr. LIEBELER. This would indicate that all together, he had first issued instructions that mail should be forwarded from box 2915 in Dallas to box 30061 in New Orleans, and this would now indicate that mail was to be forwarded to 2515 West Fifth Street in Irving, Tex., and that is dated October 11, 1963. Now, there are several postmarks appearing on this form. There is one Dallas postmark of October 16 on both sides, and there is also a postmark in New Orleans, which is difficult to read, but it is sometime in October. Now you suggested perhaps October 11, 1963. What do you interpret happened with regard to this notice, Post Office Department Form 3546? Can you tell from looking at it where, in the ordinary course of events, he would have first prepared this form?

Mr. HOLMES. That would have been prepared in New Orleans and dropped in the mailbox. He would have prepared that at a station, because they have filled the front in and crossed it out. In fact, they hand these out at the stations. He has gone into the station probably where he had this box. In the normal course of the patron's activities he would have gone into that station where that box is and said, "I want my mail forwarded." All right, fill this out.

It looks like they might have filled it out for him. It doesn't look too much like his writing. But they would have filled this out to show that mail from this box should not be sent to New Orleans, but sent to Irving, so the post office would send that up to Dallas where this box is at the main office, and they would have that on file here.

Mr. LIEBELER. Box 2915, you mean? That address here?

Mr. HOLMES. Here is a photocopy of box 2915 application, and it will show it was closed on May 14, 1963, which is this red figure up here. So when they got that in here in Dallas, they would have put this red mark on there for some reason to show when the box was closed, and then they would keep this in their file as instructions until they got some other instructions.

Mr. LIEBELER. Isn't it possible that this form which, well, do you have a photostatic of this form we have been talking about?

Mr. HOLMES. I don't believe so.

Mr. LIEBELER. Let me mark this original one for the record then, if I may.

Mr. HOLMES. That is all right.

Mr. LIEBELER. I have initialed this Post Office Department Form 3546, which has been marked "Holmes Exhibit No. 3-A on deposition of July 23, 1964," and I would like to have you initial it also for the purpose of identification.

(Mr. Holmes initials.)

Mr. LIEBELER. I want to ask you some more questions about Holmes Exhibit No. 3, which is postmarked, as we have indicated, October 16, in Dallas, and also bears a postmark in New Orleans which I think is October 11.

Mr. HOLMES. My best educated guess is the 11th.

Mr. LIEBELER. Let me come bluntly to the point. My problem is this. Oswald wasn't in New Orleans on October 11. He was in Dallas.

Mr. HOLMES. Now, he could have filled that out here. It could have been mailed to New Orleans for forwarding the mail up from there. He could have

mailed it from some other post office, and they would have mailed it. But they would have had to enclose it in an envelope.

Mr. LIEBELER. Yes; because it is addressed to the postmaster in Dallas, Tex., and just as sure as anything it has a New Orleans postmark on it.

Mr. HOLMES. Yes; prior to the Dallas one, if we read the New Orleans one correctly.

Mr. LIEBELER. The New Orleans is hard to read, but it certainly is an October postmark.

Mr. HOLMES. That is the reason I wanted you to read the memo, because the hours are down there and are different from that.

Mr. LIEBELER. Now the New Orleans Post Office inspector, or an inspector in the office of New Orleans, has advised you that Oswald filled out a form 3575?

Mr. HOLMES. That is the regular forwarding order.

Mr. LIEBELER. And he did that on September 24; is that correct? Or September 25?

Mr. HOLMES. September 24.

Mr. LIEBELER. September 24, 1963, and his box down there was closed on September 26, presumably pursuant to the order that was mailed to them under postmark of September 24, 1963. Now has the Post Office Department in New Orleans given you any advice at all, as far as you can tell, concerning this Post Office Department Form 3546, which we have marked Holmes Exhibit No. 3-A?

Mr. HOLMES. No; other than their postmark on there. There is no endorsement there. But you see, Lafayette Station is in New Orleans, and it looks like that was completed by the person at Lafayette Station.

Mr. LIEBELER. Inasmuch as that is exactly what it says.

Mr. HOLMES. If that were completed in some other post office, they wouldn't know that box was in Lafayette Station.

Mr. LIEBELER. Let me suggest this. There is not the slightest evidence that Oswald ever filled that form out or ever saw it?

Mr. HOLMES. No; that is right.

Mr. LIEBELER. Because it is perfectly obvious this isn't his handwriting.

Mr. HOLMES. That is my opinion, too.

Mr. LIEBELER. So apparently somebody in the New Orleans Post Office filled this form out?

Mr. HOLMES. They could have done it over a telephone instruction, long-distance telephone call.

Mr. LIEBELER. Well, they could have done that from the records they had in their possession, because he already had filled out a Post Office Department 3575 instructing to forward mail from Post Office Box 30061 to 2515 West Fifth Street in Irving, which they had received, of course, on September 24?

Mr. HOLMES. Yes.

Mr. LIEBELER. Well, in any event, we will add this to the pile.

Mr. HOLMES. It is an original card.

Mr. LIEBELER. Let the record show Mr. Holmes has delivered to us the original card which has been marked as Holmes Exhibit No. 1-A. -

I don't think I have any other questions. I have cleared up the basic problems we had. Of course, you managed to raise a few more, and I appreciate that. Thank you very much. As I understand it at this point, Mr. Holmes, you have given to us or to the FBI, all of the papers that you found so far in your files relating to Lee Harvey Oswald, is that correct?

Mr. HOLMES. Yes; you have every original document or item that I have come in contact with in this business.

Mr. LIEBELER. Between us and the FBI?

Mr. HOLMES. Yes, sir.

Mr. LIEBELER. Now it may be as you suggested—

Mr. HOLMES. Except Ruby's.

Mr. LIEBELER. And you have given us a copy?

Mr. HOLMES. I have given you a good clear photocopy.

Mr. LIEBELER. Right. If you do come across any other papers in your files—

Mr. HOLMES. I will get in touch with Martha Jo [Stroud, assistant U.S. attorney in Dallas, Tex.].

Mr. LIEBELER. Yes; let us know. Thank you a lot again.

TESTIMONY OF BUELL WESLEY FRAZIER

The testimony of Buell Wesley Frazier was taken at 10 a.m., on July 24, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Wesley J. Liebeler, assistant counsel of the President's Commission.

Mr. LIEBELER. Mr. Frazier, I believe you have already appeared before the Commission itself and given testimony of your knowledge of Lee Harvey Oswald and his activities; is that right?

Mr. FRAZIER. Yes, sir.

Mr. LIEBELER. Will you please stand and take the oath. 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. FRAZIER. I do.

Mr. LIEBELER. I want to ask you two or three questions that were not asked you when you appeared before the Commission. Your name is Buell Wesley Frazier?

Mr. FRAZIER. Right.

Mr. LIEBELER. You are the same Buell Wesley Frazier, as I understand, who has previously testified before the Commission about Lee Harvey Oswald and about how Oswald rode back and forth with you from Irving to Dallas; isn't that right?

Mr. FRAZIER. Yes, sir.

Mr. LIEBELER. I think he came with you to work on November 22, 1963?

Mr. FRAZIER. Right.

Mr. LIEBELER. You testified in Washington that on that particular morning you saw Oswald carrying a large brown package from the car into the Texas School Book Depository Building and that also you saw that package in the car; isn't that right?

Mr. FRAZIER. Right.

Mr. LIEBELER. And you described that package and you told us about what you saw in detail at that time?

Mr. FRAZIER. Yes, sir.

Mr. LIEBELER. Did you ever see Oswald with the package similar to the one you saw on November 22, 1963?

Mr. FRAZIER. No, sir.

Mr. LIEBELER. Did you ever see Oswald carry a package from Irving into the Texas School Book Depository Building that looked anything like the package he had on November 22, 1963?

Mr. FRAZIER. No, sir.

Mr. LIEBELER. Did you ever see him with a package that looked like that package any other time or at any other place?

Mr. FRAZIER. No, sir.

Mr. LIEBELER. That's all the questions I have. Thank you very much for coming in.

Mr. FRAZIER. All right. Thank you.

TESTIMONY OF JOE MARSHALL SMITH

The testimony of Joe Marshall Smith was taken at 1 p.m., on July 23, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Wesley J. Liebeler, assistant counsel of the President's Commission.

Mr. LIEBELER. Would you rise and raise your right hand? 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. SMITH. I do.

Mr. LIEBELER. Please sit down. My name is Wesley J. Liebeler. I am an attorney on the staff of the President's Commission on the Assassination of President Kennedy. I have been authorized to take your testimony by the Commission, pursuant to authority granted to it by Executive Order No. 11130 dated November 29, 1963, and joint resolution of Congress No. 137. Under the rules of procedure, you are entitled to have an attorney present, and you are entitled to 3 days' notice of your hearing. I know you didn't get that, because I just called you this morning, but I assume that since you are here, you are prepared to go ahead without an attorney, is that correct?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. Would you state your full name for the record?

Mr. SMITH. Joe Marshall Smith.

Mr. LIEBELER. What is your address?

Mr. SMITH. 12015 Androck. That is in Mesquite.

Mr. LIEBELER. When were you born?

Mr. SMITH. May 1, 1932.

Mr. LIEBELER. Where?

Mr. SMITH. Kleburg, Tex.

Mr. LIEBELER. Would you outline briefly for us your educational background?

Mr. SMITH. Yes, sir. I went to grade school in Seagoville up to the second grade. Then I went to Houston, Tex., and finished elementary school there, and then to junior high school, and through high school in Houston, Tex. Then I went into the U.S. Navy.

Mr. LIEBELER. You are presently a uniformed officer of the Dallas Police Department?

Mr. SMITH. That's right.

Mr. LIEBELER. How long have you been with the Dallas Police Department?

Mr. SMITH. Oh, nearly 8 years, in September it will be.

Mr. LIEBELER. During that time, you have been working basically as a uniformed officer, patrolman?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. Have you been working in any specific type of assignment, or just what has been the nature of your work?

Mr. SMITH. Well, I was in radio patrol 3½ years. Then I went to traffic division point control, and that is what I am doing presently.

Mr. LIEBELER. I understand that you were assigned to work in the vicinity of Elm and Houston on November 22, 1963, is that correct?

Mr. SMITH. Correct.

Mr. LIEBELER. Would you tell us when you first got that assignment and what you were told.

Mr. SMITH. At approximately 8:45 or 9 o'clock that morning, November 22, we made detail, and Capt. P. W. Lawrence gave us the instructions that we were to, of course, hold the traffic up when the motorcade came through, and to assist in the crowd control, and be specifically on the lookout for anyone throwing anything from the crowd. That is about all I remember.

Mr. LIEBELER. How many officers were with you as you were instructed at the detail at 8:45? That means, there was a formation of something in the office?

Mr. SMITH. There was quite a few there. I don't know how many were there, but nearly the whole traffic department was there.

Mr. LIEBELER. Did they all receive instructions from Captain Lawrence at the same time, or were they different specific instructions broken down?

Mr. SMITH. There were some broken down instructions that some of the men had to stay over to get different detail aimed to them, but that was my instructions.

Mr. LIEBELER. Did you receive those instructions in writing, or delivered orally?

Mr. SMITH. Delivered orally.

Mr. LIEBELER. In other words, the captain or someone working with the captain would have a list and he assigned certain men to certain places and gave them general instructions as to what they were to do; is that correct?

Mr. SMITH. That's correct.

Mr. LIEBELER. Men from the department were assigned all along the motorcade route from the airport into downtown Dallas; is that correct?

Mr. SMITH. Correct.

Mr. LIEBELER. And other men were given instructions similar to or the same as the ones that you were given?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. Which was to keep traffic out of the way when the motorcade was coming, and keep an open and clear route, and to engage in general crowd control activities?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. Were there any instructions given to you men about scanning buildings?

Mr. SMITH. Sir, I don't remember. It is more or less the general thing to do. I mean, just police the area. But I don't remember any specific instructions on that.

Mr. LIEBELER. Now after you received your instructions at 8:45, what did you do?

Mr. SMITH. I proceeded to the intersection of Elm and Houston, and it was about 9:50 or 10 o'clock when I was on the corner there. At approximately 11:50 or 12 o'clock, there was a white male that had an epileptic seizure on the esplanade on Houston Street between Main and Elm. Well, I went down to see if any assistance was needed, and I stayed there until the white male was loaded into an ambulance and sent to a hospital. Then I proceeded back to my assignment.

Mr. LIEBELER. Were there any other officers there in connection with this fellow that had the epileptic fit?

Mr. SMITH. Yes; there was one more. He was a radio patrolman.

Mr. LIEBELER. Do you remember his name?

Mr. SMITH. I don't remember his name. I swear, I was trying to think of it before this even.

Mr. LIEBELER. He was a radio patrolman? You mean he was driving a motorcycle or had a car?

Mr. SMITH. No; he was assigned, I think, if I am not mistaken, I think he was assigned to Main and Houston, and he was down there with the man when I arrived at the scene.

Mr. LIEBELER. So you called an ambulance, or an ambulance was called and this man was taken away, and you went back to the corner of Elm and Houston Streets?

Mr. SMITH. Yes.

Mr. LIEBELER. How many officers were assigned at Elm and Houston?

Mr. SMITH. Three of us.

Mr. LIEBELER. Who were the other two men?

Mr. SMITH. W. E. Barnett, and E. L. Smith. I think that is his initials. I know it is another Smith boy anyway.

Mr. LIEBELER. How did you station yourself when you got there?

Mr. SMITH. Just after we got the epileptic seizure en route to the hospital, I hadn't gotten back to the corner but just a few minutes until the motorcade was coming, so I stationed myself on Elm Street in the middle from the southeast curb of Elm and Houston and held traffic up.

Mr. LIEBELER. Which direction would this traffic have been coming from that you held up?

Mr. SMITH. It was heading west on Elm.

Mr. LIEBELER. Coming down Elm toward the triple underpass? Coming into the intersection of Elm and Houston?

Mr. SMITH. Yes.

Mr. LIEBELER. So you were the individual patrolman who went back and held up the traffic to Elm Street; is that right?

Mr. SMITH. Yes.

Mr. LIEBELER. So you would have been on the eastern side of Houston Street on Elm Street holding up the traffic that was coming down Elm Street?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. From that position, could you have observed the windows on

the side of the Texas School Book Depository Building from which the shots were fired?

Mr. SMITH. Yes, sir; I could see some of the windows. I couldn't see them all, but I was pretty busy getting traffic held up, and I must admit I had my back to the Texas School Book Depository Building.

Mr. LIEBELER. Because you were facing traffic that was coming down Elm Street toward the triple underpass toward the intersection of Houston Street?

Mr. SMITH. Right.

Mr. LIEBELER. So you had no opportunity to scan the windows of the Texas School Book Depository Building at all?

Mr. SMITH. No, sir.

Mr. LIEBELER. And you did not scan the building?

Mr. SMITH. No, sir.

Mr. LIEBELER. Now did you notice anything extraordinary in the crowd as far as a crowd control is concerned? Did you have any problems in that connection, or was it just a matter of holding up the traffic?

Mr. SMITH. No, sir; we didn't have any trouble with the crowd at that particular intersection. They stayed back pretty well as they were told, and I got all the cars stopped, so I thought we had it made.

Mr. LIEBELER. I show you a picture, an aerial view of the area that is marked Commission Exhibit No. 354. Could you locate the Texas School Book Depository Building in there?

Mr. SMITH. Yes, sir; it should be right there.

Mr. LIEBELER. Yes; that is it on the left-hand side of the picture, and of course, the intersection of Elm and Houston is right off opposite the corner there, right at the corner of the Texas School Book Depository Building, and you were standing to the east?

Mr. SMITH. Yes, sir; right here.

Mr. LIEBELER. Of Houston?

Mr. SMITH. Right along in this area.

Mr. LIEBELER. There is, in fact, a picture of a car stopped there right at the intersection of Elm and Houston, and you had been standing back in the vicinity of the automobile?

Mr. SMITH. Just about the middle of Elm Street here.

Mr. LIEBELER. I will put the No. 4 in a circle on the spot of approximately where you were standing at the time the motorcade went by. Is that approximately correct?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. You were facing east up Elm Street away from the triple underpass?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. So that your back was in fact turned to the School Book Depository Building?

Mr. SMITH. Yes.

Mr. LIEBELER. Now there are two or three other buildings here in the immediate vicinity as you are facing east on Elm Street. There is a building on your left, which is directly across Houston Street from the School Book Depository Building. Do you know what building that is?

Mr. SMITH. I know, but I can't remember now.

Mr. LIEBELER. Did you observe any activity in any of the windows of that building?

Mr. SMITH. No, sir; I didn't.

Mr. LIEBELER. Did you have occasion to look to the windows of that building at any time when the motorcade came by? That would be the building to your left.

Mr. SMITH. Yes, sir. I don't recall, but I know that I must have, because I was trying to keep all the crowd in sight that was around. I know that I must have glanced at it, but I don't recall seeing anything unusual.

Mr. LIEBELER. What about the building across Elm Street on your right? That is the county building?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. There are a series of windows in that building facing the

triple underpass. Could you observe those windows from the point where you were standing?

Mr. SMITH. No, sir; not where I could tell whether they were open or closed.

Mr. LIEBELER. Because you were standing too far up Elm Street to have a good vantage point from which to observe these windows?

Mr. SMITH. I mean on Houston Street.

Mr. LIEBELER. That is what I mean.

Mr. SMITH. Yes, sir.

Mr. LIEBELER. You wouldn't have been able to see the windows of the building that is down on the intersection of Main and Houston Streets at all from where you were standing?

Mr. SMITH. No.

Mr. LIEBELER. If you could have seen, it would have been with great difficulty, so you weren't in position to observe those windows, and you didn't in fact observe them, is that correct?

Mr. SMITH. Correct.

Mr. LIEBELER. While you were standing here and the motorcade went by, tell us what happened at that point.

Mr. SMITH. I heard the shots.

Mr. LIEBELER. Did you turn to watch the motorcade? Did you turn to watch the President as the motorcade went by?

Mr. SMITH. Yes, sir; I glanced around and was watching the crowd to make sure they stayed back out of the way of the motorcade, and also to make sure none of the cars started up or anything. Then I heard the shots, and I immediately proceeded from this point.

Mr. LIEBELER. Point 4 on Commission Exhibit No. 354?

Mr. SMITH. I started up toward this Book Depository after I heard the shots, and I didn't know where the shots came from. I had no idea, because it was such a ricochet.

Mr. LIEBELER. An echo effect?

Mr. SMITH. Yes, sir; and this woman came up to me and she was just in hysterics. She told me, "They are shooting the President from the bushes." So I immediately proceeded up here.

Mr. LIEBELER. You proceeded up to an area immediately behind the concrete structure here that is described by Elm Street and the street that runs immediately in front of the Texas School Book Depository, is that right?

Mr. SMITH. I was checking all the bushes and I checked all the cars in the parking lot.

Mr. LIEBELER. There is a parking lot in behind this grassy area back from Elm Street toward the railroad tracks, and you went down to the parking lot and looked around?

Mr. SMITH. Yes, sir; I checked all the cars. I looked into all the cars and checked around the bushes. Of course, I wasn't alone. There was some deputy sheriff with me, and I believe one Secret Service man when I got there.

I got to make this statement, too. I felt awfully silly, but after the shot and this woman, I pulled my pistol from my holster, and I thought, this is silly, I don't know who I am looking for, and I put it back. Just as I did, he showed me that he was a Secret Service agent.

Mr. LIEBELER. Did you accost this man?

Mr. SMITH. Well, he saw me coming with my pistol and right away he showed me who he was.

Mr. LIEBELER. Do you remember who it was?

Mr. SMITH. No, sir; I don't—because then we started checking the cars. In fact, I was checking the bushes, and I went through the cars, and I started over here in this particular section.

Mr. LIEBELER. Down toward the railroad tracks where they go over the triple underpass?

Mr. SMITH. Yes.

Mr. LIEBELER. Did you have any basis for believing where the shots came from, or where to look for somebody, other than what the lady told you?

Mr. SMITH. No, sir; except that maybe it was a power of suggestion. But it sounded to me like they may have come from this vicinity here.

Mr. LIEBELER. Down around the—let's put a No. 5 there at the corner here behind this concrete structure where the bushes were down toward the railroad tracks from the Texas School Book Depository Building on the little street that runs down in front of the Texas School Book Depository Building.

Mr. SMITH. Yes.

Mr. LIEBELER. Now you say that you had the idea that the shots may have come from up in that area?

Mr. SMITH. Yes, sir; that is just what, well, like I say, the sound of it. That was the most helpless and hopeless feeling I ever had.

Mr. LIEBELER. Well, you mentioned before there was an echo from the shots in the area.

Mr. SMITH. Yes, sir.

Mr. LIEBELER. Probably caused by the fact that there are some large buildings around the area where the shots were fired from?

Mr. SMITH. Yes.

Mr. LIEBELER. Now did you at any time have occasion to look up to the railroad tracks that went across the triple underpass?

Mr. SMITH. Yes, sir; I looked up there after I was going up to check there.

Mr. LIEBELER. You didn't have any occasion to look up there before you heard the shots?

Mr. SMITH. No, sir.

Mr. LIEBELER. After you heard the shots, you proceeded down along the bushes here between the street that runs in front of the Texas School Book Depository Building and Elm Street to approximately point 5, and then when you went down looking to the cars, you then had occasion to look up at the railroad tracks running over the triple underpass?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. Did you see anybody up there?

Mr. SMITH. Yes, sir; there was two other officers there, I know.

Mr. LIEBELER. Were there any other people up there, that you can remember?

Mr. SMITH. No, sir; none that I remember.

Mr. LIEBELER. But you remember that there were two police officers up there?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. Now you searched these cars in this parking lot area down there by the railroad tracks on from point 5 down toward the main railroad tracks that cross over the triple underpass. Did you find anything that you could associate in any way with the assassination?

Mr. SMITH. No, sir.

Mr. LIEBELER. How long did you remain down in that area?

Mr. SMITH. Oh, I would say approximately 15 to 20 minutes.

Mr. LIEBELER. During that time, you continued searching through automobiles and searching the general area in the parking lot back there; is that right?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. What did you do after you had searched this area?

Mr. SMITH. Well, it was, I don't remember whether this was a deputy sheriff—I don't know his name—he was in civilian clothes—he said they came from the building up here. And by that time, of course, all the police around there sealed the building off, and I went to the front door here on the, well, you might say, the Houston Street side. I and Barnett, and we sealed the front door and didn't let anyone in or out until he was passed by the chief.

Mr. LIEBELER. Let me ask you this. Before you went up to the School Book Depository Building, am I correct in understanding that you did thoroughly search the area of the parking lot, you and the other officers?

Mr. SMITH. Well, now, I didn't go into all the cars. I looked into them, and I was well satisfied in my mind that he wasn't around there.

Some of the cars were locked, and I just looked into all of them around there, and I went back to the building.

Mr. LIEBELER. Who gave you instructions to go to the front door of that building, do you remember?

Mr. SMITH. I believe it was Sergeant Howard.

Mr. LIEBELER. Sergeant Howard?

Mr. SMITH. Sergeant Howard, or Sergeant Harkness.

Mr. LIEBELER. So to the best of your recollection, it was one of those two men?
Mr. SMITH. Yes, sir. Wait—let's strike that. No; it wasn't. It was Chief Lumpkin give us the direct order, I and Barnett, not to let anyone in or out of that building; that's right—Deputy Chief Lumpkin.

Mr. LIEBELER. Where did you see him in order to receive that order?

Mr. SMITH. I started back up here to the building, and we were just about at the front door when he contacted me and Barnett then.

Mr. LIEBELER. He instructed you and Barnett to stand at the front door and not let anyone in or out?

Mr. SMITH. Right.

Mr. LIEBELER. Do you know approximately what time that was?

Mr. SMITH. No, sir; it must have been about 1. It was after 1 o'clock. I don't remember; no.

Mr. LIEBELER. How long did you and Barnett remain there at the front door?

Mr. SMITH. Until about 2:30; I think I got off there.

Mr. LIEBELER. Did you at any time go into the building?

Mr. SMITH. No, sir.

Mr. LIEBELER. Do you know whether other men were assigned to watch the back door?

Mr. SMITH. No, sir; I don't know. I am quite certain there was.

Mr. LIEBELER. But you had no personal knowledge of it at the time?

Mr. SMITH. No, sir.

Mr. LIEBELER. Because you were assigned to the front door, and that is where you stayed?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. In fact, did you let anybody in or out of the building?

Mr. SMITH. Well, now, we let police officers in, of course, and firemen.

Mr. LIEBELER. The firemen came into the building?

Mr. SMITH. Yes, sir; there was something on that that they had to get some—what was that, I don't recall what it was that they came in there for now.

Mr. LIEBELER. There were some firemen from the Dallas Fire Department that went into the building?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. Did they come back to the front door?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. How about Secret Service; were there any Secret Service agents around?

Mr. SMITH. I don't know, sir.

Mr. LIEBELER. Do you know Agent Sorrels, the agent in charge of the Dallas office of the Secret Service?

Mr. SMITH. I saw him a few minutes, but I don't know him personally.

Mr. LIEBELER. Do you remember seeing him around that day?

Mr. SMITH. No, sir; I don't remember.

Mr. LIEBELER. Did you at any time see Lee Harvey Oswald come in or out of the building, or in the area at all?

Mr. SMITH. No, sir.

Mr. LIEBELER. Is there anything that happened while you were standing there with Barnett at the front door that you think would be of significance that the Commission should know about that I haven't asked you about?

Mr. SMITH. No, sir; I don't.

Mr. LIEBELER. You just maintained the general guard duty there and only let the police officers and fire department in, and you don't have any specific recollection as to Secret Service agents. How about FBI agents; were there some of those?

Mr. SMITH. Yes, sir; there were FBI agents.

Mr. LIEBELER. You let them go in?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. Do you remember any specific FBI agents that were there?

Mr. SMITH. No, sir; I don't remember any of the names.

Mr. LIEBELER. Who finally relieved you from that particular duty post?

Mr. SMITH. Let me think here a minute now. Chief Lumpkin, I know—I don't recall who the officer was.

Mr. LIEBELER. I don't think it is of any particular importance if you can't recall. What did you do after you were finally relieved?

Mr. SMITH. I don't know if this is of significance either, but they had set up, the Salvation Army had some coffee and I had a cup of coffee and proceeded on back to the Mercantile Bank. I had an extra job there that evening.

Mr. LIEBELER. You were relieved from your duty post?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. And went on about your own personal affairs?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. Did you conduct any additional investigation or have anything to do with the investigation of the assassination after that?

Mr. SMITH. No, sir.

Mr. LIEBELER. Did you know Officer Tippit?

Mr. SMITH. Remotely. I didn't know him real well. Just knew him when I saw him.

Mr. LIEBELER. When did you first hear about Oswald's capture?

Mr. SMITH. It was after I left my post.

Mr. LIEBELER. After you left your post?

Mr. SMITH. Yes; in fact, just before I got off from working at the bank. Just before 6 o'clock. A squad of detectives, I don't recall their names, but they told me they got a man over at the Texas Theatre that they thought might have been the one.

Mr. LIEBELER. After you heard the shots and went from point 4 on Commission Exhibit No. 354 down to point 5 searching the bushy area here, did you have any occasion to look up in the windows of any of the buildings surrounding the intersection of Elm and Houston Streets?

Mr. SMITH. No, sir; I was—pardon the expression—beating the bushes and checking the cars.

Mr. LIEBELER. So you never saw anything in any of those windows at all?

Mr. SMITH. No, sir.

Mr. LIEBELER. Are you familiar with the traffic patterns on these three streets here, Commerce, Main, and Elm Streets, as they go down under the triple underpass?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. The motorcade came down Main Street from the east to the intersection of Main Street and Houston, did it not?

Mr. SMITH. Yes; headed west on Main.

Mr. LIEBELER. Yes; and it turned right on Houston Street and then turned left on Elm and was headed toward the triple underpass when the assassination occurred. What would have prevented the motorcade from going directly down Main Street under the triple underpass, remembering now that the motorcade wanted to go onto Stemmons Freeway?

Mr. SMITH. I don't know, sir.

Mr. LIEBELER. Now, could you have gone straight down Main Street and gotten onto Stemmons Freeway down here?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. Where the three streets go under the triple overpass, there is a concrete barrier between Elm Street and Main Street; is there not?

Mr. SMITH. What do you mean?

Mr. LIEBELER. Where the streets actually go under the railroad tracks here.

Mr. SMITH. Yes, sir.

Mr. LIEBELER. Now where is the entrance as we go off, as we see the three streets going off the picture here, Commission Exhibit No. 354? Where is the entrance to the Stemmons Freeway?

Mr. SMITH. It is back off.

Mr. LIEBELER. It is not shown on the picture?

Mr. SMITH. No, sir; it is back off here.

Mr. LIEBELER. To go down Stemmons Expressway or Freeway towards the trade mart, you would have to turn how? Would you turn to your right?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. Now could you have actually gone off to the right and crossed

over Elm Street if you had been on Main Street and gone under the triple underpass?

Mr. SMITH. They merge.

Mr. LIEBELER. They all merge together down there?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. So as far as you know, there was no reason why the motorcade couldn't have gone straight down Elm Street and gone on to the Stemmons Freeway headed for the trade mart?

Mr. SMITH. As far as I know, there is no reason.

Mr. LIEBELER. Is it possible that as you come down Main Street, if you stayed directly on Main Street going under the triple underpass, that you might have difficulty in making the turn with a big car from Main Street to go onto Stemmons Freeway?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. I don't think I have any more questions about the situation, unless you can think of something else that you might have seen or observed that day that I haven't asked you about, that you think the Commission should know.

Mr. SMITH. Sir, I just can't think of anything else.

Mr. LIEBELER. I want to thank you very much for coming over. I appreciate your cooperation.

Mr. SMITH. Yes, sir; thank you.

TESTIMONY OF WELCOME EUGENE BARNETT

The testimony of Welcome Eugene Barnett was taken at 3:50 p.m., on July 23, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Wesley J. Liebeler, assistant counsel of the President's Commission.

Mr. LIEBELER. Before you sit down, will you raise your right hand? 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. BARNETT. I do.

Mr. LIEBELER. Please sit down. My name is Wesley J. Liebeler. I am an attorney for the President's Commission investigating the assassination of President Kennedy. I have been authorized to take your testimony by the Commission, pursuant to authority granted to it by Executive Order 11130 dated November 29, 1963, and joint resolution of Congress No. 137. Pursuant to the rules of the Commission governing the taking of testimony, you are entitled to have an attorney present if you want one, and you are entitled to 3 days' notice of the hearing. I know you did not get the 3 days' notice because of schedule difficulties that we had, and you were just advised of it this morning, I believe. I assume, however, that since you are here, that you are prepared to go ahead with your testimony without having an attorney.

Mr. BARNETT. Yes.

Mr. LIEBELER. Would you state your full name for the record?

Mr. BARNETT. Welcome Eugene Barnett.

Mr. LIEBELER. When and where were you born?

Mr. BARNETT. July 12, 1932, New Hope, Tex.

Mr. LIEBELER. You are apparently a uniformed officer of the Dallas Police Department, isn't that right?

Mr. BARNETT. Yes, sir.

Mr. LIEBELER. How long have you been in the Dallas police?

Mr. BARNETT. Eight and a half years.

Mr. LIEBELER. It is my understanding that you were assigned to the area of Elm and Houston Streets on November 22, 1963; is that correct?

Mr. BARNETT. Yes, sir.

Mr. LIEBELER. Would you tell us how you received instructions to go there, when you received them, what you were told, and what happened? Would you tell us what happened on that day, in other words?

Mr. BARNETT. We made detail around 9 o'clock. We were instructed to be at our assignments at 10. We were given our assignments, each one was given an assignment, and I was told to watch the crowd, watch for people throwing stuff from the crowd at the President's party, to keep the traffic clear, and to stop the traffic when the President came by. Then when the President came by, I heard three shots.

Mr. LIEBELER. Now, going back, you got to the area around 10 o'clock; is that right?

Mr. BARNETT. Yes, sir.

Mr. LIEBELER. Where did you go when you got there?

Mr. BARNETT. Well, there were three of us assigned to that one corner.

Mr. LIEBELER. Who were the other officers?

Mr. BARNETT. Who were the other officers?

Mr. LIEBELER. Yes.

Mr. BARNETT. J. D. Smith, and another officer named Smith. I don't know his initials. E. L., I believe.

Mr. LIEBELER. Did you divide your duties among yourselves when you got there, or had you been specifically instructed as to what each one was supposed to do?

Mr. BARNETT. We divided our duties.

Mr. LIEBELER. How did you do that?

Mr. BARNETT. Well, as best I remember, we each picked a corner and got on the corner. We were advised to stay on our corner, not to cross over to idly talk, but to stay on the corner and keep our eyes open and be ready.

Mr. LIEBELER. Which corner did you station yourself at? I have a picture here of an aerial view—you can sit down—Commission Exhibit No. 354.

Of course, you can recognize the intersection of Elm and Houston here in the left-hand upper portion of the picture; can you not?

Mr. BARNETT. I was right here.

Mr. LIEBELER. At No. 1?

Mr. BARNETT. Yes, sir.

Mr. LIEBELER. Did you remain there at all times from 10 o'clock until the motorcade arrived?

Mr. BARNETT. Yes; well, of course, I was here until we got word to stop the traffic, and I stepped out of this position here. I had to stop traffic from Houston here and help the other officers stop it on Elm, and stop this traffic on this small street that goes in front of the Depository Building.

Mr. LIEBELER. When the motorcade actually came, you moved over pretty much into Houston Street?

Mr. BARNETT. Yes, sir.

Mr. LIEBELER. To stop the traffic that was coming?

Mr. BARNETT. South on Houston Street.

Mr. LIEBELER. South on Houston Street?

Mr. BARNETT. Yes, sir; Elm Street is so wide, and I helped these officers here stop this traffic here.

Mr. LIEBELER. We have written the No. 4 on here before and it is kind of hard to read. You also helped to stop the traffic that was coming down here in the area of No. 4, which would have been the traffic on Elm Street?

Mr. BARNETT. Yes, sir; I was standing right about this position right here.

Mr. LIEBELER. Right about No. 8?

Mr. BARNETT. Yes, sir.

Mr. LIEBELER. Now specifically, were you given any instructions when you left that morning when you made detail, to observe and scan the windows of the buildings around that area?

Mr. BARNETT. No, sir; we weren't, but that is just one thing you always do. It is understood that you have the buildings to watch.

Mr. LIEBELER. But there were no specific instructions given to any of the officers, so far as you know, when they left that morning, about watching the windows in the area?

Mr. BARNETT. I don't see any use in being instructed on that.

Mr. LIEBELER. Well, regardless of that fact—

Mr. BARNETT. There was no instructions; no.

Mr. LIEBELER. Now from where you were standing at position 1 prior to the motorcade's arrival, you were in a position to view the windows on the entire south side of the Texas School Book Depository Building; were you not?

Mr. BARNETT. Yes.

Mr. LIEBELER. Did you look up at those windows?

Mr. BARNETT. Yes.

Mr. LIEBELER. How many times did you look up at those windows before the motorcade came? Can you tell us with what frequency?

Mr. BARNETT. I looked up twice. Maybe once at 11, probably a few minutes after 11—probably a few minutes after 11. It was raining part of the morning, and when I found out that the people in the building were going to come outside and watch the President, I looked up at the building, and then I looked at all the buildings, and there were no windows that I noticed open then. But after a few minutes before the President came by, I didn't look any more. I started watching the crowd.

Mr. LIEBELER. So just before the motorcade approached, you moved over and also stopped the automobile traffic and were observing the crowd, so you did not look at the windows on or about the time the motorcade came?

Mr. BARNETT. I couldn't. I was too busy. [Referring to picture.] I got this in the wrong place. It needs to be about this position right here, instead of here. I was right here. I got it too far, but I could see the President's car from the position I was, so I had to be right here [pointing].

Mr. LIEBELER. You are satisfied you were further out into the intersection?

Mr. BARNETT. Right there [indicating].

Mr. LIEBELER. [Marking]. In the general vicinity of No. 9?

Mr. BARNETT. Yes, sir; the car passed within a few feet of me, and I was holding some people, or seeing that they stayed back, and one small boy started. I was afraid he was going to get too close and I stopped him.

Mr. LIEBELER. Now the motorcade made the turn onto Elm Street from Houston Street, and you were standing at approximately in position No. 9, and you indicated before that you heard the shots fired; is that right?

Mr. BARNETT. Yes, sir.

Mr. LIEBELER. How many shots did you hear?

Mr. BARNETT. Three.

Mr. LIEBELER. Was there any echo in the area from where you were standing?

Mr. BARNETT. What do you mean by echo? You mean another sound besides the shots?

Mr. LIEBELER. Yes.

Mr. BARNETT. No; I didn't hear any echo. The whole sound echoed. The sound lingered, but as far as just two definite distinct sounds, when each shot was fired, that one sound would linger in the air, but there would be nothing else until the next shot.

Mr. LIEBELER. Did you see any of the shots hit the President?

Mr. BARNETT. Well, when the first shot—I was looking at the President when the first shot was fired, and I thought I saw him slump down, but I am not sure, and I didn't look any more then. I thought he was ducking then.

Mr. LIEBELER. Now when you were standing up there in position No. 9, you were in a spot where you could look right down Elm Street and see the railroad tracks down here which pass over the triple underpass?

Mr. BARNETT. Yes, sir.

Mr. LIEBELER. Did you see anybody on the railroad tracks?

Mr. BARNETT. One or two officers. Two officers, I believe.

Mr. LIEBELER. Was there anybody else, as far as you can recall?

Mr. BARNETT. That is all I saw.

Mr. LIEBELER. Did you have an opinion when you heard the shots as to where they came from?

Mr. BARNETT. Yes, sir.

Mr. LIEBELER. What did you think about them?

Mr. BARNETT. When the first shot was fired, I thought it was a firecracker, and

I looked across the street. In fact, I scanned the whole area to see where people would jump or move or make some action.

Mr. LIEBELER. You couldn't tell specifically where it had come from?

Mr. BARNETT. Not the first one, but I thought it was a firecracker. But none of the people moved or took any action, whereas they would have if a firecracker went off. And when the second shot was fired, it sounded high. The sound of the second one seemed to me like it was coming from up high, and I looked up at the building and I saw nothing in the windows. In fact, I couldn't even see any windows at that time.

Mr. LIEBELER. In the Texas School Book Depository?

Mr. BARNETT. No, sir; because I was standing too close, was the reason. And I looked back again at the crowd, and the third shot was fired. And I looked up again, and I decided it had to be on top of that building. To me, it is the only place the sound could be coming from.

Mr. LIEBELER. What did you do when you concluded that the shots were coming from that building?

Mr. BARNETT. I ran to the back of the building.

Mr. LIEBELER. Ran down Houston Street?

Mr. BARNETT. Yes, sir.

Mr. LIEBELER. There is a door in the back of the Texas School Book Depository. Does it face on Houston or around the corner?

Mr. BARNETT. It is around the corner from Houston Street.

Mr. LIEBELER. Did you go in the building?

Mr. BARNETT. No, sir; I didn't get close to it, because I was watching for a fire escape. If the man was on top, he would have to come down, and I was looking for a fire escape, and I didn't pay much attention to the door.

I was still watching the top of the building, and so far as I could see, the fire escape on the east side was the only escape down.

Mr. LIEBELER. Since you surmised that the shots had come from the building, you looked up and you didn't see any windows open. You thought they had been fired from the top of the building?

Mr. BARNETT. That's right.

Mr. LIEBELER. So you ran around here on Houston Street immediately to the east of the Texas School Book Depository Building and watched the fire escape?

Mr. BARNETT. I went 20 foot past the building still on Houston, looking up. I could see the whole back of the building and also the east side of the building.

Mr. LIEBELER. Did you see anybody coming off the fire escape up there, or any movement on top of the building?

Mr. BARNETT. Not a thing.

Mr. LIEBELER. What did you do after you went around behind the building?

Mr. BARNETT. I looked behind the building and I saw officers searching the railroad cars. I looked around in front towards the front of the building and I saw officers going west.

Mr. LIEBELER. Going west down that little street there in front of the School Book Depository Building?

Mr. BARNETT. Yes; but there was no sign they were going into the building or watching the building, so I decided I was the only one watching the building. So since this was the only fire escape and there was officers down here watching this back door, I returned back around to the front to watch the front of the building and the fire escape. Then I decided maybe I had been wrong, so I saw the officers down here searching.

Mr. LIEBELER. You mean the officers went on down toward No. 5 on our Exhibit No. 354?

Mr. BARNETT. When I got to the front, some of the officers were coming back toward me, started back toward me.

Mr. LIEBELER. You were still back near the intersection of Elm and Houston?

Mr. BARNETT. Yes, sir; I was back where No. 8 is then. That was probably 2½ minutes after the last shot was fired. About that time, my sergeant came up from this way, from the north of Houston Street and asked me to get the name of that building. I broke and ran to the front and got the name of it. There were people going in and out at that time. I ran back and told him the name of it, and about that time a construction worker ran from this southwest

corner of the intersection up to me and said, "I was standing over there and saw the man in the window with the rifle." He and I and the sergeant all three broke and ran for the door. I kept the man there with me. The sergeant ran to the back to make sure it was covered. I kept the man there until they took him across the street to the courthouse. I was there until 3 o'clock, at the door there with one of the other officers, J. D. Smith.

Mr. LIEBELER. You didn't actually go into the building at the time?

Mr. BARNETT. No.

Mr. LIEBELER. How long do you think it was from the time the last shot was fired until the time you were at the front door keeping people from going in and out?

Mr. BARNETT. It was around 2½ minutes. Maybe between 2½ or 3 minutes.

Mr. LIEBELER. From the time the last shot was fired until the time you were standing at that front door?

Mr. BARNETT. Yes.

Mr. LIEBELER. Did you let anybody out of the building after you got there?

Mr. BARNETT. No, sir; until they were authorized.

Mr. LIEBELER. Who was in a position to authorize people to come in and out?

Mr. BARNETT. Well, of course, for sometime no one left except city, county, and Federal officers, and then after the people in the building were taken into the small room there and questioned, they were brought to the door by a lieutenant, which I don't remember his name, but that was sometime after, and he brought them to the door and told us to let them out.

Mr. LIEBELER. Now, it was possible that people could have left the building between the time the last shot was fired and the time you and Officer Smith stationed yourselves there?

Mr. BARNETT. When I went to the door to get the name of the building, there were people going in and out then.

Mr. LIEBELER. There were?

Mr. BARNETT. Yes, sir.

Mr. LIEBELER. Do you think it was as quickly as 2½ minutes from the time the last shot was fired until the time you got to the front door? Do you think it was that quick?

Mr. BARNETT. I believe it was 2½ minutes probably from the time I ran from the back to the front. That was probably 2½ minutes. Then it took me 20 or 30 more seconds before I got to the front there.

Mr. LIEBELER. So your recollection is that it was fairly short order that you got to the front door?

Mr. BARNETT. Three minutes at the most.

Mr. LIEBELER. Now who was the one sergeant who instructed you to post yourself there at the door, or was it somebody else?

Mr. BARNETT. Sergeant Howard.

Mr. LIEBELER. You remained there at the door for how long?

Mr. BARNETT. Until 3 o'clock. Close to 11:30 to 3—close to 12:30 to 3.

Mr. LIEBELER. At which time you were relieved from duty?

Mr. BARNETT. Yes, sir; from that position I had to go back to my regular assignment at Commerce and Akard.

Mr. LIEBELER. Did you notice Oswald around that area at anytime?

Mr. BARNETT. No, sir.

Mr. LIEBELER. Later on you saw his picture in the paper and, of course, on television?

Mr. BARNETT. Yes, sir.

Mr. LIEBELER. You had no recollection of seeing him in the area at all?

Mr. BARNETT. None whatsoever. There were hundreds of people in that intersection.

Mr. LIEBELER. Have you ever talked to any other officer in the department that remembers seeing him in the area at all?

Mr. BARNETT. No; I haven't.

Mr. LIEBELER. Have you heard of anybody that saw him there at the time?

Mr. BARNETT. Well, of course, I heard other officers that went up in the building and talked to him.

Mr. LIEBELER. Officer Baker was one?

Mr. BARNETT. I haven't talked to the officer.

Mr. LIEBELER. So you were pretty sure fairly quickly that the shots had come from the Texas School Book Depository?

Mr. BARNETT. Yes, sir.

Mr. LIEBELER. There was no notion in your mind that they could have come from these railroad tracks down here around the triple underpass?

Mr. BARNETT. To me, it is impossible.

Mr. LIEBELER. From the sound of the shots?

Mr. BARNETT. The sounds were high, and if it was down here, it wouldn't echo. It would be a low sound. For a shot to echo, it has to be high up.

Mr. LIEBELER. You mean to hang?

Mr. BARNETT. To hang like that.

Mr. LIEBELER. Now there were altogether three policemen assigned to the corner of Elm and Houston; is that right?

Mr. BARNETT. Yes, sir.

Mr. LIEBELER. Were there any other men assigned down the length of Elm Street here, that you know?

Mr. BARNETT. Not that I know of. There were no men stationed permanently there.

Mr. LIEBELER. The responsibility of control in that area would have been the job of the motorcycle riders and the Secret Service men?

Mr. BARNETT. That's right.

Mr. LIEBELER. Are there any general orders that are issued to police officers in regard to the scanning of windows when motorcades go by and that sort of thing?

Mr. BARNETT. Well, in our training, we are told to scan windows, among lots of things. Look on top of buildings, windows, cars, but, of course, these things you are taught from the beginning. You don't have to be reminded of it every day. That is what you are taught to do, and it would take too long to remind us of everything they are supposed to do.

Mr. LIEBELER. Every time you went out on an assignment?

Mr. BARNETT. Yes, sir; it would be impossible. That is why you are trained for a job.

Mr. LIEBELER. Can you think of anything else that you saw or heard on that day that you haven't told us about now, that you think we would be interested in?

Mr. BARNETT. No, sir; I believe that is all.

Mr. LIEBELER. Thank you very much, officer, for coming in. We appreciate your cooperation.

Mr. BARNETT. You are welcome.

TESTIMONY OF EDDY RAYMOND WALTHERS

The testimony of Eddy Raymond Walthers was taken at 8:16 p.m., on July 23, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Wesley J. Liebeler, assistant counsel of the President's Commission.

Mr. LIEBELER. My name is Wesley J. Liebeler, [spelling] L-i-e-b-e-l-e-r, and I am an attorney on the staff of the President's Commission investigating the assassination of President Kennedy. I have been authorized to take your testimony by the Commission pursuant to authority granted to it by Executive Order 11130, dated November 29, 1963, and joint resolution of Congress 137. Pursuant to the rules of the Commission covering the taking of testimony, you are entitled to have an attorney present and you are entitled to 3 days' notice of your hearing. I know you didn't get the 3 days' notice of your hearing, but that can be waived by the witness and I assume that since you are here you are prepared to proceed and that we may proceed without your attorney being present?

Mr. WALTHERS. Yes.

Mr. LIEBELER. Will you stand and take the oath, please? 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. WALTHERS. I do.

Mr. LIEBELER. Will you state your name, please?

Mr. WALTHERS. Eddy Raymond Walthers.

Mr. LIEBELER. When and where were you born?

Mr. WALTHERS. I was born here in Dallas County in 1928 on July 17.

Mr. LIEBELER. Where do you live?

Mr. WALTHERS. I live at 2527 Boyd Street in Dallas.

Mr. LIEBELER. Are you presently a deputy sheriff in Dallas County, Tex.?

Mr. WALTHERS. Yes.

Mr. LIEBELER. How long have you been a deputy sheriff?

Mr. WALTHERS. About 9 years.

Mr. LIEBELER. I understand that you were in or about the area of the Texas School Book Depository Building on November 22, 1963; is that correct?

Mr. WALTHERS. Yes, sir.

Mr. LIEBELER. How did you come to be there at that time?

Mr. WALTHERS. I was standing in front of the sheriff's office on Main Street and close to Houston with Mrs. Decker watching the parade.

Mr. LIEBELER. Now, there is a building right there at the corner of Elm Street and Houston Street, what has been referred to as the county building; is that right?

Mr. WALTHERS. I was standing right here.

Mr. LIEBELER. You were standing over on Main Street just east of the intersection of Main Street and Houston; is that correct?

Mr. WALTHERS. Yes; just between the two buildings.

Mr. LIEBELER. Were you standing there when the motorcade came down?

Mr. WALTHERS. Yes.

Mr. LIEBELER. And you stood there and watched the motorcade go by?

Mr. WALTHERS. Yes, sir.

Mr. LIEBELER. Were you acting in any official capacity at that time?

Mr. WALTHERS. I was a deputy sheriff—I was on duty and had stopped there with Mrs. Decker to watch the parade go by.

Mr. LIEBELER. You didn't have any specific assignment in connection with the motorcade or the President or anything like that?

Mr. WALTHERS. No, sir.

Mr. LIEBELER. The motorcade came down Main Street and made a wide turn into Houston Street and went back down Elm Street; isn't that right?

Mr. WALTHERS. Yes.

Mr. LIEBELER. After the motorcade turned onto Houston Street, what did you do?

Mr. WALTHERS. After it turned onto Houston and most of the motorcade went by, I turned to talk to Mrs. Decker and asked her if she was ready to go back inside and I proceeded to help her back up the steps and then we heard the shots.

Mr. LIEBELER. You actually were still standing over on Main Street around the corner from Houston Street when you heard the shots?

Mr. WALTHERS. Yes, sir.

Mr. LIEBELER. You actually didn't see any of the shots take effect or anything like that?

Mr. WALTHERS. No.

Mr. LIEBELER. How many shots did you hear?

Mr. WALTHERS. I remember three shots.

Mr. LIEBELER. Are you clear about that?

Mr. WALTHERS. Yes, sir.

Mr. LIEBELER. What did you do after you heard the shots?

Mr. WALTHERS. Well, I was facing her and I told her that sounded like a rifle and I ran across here [indicating] and there is a wall along in here and I hopped over it.

Mr. LIEBELER. You mean you ran across Houston Street and jumped over the wall and back into Dealey Plaza there?

Mr. WALTHERS. People were laying down on this grass—women and men were laying on top of their children on the grass.

Mr. LIEBELER. On either side of Main Street?

Mr. WALTHERS. Yes; and then someone, I don't know, I say someone—a lot of people was sitting there—but it must have been behind that fence—there's a fence right along here—

Mr. LIEBELER. You are referring to the area immediately behind the No. 7 that appears on Commission Exhibit No. 354—there is a concrete structure there of some sort.

Mr. WALTHERS. It don't show on this, but since this picture was made, there's a fence—it may be there—it's a solid board fence along here.

Mr. LIEBELER. Running along behind the concrete structure that faces Elm Street and is No. 7 on Commission Exhibit No. 354?

Mr. WALTHERS. And at that time I heard the shots as well as everybody else, but as we got over this fence, and a lot of officers and people were just rummaging through the train yards back in this parking area.

Mr. LIEBELER. In the parking area down there? West of the Texas School Book Depository Building between the Texas School Book Depository and the railroad tracks?

Mr. WALTHERS. Yes; and the discussion came up among several of the officers, "Were there any shots fired?" And I said, "Well, they sounded like rifle shots to me." At the time no one knew—in our crowd they were sure the shots had been fired though because of the reports—we heard the noise, and I left then and went back up here and came back onto the street.

Mr. LIEBELER. Up on Elm Street?

Mr. WALTHERS. And went over on this grassy area right in here [indicating].

Mr. LIEBELER. Between Elm Street and Main Street?

Mr. WALTHERS. Between Elm and Main and starting to looking at the grass to see if some shots had been fired and some of them might have chugged into this turf here and it would give an indication if some had really been, if they were really shots and not just blanks or something, and a man, and I couldn't tell you his name if my life depended on it—he had a car parked right here in Main Street—in the Main Street lane headed east, just under this underpass.

Mr. LIEBELER. Down at the point marked No. 9 of the exhibit we are talking about; is that right?

Mr. WALTHERS. That's right—in this lane here and his car was just partially sticking out parked there and he came up to me and asked me, he said, "Are you looking to see where some bullets may have struck?" And I said, "Yes." He says, "I was standing over by the bank here, right there where my car is parked when those shots happened," and he said, "I don't know where they came from, or if they were shots, but something struck me on the face," and he said, "It didn't make any scratch or cut and it just was a sting," and so I had him show me right where he was standing and I started to search in that immediate area and found a place on the curb there in the Main Street lane there close to the underpass where a projectile had struck that curb.

Mr. LIEBELER. Would you remember that man's name if I told you or if I reminded you of it?

Mr. WALTHERS. I'm sorry—I don't know if I would remember it or not.

Mr. LIEBELER. There is a man by the name of Jim Tague [spelling], T-a-g-u-e, who works as an automobile salesman.

Mr. WALTHERS. I remember he had a gray automobile—I remember that very well.

Mr. LIEBELER. I think it must have been Mr. Tague because he was in here this afternoon and he told me his car was parked right there at No. 9 and that's when I put the mark on the exhibit and he walked up there and talked to a deputy sheriff and he looked at the curb.

Mr. WALTHERS. Yes; this was pure ignorance on my part in not getting his name—I don't know—but I didn't.

Mr. LIEBELER. I think it is pretty clear it was Mr. Tague, because his testimony he gave today jibed with yours and it couldn't have been anybody else and he had a cut and some blood on his face.

Mr. WALTHERS. Well, at the time I wasn't interested in whether he was cut

or what, I just said, "Where were you standing?" In an effort to prove there was some shots fired, and after seeing the way it struck the curb at an angle—which it came down on the curb—it was almost obvious that it either came from this building or this building [indicating] the angle it struck the curb at.

Mr. LIEBELER. When you say this building or this building you are talking about the School Book Depository Building or the building immediately east thereof, across Houston Street?

Mr. WALTHERS. Yes; and I ran right then back up along in here and that would be right at the corner of Elm and Houston, where I ran into one of our deputies, Allan Sweatt, and told him—everybody still at this time was just—I don't know what you would call it—just running around in circles you might say, and I told him, I said, "A bullet struck that curb. It's fresh—you can see a fresh ricochet where it had struck," and I said, "From the looks of it, it's probably going to be in this School Book Building," and immediately then everybody started surrounding the School Book Building and then I got off and come up the street here that runs in front of the School Book Depository Building and started gathering up a bunch of witnesses and started taking them over and put them in our office so we could get some statements before they got all jumbled up together with their stories.

I continued to take witnesses across the street here and locked them up and got our secretaries to start taking depositions from them before they had a chance to get their stories messed up, and I don't remember who it was now that came—as I was coming out the back door of the jail, out of the office building here and said an officer had been killed in Oak Cliff and there wasn't anybody over there, everybody was down here, and I got a couple of our civil deputies and put them in a car and went to Oak Cliff, and left all this area where the shooting was—where the shooting had taken place—and just at the time I reached Zangs and Jefferson in Oak Cliff, I had a little transistor radio in my car, and that's the first time I knew the President was actually shot. They announced the fact that he was actually dead on the Citizens radio and immediately after that we got a call that a suspect that was supposed to have shot Officer Tippit was in the library building on Marsalis and Jefferson, and everybody that had made it to Oak Cliff then went to that library and we bailed out and surrounded it and found out that it was no good. It was not the suspect, and then we got back in the car and got the call to go to the Texas Theatre, that the suspect was in the balcony of the Texas Theatre on Jefferson, and I parked there just east of the entrance and out in the traffic lane, and I had a sawed off shotgun that I took with me inside the building and went up the steps to the landing there and got hold of the manager and asked him to turn on the house lights, and he said, "I'll go get some flashlights." I said, "No, you can turn on the house lights, we're looking for a man," and I went on into the balcony and there wasn't anybody in the balcony. It was vacant. I ran to the rail then and looked downstairs and the house lights had just came on and it wasn't too bright, even with them on, and we seen some confusion down in the center section close to the back of the center section of the seats and I hollered to another bunch of officers that were still pouring in the balcony, "He must be downstairs," or, "He is downstairs," or something to that effect and I ran back down the steps then and I laid my shotgun down there across a couple of seats there and went into the aisle where a scuffle was taking place and seen two hands wrapped around a pistol. Like I say, it was dark even above the seats and down between the seats it was pretty much of a mess to tell what was really happening.

Mr. LIEBELER. This man that had both hands up was down there between the seats?

Mr. WALTHERS. Well, there were two different hands wrapped around the gun holding onto it.

Mr. LIEBELER. Two different people fighting for it?

Mr. WALTHERS. Yes; and there were a lot of officers jumping over the seats coming back to where it was happening, and Mr. B. K. Carroll that works up at the city was coming right in on the same row I was in from the opposite side facing me and I grabbed ahold of the hands that had the gun and about that time two or three other officers piled into the scuffle there in between the seats and

I was real sure it was Carroll that got the pistol out of his hands, or pulled it away from the hands and then some uniformed officers just gathered this boy that turned out to be Oswald up in a bunch, you might say, and I picked my shotgun up and Mr. McDonald, I remember seeing him pick his hat up off of the floor and standing over at the edge of everything and dusting his hat off when we got ready to come out with him, and I got the shotgun, and a lot of people had congregated out in front of the show and there's kind of an island there that goes all the way out into the street and people were all over it and I had gotten the shotgun and turned it sideways like a battering ram to get through and they were all raising hell and cussing and saying what they wanted to do, "Let us have him," and they wadded him up in the car and left with him, and then I got in my car and somewhere in the shuffle I lost the two officers I had with me—I don't remember how they got back to the station, but I remember leaving them—I couldn't find them, so I went on back to the station then and Mr. Decker gave me an address on a little piece of paper—I thought I could remember the address in Irving where this Oswald had been staying with Mrs. Paine.

Mr. LIEBELER. Was it 2515 West Fifth?

Mr. WALTHERS. I believe it was—5th or 15th.

Mr. LIEBELER. I believe it was Fifth.

Mr. WALTHERS. Yes; and I took our officer, Harry Weatherford, and we met Officer Adameik that works for the city and Officer Rose and another one of their officers, but I don't recall his name right now—at this address in Irving and when we went to the door, what turned out to be Mrs. Paine—just as soon as we stepped on the porch, she said, "Come on in, we've been expecting you," and we didn't have any trouble at all—we just went right on in and started asking her—at that time it didn't appear that her or Mrs. Oswald, or Marina, who came up carrying one of the babies in the living room—it didn't appear that they knew that Oswald had been arrested at all—the way they talked.

Mr. LIEBELER. How do you account for the fact that Mrs. Paine said, "Come on in, we've been expecting you?"

Mr. WALTHERS. I don't know—to this day, I don't know.

Mr. LIEBELER. Are you sure that's what she said?

Mr. WALTHERS. I know that's what she said.

Mr. LIEBELER. Mrs. Paine said that?

Mr. WALTHERS. Yes, sir; she said, "Come on in, we have been expecting you."

Mr. LIEBELER. Was there anybody else there that heard her say that?

Mr. WALTHERS. I imagine all the officers on the porch did. I know Rose was trying to show her his credentials and she just pushed the screen open and said, "Come on in." Now, after we got inside and we were making a search of the house with their permission, they had no objection whatsoever. Mrs. Oswald couldn't speak much English and Mr. Rose was doing most of the questioning, the city officer. We were just—not actually knowing what we were looking for, just searching, and we went into the garage there and found this—I believe it was one of these things like soap comes in, a big pasteboard barrel and it had a lot of these little leaflets in it, "Freedom for Cuba" and they were gold color with black printing on them, and we found those and we also found a gray blanket with some red trim on it that had a string tied at one end that you could see the imprint of a gun, I mean where it had been wrapped in it.

Mr. LIEBELER. You could really see the imprint of the gun?

Mr. WALTHERS. You could see where it had been—it wasn't completely untied—one end had been untied and the other end had been left tied, that would be around the barrel and you could see where the gun had rested on the inside of it.

Mr. LIEBELER. You mean by that, you could tell that from the way the thing had been tied?

Mr. WALTHERS. You could tell it from the way it was tied and the impression of where that barrel went up in it where it was tied, that a rifle had been tied in it, but what kind—you couldn't tell, but you could tell a rifle had been wrapped up in it, and then we found some little metal file cabinets—I don't know what kind you would call them—they would carry an 8 by 10 folder, all right, but with a single handle on top of it and the handle moves.

Mr. LIEBELER. About how many of them would you think there were?

Mr. WALTHERS. There were six or seven, I believe, and I put them all in the

trunk of my car and we also found a box of pictures, a bunch of pictures that we taken. We didn't go to the trouble of looking at any of this stuff much—just more or less confiscated it at the time, and we looked at it there—just like that, and then we took all this stuff and put it in the car and then Mrs. Paine got a phone number from Mrs. Oswald where you could call Lee Harvey Oswald in Oak Cliff. It was a Whitehall phone number, I believe, and they said they didn't know where he lived, but this was where they called him, and I called Sheriff Decker on the phone when I was there and gave him that number for the criss-cross, so they could send some men to that house, which I think they did, but I didn't go myself. Then we put everybody in the car, the kids, Mrs. Oswald, and everyone—no; just a minute—before that, though, this Michael Paine or Mitchell Paine, whichever you call it, came home and I had understood from Mrs. Paine already that they weren't living together, that they were separated and he was supposed to be living in Grand Prairie and when he showed up I asked him what was his object in coming home. He said—well, after he had heard about the President's getting shot, he just decided he would take off and come home, and he arrived there while we were there.

Mr. LIEBELER. This was already after the time Oswald had been arrested, of course?

Mr. WALTHERS. Yes.

Mr. LIEBELER. Because you had actually helped arrest Oswald at the Texas Theatre?

Mr. WALTHERS. Yes.

Mr. LIEBELER. And what time was it approximately, would you be able to give us that?

Mr. WALTHERS. Oh, man—I couldn't tell you; I'm sorry.

Mr. LIEBELER. Oswald was arrested about what time—it must have been around close to 2 o'clock or 1:30?

Mr. WALTHERS. It was between 1:30 and 2 o'clock. This wasn't his getting off time, I remember him saying he had taken off and he had worked at Bell Helicopter.

Mr. LIEBELER. It's perfectly possible, however, that he could have heard about Oswald having been arrested in connection with the Officer Tippit shooting?

Mr. WALTHERS. But he didn't say anything about that when he came in.

Mr. LIEBELER. What did he say?

Mr. WALTHERS. I didn't ask him, of course, if he knew he had been arrested. I asked him if he knew Oswald and he said, "Yes"; he had known him. We were standing, I remember, on each side of the ironing board when I talked to him and he said "Yes," he had known him and I said, "How does the guy think, what is he, what does he do?" He said, "He's a Communist. He is very communistic minded. He believes in it." And he says, "He used to try to convince me it was a good thing," and he says, "I don't believe in it." And our conversation didn't go too far. It was just a matter of talk about Oswald and what he had to say about him being a Communist.

They were all put in the cars and we took them to Capt. Will Fritz' office along with the stuff we had confiscated, the files and the blanket and the other stuff, and I turned them over to Captain Fritz and left them and went back to my station.

Mr. LIEBELER. What was in these file cabinets?

Mr. WALTHERS. We didn't go through them at the scene. I do remember a letterhead—I can't describe it—I know we opened one of them and we seen what it was, that it was a lot of personal letters and stuff and a letterhead that this Paine fellow had told us about, and he said, "That's from the people he writes to in Russia"; he was talking about this letterhead we had pulled out and so I just pushed it all back down and shut it and took the whole works.

Mr. LIEBELER. I have been advised that some story has developed that at some point that when you went out there you found seven file cabinets full of cards that had the names on them of pro-Castro sympathizers or something of that kind, but you don't remember seeing any of them?

Mr. WALTHERS. Well, that could have been one, but I didn't see it.

Mr. LIEBELER. There certainly weren't any seven file cabinets with the stuff you got out there or anything like that?

Mr. WALTHERS. I picked up all of these file cabinets and what all of them contained, I don't know myself to this day.

Mr. LIEBELER. As I was sitting here listening to your story, I could see where that story might have come from—you mentioned the "Fair Play for Cuba" leaflets that were in a barrel.

Mr. WALTHERS. That's right—we got a stack of them out of that barrel, but things get all twisted around.

Mr. LIEBELER. There has also been a story, some sort of story that you were supposed to have found a spent bullet.

Mr. WALTHERS. Yes; that's what the story was in this book, and man, I've never made a statement about finding a spent bullet.

Mr. LIEBELER. And you never found any spent bullet? (T1)

Mr. WALTHERS. No; me and Allan Sweatt 2 or 3 days after the assassination did go back down there and make a pretty diligent search in there all up where that bullet might have hit, thinking that maybe the bullet hit the cement and laid down on some of them beams but we looked all up there and everywhere and I never did find one. I never did in all of my life tell anybody I found a bullet other than where it hit.

Mr. LIEBELER. Also, actually, if you were standing down here in front of this building on Main Street at the time the shots were fired, I suppose you could have seen down there to this railroad track trestle that goes over the underpass, did you have occasion to look down there at any time?

Mr. WALTHERS. No; it never even entered my mind, and knowing how this thing is arranged and I have chased a couple of escapees across the thing before, and knowing what was over there, the thought that anyone was shooting from back in here—I've heard some people say he was behind the fence, and I'm telling you, it just can't be, because it's a wide open river bottom area as far as you can go.

Mr. LIEBELER. It's a river bottom?

Mr. WALTHERS. Yes; and the thought that anyone would be shooting off of there would almost be an impossible thing—there's no place for him to go—there's nothing.

Mr. LIEBELER. So, you certainly never saw anybody firing from the tops of those railroad tracks, I mean, you never told anybody you saw someone firing from up there?

Mr. WALTHERS. No, sir; not at all.

Mr. LIEBELER. You never told anybody that one of the shots had come from the top of those railroad tracks either; is that right?

Mr. WALTHERS. Never.

Mr. LIEBELER. Are you sure that what you saw there on the curb was a ricochet mark or could you clearly identify that in your own mind?

Mr. WALTHERS. Yes; it was a fresh ricochet mark. I have seen them and I noticed it for the next 2 or 3 days as it got grayer and grayer and grayer as it aged.

Mr. LIEBELER. What curb was it on?

Mr. WALTHERS. It would be on the south Main Street curb—it would be on the south side of Main.

Mr. LIEBELER. Now, looking at Commission Exhibit No. 354 here and I am looking at—looking specifically at spot No. 9 on that exhibit, it would have been directly east up Main Street on the north curb at No. 9, is that right?

Mr. WALTHERS. Yes, and about—I could step this off here—just about this distance from the underpass on the curb.

Mr. LIEBELER. About 12 or 15 feet or something like that?

Mr. WALTHERS. I imagine about 10 or 11 feet.

Mr. LIEBELER. Now, here's a picture that has been marked Tague Exhibit No. 1 and I have never even been able to figure out which way it is supposed to be looked at, but it purports to be a picture of a ricochet mark on this curb down there, does that look anything like what you saw down there?

Mr. WALTHERS. Yes, a little at one end where it first hit and then went to the left. This would be—this was shaded from the sun by someone's hand, evidently. This would actually be the curb—this would be the street right here [indicating].

Mr. LIEBELER. The lower part—the black part of the dark colored part?

Mr. WALTHERS. Yes. Let me see now. A picture taken straight down like this don't have any particular bearing. I'll tell you what—this is going to be the divider between the pavement, because I remember, there's not any grass growing down there, it's just a gravel looking top, so this is going to be the street, and that's right, because the bullet is going to be big where it hit first, and then it left this trail.

Mr. LIEBELER. Do you think that the light colored part is the street and the dark colored part is the divider?

Mr. WALTHERS. I think it would be the street—the light colored part, and the dark colored part is this little gravelly looking part down there and it's under the shade of the underpass and no grass will grow there.

Mr. LIEBELER. The light colored part is a part of the street and the dark colored part is the curb and there is what appears to be a ricochet mark on the curb.

Mr. WALTHERS. Yes; because it is high like—this is the curb and this is the street, and it come along this edge of the curb.

Mr. LIEBELER. Toward the top of the curb?

Mr. WALTHERS. And it angled down—at the angle, you could almost just point it right back up.

Mr. LIEBELER. Toward the Texas School Book Depository Building?

Mr. WALTHERS. Evidently this shot must have went way high over that car—the last shot, as they were fixing to go to the underpass—it must have been awful high to hit where it did.

Mr. LIEBELER. You say it was the last shot, why?

Mr. WALTHERS. I would say it was the last shot because of the distance it went down towards the underpass. Had there been another shot, it would have been way—would have went way back over there.

Mr. LIEBELER. The car had already been down—the car would have already been under and by the underpass?

Mr. WALTHERS. Yes.

Mr. LIEBELER. Can you think of anything else you saw or observed that day that you can tell us about what happened?

Mr. WALTHERS. No.

Mr. LIEBELER. When you were there at the Texas Theatre helping to arrest Oswald, did you hear Oswald say anything when they tried to get ahold of him and tried to get him out of there?

Mr. WALTHERS. Like I say, there was quite a scuffle between them, but I heard him say, "It's all over now, it's all over now," or something to that degree, and I can't be sure, because like I say, there was such a scuffle going on and there was so much confusion, but he said something about, "Now"—"It's over now," or, "It's all over now."

Mr. LIEBELER. Do you know if anybody else heard anything that he said at the time; have you discussed this with anybody else?

Mr. WALTHERS. I haven't discussed it because the officers that were there were not in my squad and I haven't talked to anybody about it, but there were some other officers around there. Some of our officers were there but they weren't right there in the area.

Mr. LIEBELER. Did you hear—there have been some stories that he actually tried to shoot one of the officers there with that pistol and one of the officers heard that bullet—the hammer hit the bullet, did you hear anything like that?

Mr. WALTHERS. No, sir.

Mr. LIEBELER. When I say, "Did you hear anything like that," I mean, did you hear the hammer in the pistol hit the bullet?

Mr. WALTHERS. No.

Mr. LIEBELER. Did you ever hear somebody say that it hit the bullet?

Mr. WALTHERS. I think McDonald said he snapped it at him.

Mr. LIEBELER. But you didn't hear it?

Mr. WALTHERS. No.

Mr. LIEBELER. But you do think that Oswald said something like this—"It's over, it's all over now?"

Mr. WALTHERS. He said something—when he was being pulled up out of the seat and as they were getting the gun away from him is when he made a remark about, "It's over now, it's all over now."

Mr. LIEBELER. After he had been subdued and they got his gun away from him, he said that?

Mr. WALTHERS. Yes.

Mr. LIEBELER. If you can't think of anything else that I haven't asked you about, I don't think I have any more questions. I want to thank you very much for coming in and giving us your testimony, especially being as late as it is.

Mr. WALTHERS. I'm sorry if I was a little evasive on some of this, but I didn't remember—it's been quite a while now. Of course, I have the statement that I made—immediately following all this, I guess, they sent you a copy of it. It would probably have a little more of the time and dates on it.

Mr. LIEBELER. We have covered the basic points that I wanted to cover and that's all. Thank you very much for coming.

TESTIMONY OF JAMES THOMAS TAGUE

The testimony of James Thomas Tague was taken at 3:15 p.m., on July 23, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Wesley J. Liebeler, assistant counsel of the President's Commission.

Mr. LIEBELER. Would you rise and raise your right hand? 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. TAGUE. I do.

Mr. LIEBELER. My name is Wesley J. Liebeler. I am an attorney on the staff of the President's Commission investigating the assassination of President Kennedy.

I have been authorized to take your testimony by the Commission pursuant to authority granted to it by Executive Order 11130 dated November 20, 1963, and joint resolution of Congress No. 137.

Under the Commission's rules of procedure, you are entitled to have an attorney present, and you are entitled to 3 days, notice of the hearing, and you are entitled to the usual privileges so far as not answering questions are concerned.

Since you are here without an attorney, I presume that you are prepared to go ahead without the presence of counsel?

Mr. TAGUE. Yes.

Mr. LIEBELER. Would you state your name for the record?

Mr. TAGUE. James Thomas Tague.

Mr. LIEBELER. What is your address?

Mr. TAGUE. My address is 700 West Euless in Euless, Tex.

Mr. LIEBELER. What is your employment?

Mr. TAGUE. I am a salesman for Cedar Springs Dodge.

Mr. LIEBELER. Here in Dallas?

Mr. TAGUE. Dallas; yes.

Mr. LIEBELER. When were you born?

Mr. TAGUE. October 17, 1936.

Mr. LIEBELER. It is my understanding that you were in the vicinity of the Texas School Book Depository Building at the time of the assassination, is that correct?

Mr. TAGUE. That's correct; yes, sir.

Mr. LIEBELER. Would you tell us how you happened to be there and what you saw, and what happened.

Mr. TAGUE. I was going downtown to pick up my wife—she was my girl that I was going with at the time—to take her to lunch, and I accidentally came upon the motorcade.

I was not planning to watch the parade or anything. There were several cars stopped in front of me, and I stopped there myself under the triple under-

pass and got out and was standing there just, oh, about a minute before the President's car came by.

Mr. LIEBELER. Where was your car actually located?

Mr. TAGUE. The nose of the car was sticking out from underneath the triple underpass.

Mr. LIEBELER. What street were you on?

Mr. TAGUE. What is the farthest street to the south?

Mr. LIEBELER. Commerce Street?

Mr. TAGUE. Commerce; yes.

Mr. LIEBELER. Commerce Street is one-way going east?

Mr. TAGUE. Right; that's correct.

Mr. LIEBELER. So they stopped all traffic on Commerce Street?

Mr. TAGUE. Cars in the left lane were stopping, the ones next to the curb, and several cars had stopped in front of me, and I stopped. The car was just half-way out from underneath the underpass, and I got out of my car and stood by the bridge abutment.

Mr. LIEBELER. So you were just out from under the triple underpass so that you could see the President's car and the motorcade coming on down Elm Street, is that correct?

Mr. TAGUE. That is correct.

Mr. LIEBELER. Did you see the motorcade come down Elm Street?

Mr. TAGUE. Yes; I did.

Mr. LIEBELER. Go ahead and tell us what you saw.

Mr. TAGUE. Well, I was standing there watching, and really I was watching to try to distinguish the President and his car. About this time I heard what sounded like a firecracker. Well, a very loud firecracker. It certainly didn't sound like a rifleshot. It was more of a loud cannon-type sound. I looked around to see who was throwing firecrackers or what was going on and I turned my head away from the motorcade and, of course, two more shots.

And I ducked behind the post when I realized somebody was shooting after the third shot. After the third shot, I ducked behind the bridge abutment and was there for a second, and I glanced out and just as I looked out, the car following the President's car, the one with the Secret Service men, was just flying past at that time.

Mr. LIEBELER. Going on Elm Street under the triple underpass?

Mr. TAGUE. Right. Going on Elm. So I stood there looking around. I looked up—there was a motorcycle policeman, and he stopped and had drawn his gun and was running up the embankment toward the railroad tracks. A crowd of people; several people, were starting to come down into that area where he was running, and the people pointing, and excitement up there and so on, and about that time a patrolman who evidently had been stationed under the triple underpass walked up and said, "What happened?" and I said, "I don't know; something."

And we walked up to the—by this time the motorcycle policeman returned back close to where his motorcycle was, and we walked up there and there was a man standing there. Seeing that he was very excited—I don't remember his name—at the time I did have it on the tip of my tongue—very excited saying he was watching the President and it seemed like his head just exploded. This was a couple or 3 minutes after this happened. And the patrolman said, "Well, I saw something fly off back on the street."

We walked back down there, and another man joined us who identified himself as the deputy sheriff, who was in civilian clothes, and I guess this was 3 or 4 minutes after. I don't know how to gage time on something like that.

And I says, "Well, you know now, I recall something sting me on the face while I was standing down there."

And he looked up and he said, "Yes; you have blood there on your cheek."

And I reached up and there was a couple of drops of blood. And he said, "Where were you standing?"

And I says, "Right down here." We walked 15 feet away when this deputy sheriff said, "Look here on the curb." There was a mark quite obviously that was a bullet, and it was very fresh.

We turned around and we looked back up to see where this possibly could have come from, and the policeman thought he had seen something over here.

Mr. LIEBELER. Well, now, I have some pictures here and I will show you to indicate these places, an aerial view of the whole area, Commission Exhibit No. 354. Of course, the Texas School Book Depository Building is here on the left, and this is the triple underpass here, and this, of course, is Commerce Street going toward the east.

As I understand it, your car was just nosed out in the left-hand lane of Commerce Street and was just out from under the railroad tracks that go over the triple underpass, so the nose of your car was on the easternmost portion, on the eastern side of the railroad tracks that go over the triple underpass, is that correct?

Mr. TAGUE. That is correct.

Mr. LIEBELER. Now did you get out of your car?

Mr. TAGUE. Right.

Mr. LIEBELER. What did you do? Did you stay near your car or did you walk on the area toward the grassy plaza?

Mr. TAGUE. I was standing 3 or 4 feet in front of the concrete embankment right here [pointing].

Mr. LIEBELER. Let's make a No. 6 on this picture as to where you were standing. This is the concrete strip that runs between Commerce and Main Street right here?

Mr. TAGUE. I was standing about right there.

Mr. LIEBELER. At No. 6?

Mr. TAGUE. Yes; right.

Mr. LIEBELER. Now, that is where you were standing when you apparently got hit with this flying, whatever it was?

Mr. TAGUE. Right.

Mr. LIEBELER. Then after you had run into this deputy sheriff, you looked along the street and you saw what you thought to be a mark made by a—

Mr. TAGUE. A motorcycle was parked here and the policeman was here on the grass right here, and there was a swarm of people around him.

Mr. LIEBELER. At No. 7. Let's put a No. 7 there.

Mr. TAGUE. This man was relating his story of how he was standing right there as he witnessed the facts. He said it looked like the President's head exploded. And I said I felt something hit me. We walked down here.

Mr. LIEBELER. Toward No. 6?

Mr. TAGUE. Right. When we got within about 20 feet, the deputy sheriff spotted the place about 12 to 15 feet out from the embankment on the curb, and turned around, and we looked up here where the policeman originally ran up on the grass here.

Mr. LIEBELER. There is an area circled here with the letter "C" in it. Is that where the policeman ran toward the grassy area; included in that circle, is that right?

Mr. TAGUE. Right. I pointed this out, and we turned around and looked toward the School Book Depository, and from the reflection of the sun it was something on the window. Not the—well, it is maybe five or six windows which were open, which it was not the window that proved to be where the shots were fired, but it was a different window like it had spider webs or dust, and maybe shots had come through the window.

We said maybe this is where they came from. And the deputy sheriff ran back to the policeman. I may not be quite accurate, but I believe at the time there was a whole swarm of motorcycle policemen coming back to the area under the underpass going the wrong way here on Elm.

They came back and parked, and he mentioned to them—that is probably 5 minutes after it happened, and he was on the radio, and everybody ran up around the School Book Depository at this time.

Mr. LIEBELER. Let's go back and fix the general spot when the deputy sheriff saw the mark on the street, going back to point No. 6, which is where you were standing when you were hit. We go east along—

Mr. TAGUE. Right here is the curb.

Mr. LIEBELER. There is a curb that runs along—

Mr. TAGUE. About 12 to 15 feet right on the top of round of the curb, was the mark that very definitely was fresh, and I would say it was a mark of a bullet.

Mr. LIEBELER. You say it is about 15 or 20 feet east of where you were standing?

Mr. TAGUE. No; about 12 to 15 feet.

Mr. LIEBELER. East of where you were standing?

Mr. TAGUE. Right.

Mr. LIEBELER. At point No. 6?

Mr. TAGUE. Right.

Mr. LIEBELER. So we have the point fixed there, and we can just estimate 12 to 15 feet east on Main Street, is that right?

Mr. TAGUE. That's correct.

Mr. LIEBELER. That would have been on the south curb of Main Street, is that right?

Mr. TAGUE. It would have been on the south curb.

Mr. LIEBELER. About 12 to 15 feet east of the point No. 6 on Commission Exhibit No. 354.

Now you yourself, as I understand it, did not see the President hit?

Mr. TAGUE. I did not; no.

Mr. LIEBELER. How long after did you feel yourself get hit by anything?

Mr. TAGUE. I felt it at the time, but I didn't associate, didn't make any connection, and ignored it. And after this happened, or maybe the second or third shot, I couldn't tell you definitely—I made no connection. I looked around wondering what was going on, and I recall this. We got to talking, and I recall that something had stung me, and then the deputy sheriff looked up and said, "You have blood there on your cheek." That is when we walked back down there.

Mr. LIEBELER. Do you have any idea which bullet might have made that mark?

Mr. TAGUE. I would guess it was either the second or third. I wouldn't say definitely on which one.

Mr. LIEBELER. Did you hear any more shots after you felt yourself get hit in the face?

Mr. TAGUE. I believe I did.

Mr. LIEBELER. You think you did?

Mr. TAGUE. I believe I did.

Mr. LIEBELER. How many?

Mr. TAGUE. I believe that it was the second shot, so I heard the third shot afterwards.

Mr. LIEBELER. Did you hear three shots?

Mr. TAGUE. I heard three shots; yes sir. And I did notice the time on the Hertz clock. It was 12:29.

Mr. LIEBELER. That was about the time that you felt yourself struck?

Mr. TAGUE. I just glanced. I mean I just stopped, got out of my car, and here came the motorcade. I just happened upon the scene.

Mr. LIEBELER. Now I understand that you went back there subsequently and took some pictures of the area, isn't that right?

Mr. TAGUE. Pardon?

Mr. LIEBELER. I understand that you went back subsequently and took some pictures of the area.

Mr. TAGUE. Yes; about a month ago.

Mr. LIEBELER. With a motion picture camera?

Mr. TAGUE. Yes; I didn't know anybody knew about that.

Mr. LIEBELER. I show you Baker Exhibit No. 1, and ask you if you took that picture.

Mr. TAGUE. No; not to my knowledge.

Mr. LIEBELER. In point of fact, that picture was taken by another individual; I confused the picture taken by somebody else with the picture I thought you had taken.

You, yourself did take pictures of the area about a month ago?

Mr. TAGUE. Yes; my wife and I were going to Indianapolis. This is the home of my parents. I was taking some pictures of the area to show to them. This was the latter part of May.

Mr. LIEBELER. Did you look at the curb at that time to see if the mark was still there?

Mr. TAGUE. Yes.

Mr. LIEBELER. Was it still there?

Mr. TAGUE. Not that I could tell.

Mr. LIEBELER. Did you meet a newspaper photographer that day and talk to him at all about the assassination?

Mr. TAGUE. The day of the assassination?

Mr. LIEBELER. Yes.

Mr. TAGUE. Not that I can recall. I left the area down there at about a quarter to one, and the officer there told me to go to the police headquarters and report to somebody down there and tell them what I had seen.

Mr. LIEBELER. Did you do that?

Mr. TAGUE. I did that.

Mr. LIEBELER. Referring now to Baker Exhibit No. 1, does that look like it might have been taken from approximately the place where you were standing at the time you got hit, from the same general area?

Mr. TAGUE. I believe I was back further to the left, back down this way further.

Mr. LIEBELER. That is further toward the west?

Mr. TAGUE. Yes.

Mr. LIEBELER. Further down toward the triple underpass?

Mr. TAGUE. That's right.

Mr. LIEBELER. Did it appear to you that the lamppost that is showing right here on the right-hand side of Baker Exhibit No. 1 is the very end of the grassy area described by Commerce Street and Main Street, and right down toward the concrete embankment?

Mr. TAGUE. It might possibly be.

Mr. LIEBELER. Are you able to tell for sure by looking at Baker Exhibit No. 1?

Mr. TAGUE. No.

Mr. LIEBELER. I have another picture here that purports to be a picture of a curb with a bullet mark on it. I ask you if that looks like what you saw that day.

Mr. TAGUE. It looks similar, but I can't say whether this is the actual one or not, because you can see it appears to be a bullet mark.

Mr. LIEBELER. I have initialed this picture, having marked it Tague Exhibit No. 1, and I would like to have you initial it for the purpose of identification. (Mr. Tague initials.)

Mr. LIEBELER. You indicate that the mark on the curb—

Mr. TAGUE. I can't tell too much which angle of the curb this is or what here.

Mr. LIEBELER. That is not a very clear picture either. Actually, I can't figure which way to look at it.

Mr. TAGUE. I can't either.

Mr. LIEBELER. It looks like there is a man standing there with a hand along the side of the curb.

Mr. TAGUE. Yes; this looks like the curb here at the back and the sun shining down. The bullet mark was right at the circle of the curb as this here.

Mr. LIEBELER. In other words, where the curb turned?

Mr. TAGUE. Right. At the very round, right in the middle of the round.

Mr. LIEBELER. That is where the street curb turns; when it turns there? I don't understand that. [Looking at Commission Exhibit No. 354.]

Mr. TAGUE. This right here, this picture was taken this way. It would be looking this way.

Mr. LIEBELER. I am still at a loss. You indicated there is a turn in the curb at some point along here. Does the curb end and the road go together?

Mr. TAGUE. Here is the curb here I am talking about on the very round.

Mr. LIEBELER. On the round top of the curb? The curb itself continues on, but the bullet struck sort of the top edge of the curb?

Mr. TAGUE. That's right.

Mr. LIEBELER. I understand. Did you have any idea where these shots came from when you heard them ringing out?

Mr. TAGUE. Yes; I thought they were coming from my left.

Mr. LIEBELER. Immediately to your left, or toward the back? Of course, now we have other evidence that would indicate that the shots did come from the Texas School Book Depository, but see if we can disregard that and determine just what you heard when the shots were fired in the first place.

Mr. TAGUE. To recall everything is almost impossible. Just an impression is all I recall, is the fact that my first impression was that up by the, whatever you call the monument, or whatever it was—

Mr. LIEBELER. Up above No. 7?

Mr. TAGUE. That somebody was throwing firecrackers up there, that the police were running up there to see what was going on, and this was my first impression. Somebody was causing a disturbance, that somebody had drawn a gun and was shooting at the crowd, and the police were running up to it. When I saw the people throwing themselves on the ground is when I realized there was serious trouble, and I believe that was after the third shot was fired.

Mr. LIEBELER. Your impression of where the shots came from was much the result of the activity near No. 7?

Mr. TAGUE. Not when I heard the shots.

Mr. LIEBELER. You thought they had come from the area between Nos. 7 and 5?

Mr. TAGUE. I believe they came from up in here.

Mr. LIEBELER. Back in the area "C"?

Mr. TAGUE. Right.

Mr. LIEBELER. Behind the concrete monument here between Nos. 5 and 7, toward the general area of "C"?

Mr. TAGUE. Yes.

Mr. LIEBELER. Did you look up near the railroad tracks in that area after you heard the shots?

Mr. TAGUE. I looked all around. I looked at the complete area to try to find out where the disturbance was. And for some reason, after the third shot, I believe I ducked down back in here.

Mr. LIEBELER. Under the railroad tracks?

Mr. TAGUE. Right. Behind an abutment. And when I stuck my head outside, the Secret Service car was just starting to pass under the underpass.

Mr. LIEBELER. The car immediately behind the President. Did you see any evidence of anybody having fired from the area on the railroad tracks above the triple underpass?

Mr. TAGUE. None.

Mr. LIEBELER. Do you think that it is consistent with what you heard and saw that day, that the shots could have come from the sixth floor of the Texas School Book Depository?

Mr. TAGUE. Yes.

Mr. LIEBELER. There was in fact a considerable echo in that area?

Mr. TAGUE. There was no echo from where I stood. I was asked this question before, and there was no echo. It was just a loud, oh, not a cannon, but definitely louder and more solid than a rifleshoot.

Mr. LIEBELER. So you, being in a place where there was no echo, you were able to recognize how many shots there were quite clearly?

Mr. TAGUE. I believe so.

Mr. LIEBELER. And you say you heard three shots?

Mr. TAGUE. That is right.

Mr. LIEBELER. Do you remember seeing anything else or observing anything else that day that you think would be helpful to the Commission, that I haven't asked you about?

Mr. TAGUE. Not that I can think of. There is lots of things that you recall about something like that, that you don't recall for certain. What struck me the most was that everybody said all three shots were accounted for. I felt very strongly that the third shot hit down there, and there was the deputy sheriff and the patrolman down under the bridge right there with me.

Mr. LIEBELER. Now you say you thought it was the third shot that hit down there?

Mr. TAGUE. No; I said I thought that all three shots were accounted for. All the newspaper accounts for months said all the shots were accounted for.

Mr. LIEBELER. In terms of hitting in the car?

Mr. TAGUE. Hitting into the car; yes.

Mr. LIEBELER. Well, there was a story in the paper more recently that indicated that one of them might have missed.

Mr. TAGUE. That's right.

Mr. LIEBELER. Did you see that?

Mr. TAGUE. That's right; yes.

Mr. LIEBELER. Other than that, is there anything that you can think of that you think the Commission should know about of what you heard and saw that day?

Mr. TAGUE. No; I don't know a thing. The only thing that I saw that I thought was wrong was that there was about 5 or 6 or 7 minutes in there before anybody done anything about anything.

Mr. LIEBELER. That was after the shots were fired?

Mr. TAGUE. That was after the shots were fired.

Mr. LIEBELER. What do you mean, "Before they did anything"?

Mr. TAGUE. There was no action taken except for the one policeman that I could see that stopped his motorcycle, and it fell over on him at first, and he got it standing upright and drew his gun, and he was the only one doing anything about it.

Mr. LIEBELER. You didn't see any other policemen around in the area?

Mr. TAGUE. Not for 4 or 5 minutes. If Oswald was in that building, he had all the time in the world to calmly walk out of there.

Mr. LIEBELER. Apparently that is just what he did do. Well, if you can't think of anything else, Mr. Tague, I want to thank you for coming in and for the cooperation you have given us. We appreciate it very much.

Mr. TAGUE. Okay.

TESTIMONY OF EMMETT J. HUDSON

The testimony of Emmett J. Hudson was taken at 10:40 a.m., on July 22, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Wesley J. Liebeler, assistant counsel of the President's Commission.

Mr. LIEBELER. Would you raise your right hand and take the oath? 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. HUDSON. I do.

Mr. LIEBELER. My name is Wesley J. Liebeler. I am an attorney on the staff of the President's Commission investigating the assassination of President Kennedy.

Mr. HUDSON. Yes, sir.

Mr. LIEBELER. I have been authorized to take your testimony by the Commission pursuant to authority granted to it by Executive Order 11130, dated November 29, 1963, and the joint resolution of Congress No. 137.

Pursuant to the rules of the Commission you are entitled to have an attorney present, if you wish, and you are entitled to 3 days' notice of the hearing. I don't think you did get 3 days' notice of it, but since you are here I assume you are willing to go ahead?

Mr. HUDSON. Yes, sir.

Mr. LIEBELER. Do you want to have an attorney present?

Mr. HUDSON. I don't know that it is necessary—no, is it?

Mr. LIEBELER. No; I don't think it is at all necessary. Most of the witnesses don't have one present. We just have a few questions. Will you state your full name, please?

Mr. HUDSON. Emmett J. Hudson.

Mr. LIEBELER. What is your address?

Mr. HUDSON. 107 South Bishop.

Mr. LIEBELER. It is my understanding that you are employed by the Dallas Park Department and you are the grounds keeper of Dealey Plaza; is that correct?

Mr. HUDSON. Yes, sir.

Mr. LIEBELER. Were you the grounds keeper of Dealey Plaza on or about November 22, 1963.

Mr. HUDSON. Yes; I have been there about 6 years.

Mr. LIEBELER. Would you tell us where you were on November 22, 1963, at around noon, around the time the Presidential motorcade came by?

Mr. HUDSON. Yes; I was over there next to that T. & P. Railroad yard where the little toolshed was.

Mr. LIEBELER. What is the nearest intersection to where you were?

Mr. HUDSON. Elm.

Mr. LIEBELER. Elm and what?

Mr. HUDSON. Houston.

Mr. LIEBELER. Elm and Houston?

Mr. HUDSON. Yes.

Mr. LIEBELER. How far away from the corner of Elm and Houston were you at the time the motorcade came by?

Mr. HUDSON. Oh, I suppose that it's about—the best I can estimate is somewhere about 200 yards, I guess, down Elm and Houston when the motorcade came along—that's about where I was.

Mr. LIEBELER. You were right by where the motorcade came by; is that right?

Mr. HUDSON. Yes, sir.

Mr. LIEBELER. Would you tell us to the best of your recollection what you saw and tell us just what happened when the motorcade came along?

Mr. HUDSON. Well, I was standing on those steps that came straight down to Elm there, just above that triple underpass, I was about halfway between the triple underpass and Houston, where the steps are—somewhere near about halfway.

Mr. LIEBELER. I show you a photograph which is No. 18 of Commission Exhibit No. 875. It depicts the street and the triple underpass. Can you show us on that picture, if that picture shows it the place where you were standing?

Mr. HUDSON. Let me see—that's the triple underpass down there—I don't believe this picture gets those steps—yes; it does, too—here they are—I recognize it now—here it is right here.

Mr. LIEBELER. Where are the steps?

Mr. HUDSON. Here they are—right there.

Mr. LIEBELER. It is the series of steps that runs right down the street there?

Mr. HUDSON. Yes.

Mr. LIEBELER. Can you show me just where you were standing?

Mr. HUDSON. Well, I was right along—you see, the steps come down the steps for a way and then there is a broad place, oh, I'll say it is a little wider than this table here on the steps and then some steps and I was standing on this—that would be somewhere around along about there.

Mr. LIEBELER. Let me just mark on that picture the place where you were standing so that we can have that.

Mr. HUDSON. Right along about there.

Mr. LIEBELER. It was right here where I have placed this "X", is that correct?

Mr. HUDSON. Yes; right along in there.

Mr. LIEBELER. So, you were standing about where I placed the "X" on photograph No. 18 of Commission Exhibit No. 875. Tell me what you saw—tell me what happened to the best of your recollection.

Mr. HUDSON. Well, there was a young fellow, oh, I would judge his age about in his late twenties. He said he had been looking for a place to park and he walked up there and he said he finally just taken a place over there in one of them parking lots, and he come on down there and said he worked over there on Industrial and me and him both just sat down there first on those steps. When the motorcade turned off of Houston onto Elm, we got up and stood up, me and him both. He was on the left side and I was on the right and so the first shot rung out and, of course, I didn't realize it was a shot, what was taking place right at that present time, and when the second one rung out, the motorcade

had done got further on down Elm, and you see, I was trying to get a good look at President Kennedy. I happened to be looking right at him when that bullet hit him—the second shot.

Mr. LIEBELER. That was when the bullet hit him in the head; is that correct?

Mr. HUDSON. Yes; it looked like it hit him somewhere along about a little bit behind the ear and a little bit above the ear.

Mr. LIEBELER. On the right-hand side or the left-hand side?

Mr. HUDSON. Right hand.

Mr. LIEBELER. Can you tell me approximately where the President's car was when you heard what you later figured out was the first shot?

Mr. HUDSON. Well, the best I could get right off—I remember it was right along about this lightpost right here.

Mr. LIEBELER. You are indicating the first lightpost on the right-hand side of Elm Street?

Mr. HUDSON. Yes; coming off of Houston, you see, there's a lightpost right there close to the Houston Street, right there, just above this little crook right there.

Mr. LIEBELER. That lightpost doesn't show in the picture you have here?

Mr. HUDSON. No, sir; it doesn't show in the picture—it was about, I believe, where the first shot was fired.

Mr. LIEBELER. You think he was by the lightpost in this picture when the first shot was fired?

Mr. HUDSON. Right along there is about where President Kennedy's car was when he was hit—at the time I was looking right at him when the shot struck him, when the bullet struck him.

Mr. LIEBELER. How many shots did you hear altogether?

Mr. HUDSON. Three.

Mr. LIEBELER. Three shots?

Mr. HUDSON. Yes, sir.

Mr. LIEBELER. Are you sure about that?

Mr. HUDSON. Yes, sir.

Mr. LIEBELER. You say that it was the second shot that hit him in the head; is that right?

Mr. HUDSON. Yes; I do believe that—I know it was.

Mr. LIEBELER. You saw him hit in the head, there wasn't any question in your mind about that, was there?

Mr. HUDSON. No, sir.

Mr. LIEBELER. And after you saw him hit in the head, did you hear another shot?

Mr. HUDSON. Yes, sir.

Mr. LIEBELER. Did you see that shot hit anything—the third shot?

Mr. HUDSON. No, sir. I'll tell you—this young fellow that was sitting there with me—standing there with me at the present time, he says, "Lay down, Mister, somebody is shooting the President." He says, "Lay down, lay down," and he kept on repeating, "Lay down," so he was already laying down one way on the sidewalk, so I just laid down over on the ground and resting my arm on the ground and when that third shot rung out and when I was close to the ground—you could tell the shot was coming from above and kind of behind.

Mr. LIEBELER. How could you tell that?

Mr. HUDSON. Well, just the sound of it.

Mr. LIEBELER. You heard it come from sort of behind the motorcade and then above?

Mr. HUDSON. Yes; I don't know if you have ever laid down close to the ground, you know, when you heard the reports coming, but it's a whole lot plainer than it is when you are standing up in the air.

Mr. LIEBELER. You were standing down here where we put the "X"?

Mr. HUDSON. Yes.

Mr. LIEBELER. You say that when the President was hit in the head he was up here by the first lamppost on the right-hand side of the post that shows in the picture?

Mr. HUDSON. Yes; right along in here.

Mr. LIEBELER. That's when he got hit in the head?

Mr. HUDSON. Yes; I think so.

Mr. LIEBELER. Are you sure about that?

Mr. HUDSON. Yes, sir; I am.

Mr. LIEBELER. So, you had to look up Elm Street?

Mr. HUDSON. Yes; I was looking up this way, you see. You see [indicating on photograph], that's the motorcade car right there, isn't it?

Mr. LIEBELER. Yes; the picture that we are looking at here is a picture of a re-enactment of the scene.

Mr. HUDSON. Yes; so right along about even with these steps, pretty close to even with this here, the last shot was fired—somewhere right along in there.

Mr. LIEBELER. You think that the last shot was fired and the car was about where it actually is in that picture when the third shot was fired?

Mr. HUDSON. Pretty close to it; yes, sir.

Mr. LIEBELER. But you think the President had already been hit in the head by the time the third shot was fired?

Mr. HUDSON. He had been hit twice, so Parkland Hospital said. He was hit in the neck one time and in the head one time.

Mr. LIEBELER. When the first shot was fired, were you looking at the presidential car then; could you see it then?

Mr. HUDSON. Yes; it was coming around—it had just got around the corner, you see, from off of Houston Street, making that corner there, come off of Houston onto Elm.

Mr. LIEBELER. Did it look to you like the President was hit by the first shot?

Mr. HUDSON. No, sir; I don't think so—I sure don't.

Mr. LIEBELER. You don't think he got hit by the first shot?

Mr. HUDSON. No.

Mr. LIEBELER. You say it was the second shot that hit him in the head?

Mr. HUDSON. Yes.

Mr. LIEBELER. What happened after the President got hit in the head, did you see what he did, what happened in the car?

Mr. HUDSON. He slumped over and Mrs. Kennedy, she climbs over in the seat with him and pulls him over.

Mr. LIEBELER. Pulled him down in the seat?

Mr. HUDSON. Pulled him over in her lap like.

Mr. LIEBELER. If you don't think the President got hit by the first shot and you say he got hit in the head with the second shot—

Mr. HUDSON. Yes.

Mr. LIEBELER. And if we assume that he was hit twice, you would have to say that he was hit by the third shot; isn't that right?

Mr. HUDSON. Yes.

Mr. LIEBELER. He was hit again after he got hit in the head?

Mr. HUDSON. Yes, sir.

Mr. LIEBELER. Do you think that could have been possible when Mrs. Kennedy pulled him over, do you think he could have got hit in the neck after he had been hit in the head?

Mr. HUDSON. Yes, sir; I do.

Mr. LIEBELER. He was still sitting far enough up in the car he could have been hit?

Mr. HUDSON. Yes, sir.

Mr. LIEBELER. Did you watch the President after he got hit in the head like that?

Mr. HUDSON. Well, as soon as everybody realized what had happened, you know, everybody went to going up the hill so we did too.

Mr. LIEBELER. So, you only saw the President hit once; is that right, sir?

Mr. HUDSON. Yes, sir; I just saw him hit once.

Mr. LIEBELER. That was in the head?

Mr. HUDSON. Yes, sir.

Mr. LIEBELER. And you aren't able to say from your own observation when he was hit in the neck?

Mr. HUDSON. Yes.

Mr. LIEBELER. If he was hit in the neck.

Mr. HUDSON. No, sir.

Mr. LIEBELER. Could the car have actually been down here where it is in photograph No. 18, could it have been that far down Elm Street—this is Elm Street that runs down here—right here—could the car have been that far down Elm Street when the President got hit in the head?

Mr. HUDSON. No, sir; no, sir, it wasn't that far down.

Mr. LIEBELER. Do you see this little pedestal back up here?

Mr. HUDSON. Yes.

Mr. LIEBELER. Just above the "X" where you were standing?

Mr. HUDSON. Yes.

Mr. LIEBELER. Did you see anybody standing up there that you can remember, during the time the President went by?

Mr. HUDSON. Oh, there was a bunch of people in there, you know, a whole bunch of them—a lot of people in there—a lot of people in here.

Mr. LIEBELER. Did you see anybody standing up there taking motion pictures with a movie camera?

Mr. HUDSON. Oh, yes; I seen people up there trying to get—taking pictures.

Mr. LIEBELER. Did you see a man with a moving picture camera?

Mr. HUDSON. Not in particular, I didn't. It was such an exciting time—now—I did notice a man back over here on this triangle.

Mr. LIEBELER. Standing across Elm Street?

Mr. HUDSON. Yes, sir.

Mr. LIEBELER. With a motion picture camera?

Mr. HUDSON. Well, he had a camera—I don't know whether it was a motion picture camera or not, but he had a camera.

Mr. LIEBELER. I show you another picture which we will mark as Hudson Exhibit No. 1. I have put my initials on the back of the picture. Would you do that too so we can identify the picture before we start to talk about it, so we don't get confused?

Mr. HUDSON. You mean—put my name?

Mr. LIEBELER. Just your initials.

Mr. HUDSON. [Marked picture as requested.] Is that all right?

Mr. LIEBELER. Now, let's take a look at that picture, Mr. Hudson, and let me ask you if you can see in that picture, where you were standing?

Mr. HUDSON. (No response.)

Mr. LIEBELER. Now, this picture, Hudson Exhibit No. 1, has a sign in it that says, "Stemmons Freeway, keep right," doesn't it?

Mr. HUDSON. Yes.

Mr. LIEBELER. Can you find that sign on the photograph No. 18 of Commission Exhibit No. 875? The one that we were talking about before.

Mr. HUDSON. That's right here, I believe—right here.

Mr. LIEBELER. Now, that sign says, "R. L. Thornton Freeway, keep right." Where is the Stemmons Freeway sign in this picture? Can you see it in that picture at all—I can't.

Mr. HUDSON. I can't either—that isn't it—it's farther up this way.

Mr. LIEBELER. That's further back up and it's out of the picture?

Mr. HUDSON. Yes.

Mr. LIEBELER. There are two signs in picture No. 18, one says, "R. L. Thornton Freeway, keep right," and the other one says, "Fort Worth Turnpike, keep right."

Mr. HUDSON. There were two of them that wasn't too far apart right through there—them signs was—one was right along in here and the other one was either further up, I guess. It's not in that picture—I don't believe. Now, they have moved some of those signs. They have moved that R. L. Thornton Freeway sign and put up a Stemmons sign.

Mr. LIEBELER. They have? They have moved it?

Mr. HUDSON. Yes, sir.

Mr. LIEBELER. That might explain it, because this picture here, No. 18, was taken after the assassination and this one was taken at the time—No. 1.

Mr. HUDSON. Yes; it had to be right along in there—those steps have got to come down right along in here, if I see the picture right. Now, this is Elm right here coming down through here, and this is that concrete thing up here that comes around like this—it comes over here and the steps begin right

along up in there somewhere and come on down right here to the sidewalk, right along in there somewhere to where those steps is.

Mr. LIEBELER. So, that you think you were standing somewhere in the back left-hand part of this picture where the steps come down off of the concrete structure there?

Mr. HUDSON. Yes; this was taken at the present time—it happened—this picture was?

Mr. LIEBELER. Yes; this is an actual picture of the motorcade itself; yes, sir. Let me suggest that the pictures are taken from different angles, referring to photograph No. 18 of Commission Exhibit No. 875—there is a little concrete stand here in the very right-hand side of the picture.

Mr. HUDSON. That's just right along in here.

Mr. LIEBELER. That's right, and that appears in Hudson Exhibit No. 1, immediately to the right of the sign that says, "Stemmons Freeway, keep right." does it not?

Mr. HUDSON. Yes; those steps are right along there between that concrete—the end of that concrete wall right there and that elm tree come between them—no, not an elm but that's a live oak tree—that's a live oak tree right there.

Mr. LIEBELER. And that's right off of the end of this concrete embankment there, there's a live oak tree there.

Mr. HUDSON. Yes.

Mr. LIEBELER. Can you see yourself in that picture anywhere, can you make yourself out?

Mr. HUDSON. No, sir; I can't, unless it is one of these two men right here—I can't tell—if I had that picture that was taken in the Times Herald paper—I can show you myself in it.

Mr. LIEBELER. Which one is that?

Mr. HUDSON. Well, it was in the Times Herald paper the next morning after, I believe, after the assassination, maybe the evening after the assassination.

Mr. LIEBELER. Look at this picture.

Mr. HUDSON. [Examining picture referred to.] I don't know—if that's one of them men and myself or not up there.

Mr. LIEBELER. I have shown you Commission Exhibit No. 203, and you are not able to point to yourself in that picture at any place. Actually, Commission Exhibit No. 203 shows a different area.

Mr. HUDSON. Yes, sir.

Mr. LIEBELER. That's a picture from the front of the Texas School Book Depository Building and you wouldn't be in that picture, according to where you placed yourself by looking at Hudson Exhibit No. 1.

Mr. HUDSON. No; I wouldn't be in that at all—I know. If they had that picture that was taken—a fellow was shooting from across Elm up toward those steps here, that showed my picture in it, I believe. Now, I could be one of those men standing right there—I'm not for sure—I wouldn't say for sure that I was one of them or not, but I can't see it well enough to tell.

Mr. LIEBELER. In this picture here you see the car is going down Elm Street, isn't that right, referring to Hudson Exhibit No. 1?

Mr. HUDSON. Yes.

Mr. LIEBELER. And it is just about to pass a sign that says, "Stemmons Freeway, keep right." Do you think that the President could have been hit when he was that far back up Elm Street?

Mr. HUDSON. Yes.

Mr. LIEBELER. You do think that?

Mr. HUDSON. Yes.

Mr. LIEBELER. And you had already heard one shot when you saw the President get hit in the head?

Mr. HUDSON. Yes.

Mr. LIEBELER. And you heard another shot after that time?

Mr. HUDSON. Yes.

Mr. LIEBELER. Do you think, looking at Hudson Exhibit No. 1, do you think that that is about the place where the President got hit in the head, or was it further back up on Elm or was it further down—if so—about where was it?

Mr. HUDSON. That's somewhere pretty close.

Mr. LIEBELER. That's pretty close right there?

Mr. HUDSON. Yes; it's somewhere pretty close.

Mr. LIEBELER. After you heard these three shots and saw the President get hit in the head, you turned around and you ran up on the little knoll there and you got away.

Mr. HUDSON. Yes.

Mr. LIEBELER. While you were standing there, did you ever look up toward the railroad tracks there where they went across the triple underpass?

Mr. HUDSON. No, sir; while I was laying there I didn't—I was looking down towards Elm Street.

Mr. LIEBELER. So, you never looked up towards the railroad tracks that went across the underpass?

Mr. HUDSON. No, sir.

Mr. LIEBELER. But you are quite sure in your own mind that the shots came from the rear of the President's car and above it; is that correct?

Mr. HUDSON. Yes.

Mr. LIEBELER. Did you have any idea that they might have come from the Texas School Book Depository Building?

Mr. HUDSON. Well, it sounded like it was high, you know, from above and kind of behind like—in other words, to the left.

Mr. LIEBELER. And that would have fit in with the Texas School Book Depository, wouldn't it?

Mr. HUDSON. Yes.

Mr. LIEBELER. Did you look up there and see if you could see anybody?

Mr. HUDSON. No, sir; I didn't. I never thought about looking up that way, to tell you the truth about it.

Mr. LIEBELER. You were thinking about getting out of the way after things started?

Mr. HUDSON. Yes; it was just such an exciting time, you know, a fellow thinks about a million things in one second there at that time.

Mr. LIEBELER. Did you see anybody standing around there any place with a rifle—on the grassy spot up there near where you were standing or on the overpass or any place else?

Mr. HUDSON. I never seen anyone with a gun up there except the patrols.

Mr. LIEBELER. The policemen?

Mr. HUDSON. Yes, sir.

Mr. LIEBELER. Now, did you see anything else down there when this all happened that you think we ought to know about that I haven't asked you about?

Mr. HUDSON. No, sir; I don't know of anything.

Mr. LIEBELER. Did you see Governor Connally—did you think Governor Connally had been hit?

Mr. HUDSON. Well, sir; I never noticed Governor Connally in the car. The first shot must have struck him and he had done fell over in the car when that happened.

Mr. LIEBELER. So that you didn't even see Governor Connally in the car at all?

Mr. HUDSON. No, sir.

Mr. LIEBELER. You didn't see him get hit by any of the shots?

Mr. HUDSON. No, sir.

Mr. LIEBELER. You are assuming that maybe he got hit by the first shot and fell down in the car.

Mr. HUDSON. That's right.

Mr. LIEBELER. And you saw the President get hit by what you heard as the second shot?

Mr. HUDSON. Yes.

Mr. LIEBELER. How far apart were the shots spaced; do you have any recollection about that, how long did it take for all the shots to be fired and how far apart was one shot from the other?

Mr. HUDSON. Well, they was pretty fast and not too fast either. It seemed like he had time enough to operate his gun plenty well—when the shots were all fired.

Mr. LIEBELER. How much time do you think passed from the time the first shot was fired until the second shot was fired, can you make any estimate about that?

Mr. HUDSON. Oh, probably 2 minutes.

Mr. LIEBELER. As much as 2 minutes?

Mr. HUDSON. It might not have been that long.

Mr. LIEBELER. But you thought he had plenty of time to get all the shots off anyway?

Mr. HUDSON. Yes.

Mr. LIEBELER. Did you ever do any shooting?

Mr. HUDSON. Well, not no big rifle—I haven't never done no shooting with no big rifle. I have shot shotguns—.22's and things like that.

Mr. LIEBELER. Did the shots seem evenly spaced or were some of them closer together?

Mr. HUDSON. They seemed pretty well evenly spaced.

Mr. LIEBELER. Evenly spaced; is that it?

Mr. HUDSON. Yes, sir.

Mr. LIEBELER. Did anybody talk to you at all about security arrangements prior to the time the motorcade came by, or was that all handled by the police?

Mr. HUDSON. That was all handled by the police.

Mr. LIEBELER. You didn't have anything to do with anything like that?

Mr. HUDSON. That's right—the fact of the business is, I didn't know they had been routed that way.

Mr. LIEBELER. You didn't even know it was going to go by until they came?

Mr. HUDSON. That's right.

Mr. LIEBELER. Have you been interviewed by the FBI?

Mr. HUDSON. Yes, sir.

Mr. LIEBELER. Do you remember who talked to you?

Mr. HUDSON. Not by name, I don't; no, sir.

Mr. LIEBELER. And did you tell them approximately the same thing you have told me?

Mr. HUDSON. Yes; approximately the same thing.

Mr. LIEBELER. Did the Secret Service talk to you, or the Dallas Police Department or the FBI?

Mr. HUDSON. The FBI and I made a deposition over at the courthouse—the same day that the assassination was.

Mr. LIEBELER. That was the Dallas Police Department or the sheriff's office?

Mr. HUDSON. The sheriff's office.

Mr. LIEBELER. Okay, Mr. Hudson, I want to thank you very much for coming in. I don't have any more questions.

Mr. HUDSON. Well, if it has been any help, I am glad it did.

Mr. LIEBELER. Pardon?

Mr. HUDSON. If it has been any help, I am glad to come down.

Mr. LIEBELER. I think you have been and we are glad to have you cooperate with us in the way you have. I want to thank you very much on behalf of the Commission.

Mr. HUDSON. All right, good day.

TESTIMONY OF EDGAR LEON SMITH, JR.

The testimony of Edgar Leon Smith, Jr. was taken at 10:05 a.m., on July 24, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Wesley J. Liebeler, assistant counsel of the President's Commission.

Mr. LIEBELER. Will you raise your right hand and please take the oath? 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. SMITH. I do.

Mr. LIEBELER. My name is Wesley J. Liebeler. I am an attorney with the staff of the President's Committee investigating the assassination of President Ken-

ned. I have been authorized to take your testimony by the Commission, pursuant to authority granted to it by Executive Order No. 11130, dated November 29, 1963, and the joint resolution of Congress No. 137.

By the rules of the Commission covering the taking of testimony, you are entitled to have an attorney present and you are entitled to 3 days' notice of the hearing. I know that you haven't had 3 days' notice of the hearing because of schedule difficulties that we had yesterday and the day before, but since you are here by yourself, I presume you are prepared to go ahead and give your testimony without an attorney being present; is that right?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. Would you state your full name for the record, please?

Mr. SMITH. Edgar Leon Smith, Jr.

Mr. LIEBELER. Where and when were you born?

Mr. SMITH. Myrtle Springs, Tex., July 9, 1933.

Mr. LIEBELER. Where do you live?

Mr. SMITH. 1800 Scripture, Apartment 6, in Denton, Tex.

Mr. LIEBELER. You are a Dallas policeman?

Mr. SMITH. A Dallas policeman.

Mr. LIEBELER. I understand that you were in the vicinity of the Texas School Book Depository Building on November 22, 1963; is that correct?

Mr. SMITH. I was.

Mr. LIEBELER. Would you tell us just what led up to that; how you came to be assigned to that particular area and what instructions you were given about what you were supposed to do?

Mr. SMITH. Okay—the dates and times will be just approximately, because I don't recall exactly, but approximately 9 a.m., November 22, 1963, I attended a detail in the basement of the city hall for all men who were designated to work traffic for the President's visit to Dallas.

At that detail I was given instructions by Captain Lawrence, P. W. Lawrence, as to my duties and some things to watch out for. Some of these things I was to watch out for was to watch the crowd for any unusual movements and also to keep a check on the buildings in the vicinity of where I was located. He instructed us specifically about placards. I understand that people were allowed to carry placards, but if I should notice anyone attempting to throw them or anything like that, I should take them into custody. I was assigned to the corner of Houston and Elm Street. I got to my traffic corner about—

Mr. LIEBELER. Before you get to that—let me ask you a few questions: What did you say your name was, Edgar L.?

Mr. SMITH. E. L.—Edgar L.

Mr. LIEBELER. There were two Smiths on that corner?

Mr. SMITH. Yes; I understand that.

Mr. LIEBELER. When you received your instructions that morning, was there any specific mention made of watching the windows of the buildings in the area?

Mr. SMITH. Not that I recall—just general—watch out, you know, for the crowd.

Mr. LIEBELER. Now, you went down to the corner of Elm and Houston and took up your duty station there at about what time?

Mr. SMITH. I think it was about approximately 10 o'clock and—I believe that's about right.

Mr. LIEBELER. And there were two other officers there, isn't that right?

Mr. SMITH. Yes; there were.

Mr. LIEBELER. Can you tell us what their names were?

Mr. SMITH. One of them was Welcome Barnett and the other boy was named Smith too, but I don't recall his initials.

Mr. LIEBELER. Where did you station yourself and what did you do from the time you arrived until the time the motorcade began to approach?

Mr. SMITH. I said approximately—oh, 30 to 40 feet south of the south curb of Elm Street at the east curb of Houston. I stood around there and talked with some of the people in this general vicinity and watched the crowd.

Mr. LIEBELER. You stood across the street on Houston Street from the Texas School Book Depository Building?

Mr. SMITH. Yes.

Mr. LIEBELER. Cater-cornered—and I show you Commission Exhibit No. 354, and it has a letter "A" marked there, and that will be approximately where you were standing; is that right?

Mr. SMITH. That's about where I was.

Mr. LIEBELER. What did you do from the time you stationed yourself in that position?

Mr. SMITH. Well, I stood there and talked some to the crowd after they finally formed. They didn't start forming until around 11 o'clock, and looked over here at the Texas School Book Depository Building and just stood there mainly—there wasn't much to do.

Mr. LIEBELER. Did you look up at the buildings that were around this intersection here at Elm Street at all?

Mr. SMITH. Yes; I did.

Mr. LIEBELER. As you were standing there at position "A" in Exhibit No. 354, you were in a position to observe the south windows of the Texas School Book Depository Building, were you not?

Mr. SMITH. That's right.

Mr. LIEBELER. Did you notice any windows open up there?

Mr. SMITH. I don't recall at this time whether there was any open. I'm sure there were, but I just don't remember it specifically—any specifically being open. There's quite a few people looking out the windows and what not of the various buildings.

Mr. LIEBELER. Did you see any suspicious activities of any kind in any of those windows?

Mr. SMITH. No, sir; I didn't.

Mr. LIEBELER. What happened when the motorcade came down Main Street and turned right on Houston Street; what did you do then?

Mr. SMITH. I just stood parade rest there, you know, trying to keep the people back. I was facing the motorcade—they had come out in the street here a little bit and I just stood there.

Mr. LIEBELER. So you were facing west?

Mr. SMITH. Yes.

Mr. LIEBELER. You did not go out into the intersection at any point here and help hold traffic back at that intersection, did you?

Mr. SMITH. No; I did not.

Mr. LIEBELER. So, you stood there as the motorcade went by, facing west down toward the triple underpass and the motorcade turned left and started to go down Elm Street, is that right?

Mr. SMITH. That's right.

Mr. LIEBELER. From where you are standing, could you observe the railroad tracks that went over the triple underpass down there at the bottom of Exhibit No. 354?

Mr. SMITH. I'm sure I could see them from that location, but I don't remember, you know, noticing them. I had noticed them earlier in the day, probably from that location, and I had saw some officers up there, and other than that, I don't remember seeing anything else. I do specifically remember seeing some officers on the overpass here.

Mr. LIEBELER. As the motorcade turned and went down Elm Street, what happened?

Mr. SMITH. I heard three shots, I guess they were shots. I thought that the first two were just firecrackers and kept my position and after the third one, I ran down the street here.

Mr. LIEBELER. You ran down Elm Street?

Mr. SMITH. Well, ran down Houston Street and then to Elm, and actually, I guess it was a little bit farther over than this, because after they turned the corner I couldn't see any of the cars, there were so many people standing there around the corner.

Mr. LIEBELER. So, you were a little bit farther south down Elm Street than Position "A"?

Mr. SMITH. Yes; possibly a little bit farther south than that—yes; I was under these windows here.

Mr. LIEBELER. That's the county building there you are talking about?

Mr. SMITH. Yes; a little bit farther down. Anyhow, I couldn't see down there without running over here, and I ran down here at the time to see the Presidential car go under the triple underpass at a high rate of speed, and I pulled my pistol out and there was people laying down there and run down the street and that was about all. I thought when it came to my mind that there were shots, and I was pretty sure there were when I saw his car because they were leaving in such a hurry, I thought they were coming from this area here, and I ran over there and checked back of it and, of course, there wasn't anything there.

Mr. LIEBELER. You thought the shot came from this little concrete structure up behind No. 7?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. On Commission Exhibit No. 354?

Mr. SMITH. Yes.

Mr. LIEBELER. Toward the railroad tracks there?

Mr. SMITH. That's true.

Mr. LIEBELER. And to the north of No. 7?

Mr. SMITH. Yes.

Mr. LIEBELER. So, you ran down in there and what did you do when you got down there?

Mr. SMITH. I ran down here.

Mr. LIEBELER. Down on Elm Street?

Mr. SMITH. And I ran up to here and I couldn't get over so I went back around then.

Mr. LIEBELER. You went farther down Elm Street and right behind this concrete structure here; is that correct?

Mr. SMITH. And on back into there.

Mr. LIEBELER. And into the parking area behind the concrete structure there at No. 7?

Mr. SMITH. Yes, and there's where I stayed for an hour or so and after I got around there, they started checking everybody that was going in and out of the—well, I don't know who they was checking because there was so much milling around, because there was a bunch of county officers back there plus the policemen.

Mr. LIEBELER. That area was fairly searched by the officers that came down there?

Mr. SMITH. It was.

Mr. LIEBELER. And you didn't find anything down there that seemed to have anything to do with the shot that you heard?

Mr. SMITH. No.

Mr. LIEBELER. Are you sure you heard three shots?

Mr. SMITH. Yes, sir.

Mr. LIEBELER. Did you have any idea where they came from?

Mr. SMITH. No, sir—like I said—the first two were just—I mulled it over in my mind and I thought it was firecrackers and I thought to myself that was awful—not very nice—throwing them out there, and then it dawned on me that it wasn't and that these were shots, especially after I ran to the corner, and this was after the third shot was fired that I got to the corner, and all I saw was the Presidential car going under the underpass, but there were definitely three of those shots.

Mr. LIEBELER. What did you do after you left the general area marked "C" here, on Exhibit No. 354?

Mr. SMITH. Well, of course, you see we checked all these cars—this extends for some distance over to the north and I went all the way down the railroad tracks a long ways and turned around and came back and took a position right down here where No. 1 is now—this was about an hour or an hour and a half after the thing happened, and I don't guess it was that long, because they had just got the word—I had already gotten back around here when Officer Tippit was shot and we got the word over the police radio, and they took off and I stayed in this area for quite some time around the front, working traffic, and I don't remember when I really left.

Mr. LIEBELER. So, after you searched behind the north and west of the School Book Depository Building, you came back up to position No. 1?

Mr. SMITH. Yes.

Mr. LIEBELER. You then remained in the general area of the School Book Depository Building for some period, and then you were relieved from duty?

Mr. SMITH. Well, I went back to work again on my regular duty. I had been working evenings, and I had to report to work—it was 6 o'clock, I think, and after that I went directly to work.

Mr. LIEBELER. You didn't see anybody or anything that you could associate with the shots or with the assassination itself other than you have already described?

Mr. SMITH. No, sir; I have thought about it many times. I didn't see any smoke or anything.

Mr. LIEBELER. And at no time did you see any activity down on the railroad tracks that you associated with the assassination?

Mr. SMITH. No, sir.

Mr. LIEBELER. Is what you heard that day consistent with the proposition that the shots came from the School Book Depository Building?

Mr. SMITH. They could have come from there and they could not—I just don't know. Where I was standing it just sounded like it was all round there. When I first thought—I don't know whether it actually came from here or not—you know, the thoughts of sounds coming—I don't know whether they were coming from here or not—it just looked like this was a good place for them to come from and I guess that's the reason I ran down there.

Mr. LIEBELER. Down around No. 7 pointed out on this Exhibit No. 354?

Mr. SMITH. Yes; I have no earthly idea where they actually came from.

Mr. LIEBELER. All right, thank you very much. I appreciate your coming in.

Mr. SMITH. That's okay.

TESTIMONY OF ABRAHAM ZAPRUDER

The testimony of Abraham Zapruder was taken at 1 p.m., on July 22, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Wesley J. Liebeler, assistant counsel of the President's Commission.

Mr. LIEBELER. Mr. Zapruder, would you stand and take the oath, please?

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

Mr. ZAPRUDER. I do.

Mr. LIEBELER. My name is Wesley J. Liebeler.

Mr. ZAPRUDER. What is your name?

Mr. LIEBELER. Wesley J. Liebeler [spelling] L-i-e-b-e-l-e-r. I am an attorney on the staff of the President's Commission on the Assassination of President Kennedy. I have been authorized to take your testimony by the Commission pursuant to authority granted to the Commission by Executive Order 11130 dated November 29, 1963, and the joint resolution of Congress, No. 137.

Under the rules of the Commission you are entitled to have your attorney present, should you desire to have him here. You are entitled to 3 days' notice of the hearing and you need not answer any questions you think would violate any rights or privileges that you may have. Did you receive the 3 days' notice of the hearing?

Mr. ZAPRUDER. I was out of town—I was in New York and my secretary called—she called me and told me that she made an appointment for me and that's about all that I know, Mr. Liebeler. The other proceedings—I don't know.

Mr. LIEBELER. I assume that you are willing to go ahead with your testimony today since you are here.

Mr. ZAPRUDER. Yes, I am.

Mr. LIEBELER. Would you state your full name for the record, please?

Mr. ZAPRUDER. Abraham Zapruder.

Mr. LIEBELER. That's spelled [spelling] Z-a-p-r-u-d-e-r? Is that correct?

Mr. ZAPRUDER. Yes.

Mr. LIEBELER. What is your address?

Mr. ZAPRUDER. Home address?

Mr. LIEBELER. Yes.

Mr. ZAPRUDER. 3909 Marquette.

Mr. LIEBELER. Here in Dallas?

Mr. ZAPRUDER. In Dallas—yes.

Mr. LIEBELER. Are you in business here in Dallas, Mr. Zapruder?

Mr. ZAPRUDER. Yes.

Mr. LIEBELER. What business are you in?

Mr. ZAPRUDER. Manufacturing ladies dresses.

Mr. LIEBELER. The manufacture of ladies dresses?

Mr. ZAPRUDER. Yes.

Mr. LIEBELER. I understand that you took some motion pictures at the time of the assassination?

Mr. ZAPRUDER. That's correct.

Mr. LIEBELER. Could you tell us about the circumstances under which you did that, where you were at the time and what happened?

Mr. ZAPRUDER. Yes.

Mr. LIEBELER. And what you saw.

Mr. ZAPRUDER. Well, of course, what I saw you have on film, but that was the day, November 22, it was around 11:30. In fact, I didn't have my camera but my secretary asked me why I don't have it and I told her I wouldn't have a chance even to see the President and somehow she urged me and I went home and got my camera and came back and first I thought I might take pictures from the window because my building is right next to the building where the alleged assassin was, and it's just across—501 Elm Street, but I figured—I may go down and get better pictures, and I walked down, I believe it was Elm Street and on down to the lower part, closer to the underpass and I was trying to pick a space from where to take those pictures and I tried one place and it was on a narrow ledge and I couldn't balance myself very much. I tried another place and that had some obstruction of signs or whatever it was there and finally I found a place farther down near the underpass that was a square of concrete—I don't know what you call it—maybe about 4 feet high.

Mr. LIEBELER. I show you a picture that has been marked Hudson Exhibit No. 1 and ask you if you can in fact see yourself in that picture?

Mr. ZAPRUDER. Let me see—there it is here. That's me standing there—there's a girl—that's where I was standing.

Mr. LIEBELER. You are pointing out a concrete abutment that comes up immediately to the right of the sign that reads "Stemmons Freeway, Keep Right"?

Mr. ZAPRUDER. That's right. That's the girl behind me—that's my girl that works in my office. She was up there, too.

Mr. LIEBELER. So, you and this girl are shown standing on top of this concrete abutment there?

Mr. ZAPRUDER. That's right—she was right behind me and that's from where I took the pictures.

Mr. LIEBELER. Then, you can actually see yourself in this picture, can't you?

Mr. ZAPRUDER. Well, I can't distinguish myself being—I know I was there.

Mr. LIEBELER. Do you recognize that this picture was taken at the time you were there?

Mr. ZAPRUDER. Yes; I was there and I would say this couldn't be anybody else, unless—if this is an authentic photograph and it isn't composed now or changed—I would say that's me. That's the first time I have seen that. Were these pictures ever published in a magazine—there were pictures like that I suppose—actually?

Mr. LIEBELER. This picture here is in fact one of a series of pictures that is being sold down here in Dallas by a fellow named Willis, I believe his name is Phil Willis. He has a series of slides that are available and it's picture No. 5 of those slides in which you can see yourself back there.

Mr. ZAPRUDER. That must be it because there's another couple back there—I took some from there and I was shooting some of the pictures to start my roll from the beginning. I didn't want to have a blank and I shot some, in fact, they have it—the Federal Bureau of Investigation have those pictures.

Mr. LIEBELER. As you stood there on this abutment with your camera, the motorcade came down Houston Street and turned left on Elm Street, did it not?

Mr. ZAPRUDER. That's right.

Mr. LIEBELER. And it proceeded then down Elm Street toward the triple underpass; is that correct?

Mr. ZAPRUDER. That's correct. I started shooting—when the motorcade started coming in, I believe I started and wanted to get it coming in from Houston Street.

Mr. LIEBELER. Tell us what happened as you took these pictures.

Mr. ZAPRUDER. Well, as the car came in line almost—I believe it was almost in line—I was standing up here and I was shooting through a telephoto lens, which is a zoom lens and as it reached about—I imagine it was around here—I heard the first shot and I saw the President lean over and grab himself like this (holding his left chest area).

Mr. LIEBELER. Grab himself on the front of his chest?

Mr. ZAPRUDER. Right—something like that. In other words, he was sitting like this and waving and then after the shot he just went like that.

Mr. LIEBELER. He was sitting upright in the car and you heard the shot and you saw the President slump over?

Mr. ZAPRUDER. Leaning—leaning toward the side of Jacqueline. For a moment I thought it was, you know, like you say, "Oh, he got me," when you hear a shot—you've heard these expressions and then I saw—I don't believe the President is going to make jokes like this, but before I had a chance to organize my mind, I heard a second shot and then I saw his head opened up and the blood and everything came out and I started—I can hardly talk about it [the witness crying].

Mr. LIEBELER. That's all right, Mr. Zapruder, would you like a drink of water? Why don't you step out and have a drink of water?

Mr. ZAPRUDER. I'm sorry—I'm ashamed of myself really, but I couldn't help it.

Mr. LIEBELER. Nobody should ever be ashamed of feeling that way, Mr. Zapruder. I feel the same way myself. It was a terrible thing.

Let me go back now for just a moment and ask you how many shots you heard altogether.

Mr. ZAPRUDER. I thought I heard two, it could be three, because to my estimation I thought he was hit on the second—I really don't know. The whole thing that has been transpiring—it was very upsetting and as you see—I got a little better all the time and this came up again and it to me looked like the second shot, but I don't know. I never even heard a third shot.

Mr. LIEBELER. You didn't hear any shot after you saw him hit?

Mr. ZAPRUDER. I heard the second—after the first shot—I saw him leaning over and after the second shot—it's possible after what I saw, you know, then I started yelling, "They killed him, they killed him," and I just felt that somebody had ganged up on him and I was still shooting the pictures until he got under the underpass—I don't even know how I did it. And then, I didn't even remember how I got down from that abutment there, but there I was, I guess, and I was walking toward—back toward my office and screaming, "They killed him, they killed him," and the people that I met on the way didn't even know what happened and they kept yelling, "What happened, what happened, what happened?" It seemed that they had heard a shot but they didn't know exactly what had happened as the car sped away, and I kept on just yelling, "They killed him, they killed him, they killed him," and finally got to my office and my secretary—I told her to call the police or the Secret Service—I don't know what she was doing, and that's about all. I was very much upset. Naturally, I couldn't imagine such a thing being done. I just went to my desk and stopped there until the police came and then we were required to get a place to develop the films. I knew I had something, I figured it might be of some help—I didn't know what.

As to what happened—I remember the police were running behind me. There

were police running right behind me. Of course, they didn't realize yet, I guess, where the shot came from—that it came from that height.

Mr. LIEBELER. As you were standing on this abutment facing Elm street, you say the police ran over behind the concrete structure behind you and down the railroad track behind that, is that right?

Mr. ZAPRUDER. After the shots?

Mr. LIEBELER. Yes.

Mr. ZAPRUDER. Yes—after the shots—yes, some of them were motorcycle cops—I guess they left their motorcycles running and they were running right behind me, of course, in the line of the shooting. I guess they thought it came from right behind me.

Mr. LIEBELER. Did you have any impression as to the direction from which these shots came?

Mr. ZAPRUDER. No, I also thought it came from back of me. Of course, you can't tell when something is in line—it could come from anywhere, but being I was here and he was hit on this line and he was hit right in the head—I saw it right around here, so it looked like it came from here and it could come from there.

Mr. LIEBELER. All right, as you stood here on the abutment and looked down into Elm Street, you saw the President hit on the right side of the head and you thought perhaps the shots had come from behind you?

Mr. ZAPRUDER. Well, yes.

Mr. LIEBELER. From the direction behind you?

Mr. ZAPRUDER. Yes, actually—I couldn't say what I thought at the moment, where they came from—after the impact of the tragedy was really what I saw and I started and I said—yelling, "They've killed him"—I assumed that they came from there, because as the police started running back of me, it looked like it came from the back of me.

Mr. LIEBELER. But you didn't form any opinion at that time as to what direction the shots did come from actually?

Mr. ZAPRUDER. No.

Mr. LIEBELER. And you indicated that they could have come also from behind or from any other direction except perhaps from the left, because they could have been from behind or even from the front.

Mr. ZAPRUDER. Well, it could have been—in other words if you have a point—you could hit a point from any place, as far as that's concerned. I have no way of determining what direction the bullet was going.

Mr. LIEBELER. Did you form any opinion about the direction from which the shots came by the sound, or were you just upset by the thing you had seen?

Mr. ZAPRUDER. No, there was too much reverberation. There was an echo which gave me a sound all over. In other words that square is kind of—it had a sound all over.

Mr. LIEBELER. And with the buildings around there, too?

Mr. ZAPRUDER. Yes, the reverberation was such that a sound—as it would vibrate—it didn't vibrate so much but as to whether it was a backfire—in other words, I didn't from the first sound, from him leaning over—I couldn't think it was a shot, but of course, the second—I think it was the second shot. I don't know whether they proved anything—they claim he was hit—that the first bullet went through him and hit Connally or something like that—I don't know how that is.

Mr. LIEBELER. Well, there are many different theories about that. One thing I would like you to do now—we have a series—a little book here that is Commission Exhibit No. 885 and it consists of a number of frames from motion pictures and I want to show you certain numbers of them which are important to our work and ask you if those look like they were taken from your film and if in fact you could recognize it as you look through this book that these are individual frame-by-frame pictures of the pictures that you took.

Mr. ZAPRUDER. Yes, they are frame by frame and they weren't very clear, for the simple reason that on the telephoto lens it's good to take stills—when you move—did you ever have binoculars and every time you move everything is exaggerated in the move—that's one reason why they are kind of blurred—the movement. Now, you want me to identify whether these are my pictures?

Mr. LIEBELER. Yes, specifically, I first call your attention to No. 185. This is No. 185 on the back of it and will you look at the whole book and identify it if you can and tell us that those are the pictures that—that those appear to be the pictures or copies of the pictures that you took from your motion picture camera?

Mr. ZAPRUDER. Well, I would say this, they look like—if they were taken from the film I had—these are the ones. I mean, I don't know how to express myself.

Mr. LIEBELER. Well, they were.

Mr. ZAPRUDER. Well, it looks like them—that's when they turned in from Elm Street. Is that it? I'm trying to visualize it. This is taking it from the opposite side of me, is it, where I would have been taking it, because I see this structure—I have been around there and—or these—this couldn't be here—where did they get this in there—how did they get this in there, if I was taking the pictures where did they get this in there? That shouldn't be there.

Mr. LIEBELER. This is the thing back up behind on Dealy Plaza, I think, isn't it?

Mr. ZAPRUDER. They have one there, too?

Mr. LIEBELER. Yes, I think there is. Now, if you will look at Hudson Exhibit No. 1, you will see that there is some kind of concrete structure there and is a different kind from that figure. It has bigger holes in it.

Mr. ZAPRUDER. That's right—in the back of this here, that's where it is—that's what I thought it was—that's where I got mixed up.

Mr. LIEBELER. You thought that the concrete latticework on the individual pictures in Commission Exhibit No. 885—

Mr. ZAPRUDER. Now I see it—that's where they have moved now the flowers and all that.

Mr. LIEBELER. Yes—I have to state this for the record—so they can understand what we are talking about—you confused it with the concrete lattice-work shown in the background in the individual photographs in Commission Exhibit No. 885, with the larger and obviously different concrete structure in the background of Hudson Exhibit No. 1?

Mr. ZAPRUDER. Yes, that—there is Elm Street there—this is a corner.

Mr. LIEBELER. Now, specifically here—let me show you the ones that have been numbered 185 and 186 and see if you can recognize those. This is 185 here that we are looking at now—of Commission Exhibit No. 885.

Mr. ZAPRUDER. Yes. This is where he came in from Houston Street and turned there.

Mr. LIEBELER. Yes; and they are going down Elm Street now?

Mr. ZAPRUDER. Yes; this is before—this shouldn't be there—the shot wasn't fired, was it? You can't tell from here?

Mr. LIEBELER (no response).

Mr. ZAPRUDER. I believe it was closer down here where it happened. Of course, on the film they could see better but you take an 8 millimeter and you enlarge it in color or in black and white, you lose a lot of detail. I wish I had an enlarger here for you.

Mr. LIEBELER. In any event, frame No. 185 does look like it's one of the frames, sir?

Mr. ZAPRUDER. Yes.

Mr. LIEBELER. And 186 is similar also?

Mr. ZAPRUDER. Yes.

Mr. LIEBELER. Now, I've got a list of them here that I want to ask you about—picture 207 and turn on over to this picture. It appears that a sign starts to come in the picture—there was a sign in the picture.

Mr. ZAPRUDER. Yes; there were signs there also and trees and somehow—I told them I was going to get the whole view and I must have.

Mr. LIEBELER. But the sign was in the way?

Mr. ZAPRUDER. Yes; but I must have neglected one part—I know what has happened—I think this was after that happened—something had happened.

Mr. LIEBELER. Do you remember when you looked at your pictures yourself, do you remember that there was a sign that does appear between the camera and the motorcade itself and you can see the motorcade for a while and the sign comes in the view?

Mr. ZAPRUDER. That's right.

Mr. LIEBELER. And the motorcade comes behind it. Now, what about picture No. 210—however—there is no No. 210 in here.

Mr. ZAPRUDER. No.

Mr. LIEBELER. How about No. 222? Now, in No. 222 you can see the President's car coming out from behind the sign.

Mr. ZAPRUDER. Yes.

Mr. LIEBELER. And you can see Governor Connally right there in that center seat, I believe?

Mr. ZAPRUDER. Yes; Governor Connally—yes—these are all the same pictures—I remember the car was kind of buried and I was kind of low and I don't know how I got that view—I didn't get just the full view of the shot.

Mr. LIEBELER. Let's turn to 225 and there the car is coming further out from behind the sign.

Mr. ZAPRUDER. Yes.

Mr. LIEBELER. Is that still the same part of the sequence?

Mr. ZAPRUDER. Yes.

Mr. LIEBELER. You can now see the President for the first time.

Mr. ZAPRUDER. Yes; that's the President.

Mr. LIEBELER. The President appears to have his hand up by his throat as he is just coming from behind the sign.

Mr. ZAPRUDER. Yes; it looks like he was hit—it seems—there—somewhere behind the sign. You see, he is still sitting upright.

Mr. LIEBELER. Yes; he's sitting up and holding his hand up.

Mr. ZAPRUDER. Do we have the sequence—the next frames?

Mr. LIEBELER. Yes; it will be No. 227 and his hand comes up even more and he starts to move a little to his left.

Mr. ZAPRUDER. Apparently. And they started speeding the car then to—but he is still sitting up here. Is that still the President here?

Mr. LIEBELER. Yes; in picture No. 228—he still appears to have his hand up and in No. 229 it's even more pronounced.

Mr. ZAPRUDER. Yes.

Mr. LIEBELER. As the car keeps coming up from behind and in picture 230 he has raised both hands up.

Mr. ZAPRUDER. It looks to me like he went like this—did he go to his throat—I don't remember—I thought he went like this [holding both hands on the left side of his chest]. Did it show?

Mr. LIEBELER. Let's turn over to picture 231 here—these still appear to be the same sequence of pictures, do they not?

Mr. ZAPRUDER. Yes; you get about 16 per second and I think my camera was moving a little fast, maybe 18 frames per second. You see, we have a lot of pictures on there.

Mr. LIEBELER. And 235 is there.

Mr. ZAPRUDER. Yes; we've got that.

Mr. LIEBELER. In 235 both hands are up by his throat there or up to the top of his chest and Mrs. Kennedy is looking at him.

Mr. ZAPRUDER. To me it looks like it.

Mr. LIEBELER. You mean it looks to you as though he moved a little more sharply perhaps?

Mr. ZAPRUDER. Toward her—there are so many frames, of course, this is probably his first reaction, but he leaned over—it would be after the shot was fired, after I heard a sound, he went like this [leaning to the left and holding both hands to the left side of his chest].

Mr. LIEBELER. He moved over to his left and pulled his hands there?

Mr. ZAPRUDER. Yes; he moved to the left and pulled his hands somewhat in this direction.

Mr. LIEBELER. Does picture 235 appear to be one of the pictures that was taken from your sequence?

Mr. ZAPRUDER. Yes.

Mr. LIEBELER. How about 240—let's turn over to 240 and there he has turned his head toward the left a little bit more.

Mr. ZAPRUDER. There's only about 100 frames—they are so close.

Mr. LIEBELER. Five frames?

Mr. ZAPRUDER. Five frames is nothing—I believe.

Mr. LIEBELER. How about 249?

Mr. ZAPRUDER. No. 249—I just wonder if it was the motion that he went back with that I don't remember—it looks like he has got his hand on his head—I don't remember seeing that. Of course, the pictures would show.

Mr. LIEBELER. Yes; when you pick one of them out it's hard to break it down and pick them out.

Mr. ZAPRUDER. Yes; it's hard. We run them in single frames—and to get the main shot—it's hard.

Mr. LIEBELER. Now, let's turn over to picture 255—these all do look like they are from your film?

Mr. ZAPRUDER. Yes; they are—I know this—I have seen it so many times. In fact, I used to have nightmares. The thing would come every night—I wake up and see this.

Mr. LIEBELER. What about 255—what about that one?

Mr. ZAPRUDER. That's still the same series.

Mr. LIEBELER. That's still the same series—they keep moving along.

Mr. ZAPRUDER. Yes.

Mr. LIEBELER. And let's look at No. 213—as we go along here—then he does start moving sharply to the left.

Mr. ZAPRUDER. Yes; when you take it frame by frame, it could have been just 2 or 3 seconds, but the impression was that he was leaning over and not just sitting there and looking over that and grabbing himself at the left side.

Mr. LIEBELER. Yes; moving toward Mrs. Kennedy.

Mr. ZAPRUDER. That's what impressed me. Now, what number are you on?

Mr. LIEBELER. 313—you remember that one?

Mr. ZAPRUDER. That was—that was the horrible one.

Mr. LIEBELER. It appears to you then, that this book of pictures here as you look through it, are your pictures?

Mr. ZAPRUDER. Yes.

Mr. LIEBELER. Now, Mr. Zapruder, after you had the film developed I understand Mr. Sorrels from the Secret Service came over and helped you get the films developed and you gave two copies of your films to Mr. Sorrels, is that correct?

Mr. ZAPRUDER. Yes. One we have sent to Washington the same night and one went over for the viewers of the FBI on Ervay Street.

Mr. LIEBELER. That's the Secret Service?

Mr. ZAPRUDER. The Secret Service—I brought one roll there and they told me to dispatch it by Army plane or I don't know what they had done with it but it was supposed to have gone to Washington and one of them, I believe, remained here with Mr. Sorrels. He came to my office quite a few times to show them to different people.

Mr. LIEBELER. Now, I understand that you, yourself, retained the original film?

Mr. ZAPRUDER. No; I don't have that at all—I don't have any at all. They were sold to Time and Life magazines.

Mr. LIEBELER. You sold that to Life magazine?

Mr. ZAPRUDER. Yes.

Mr. LIEBELER. The Commission is interested in one aspect of this and I would like to ask you if you would mind telling us how much they paid you for that film.

Mr. ZAPRUDER. For the film?

Mr. LIEBELER. Yes.

Mr. ZAPRUDER. Well, I just wonder whether I should answer it or not because it involves a lot of things and it's not one price—it's a question of how they are going to use it, are they going to use it or are they not going to use it, so I will say I really don't know how to answer that.

Mr. LIEBELER. Well, I am not going to even urge you to answer the question. We will ask it and if you would rather not answer it—the Commission feels it would be helpful.

Mr. ZAPRUDER. I received \$25,000, as you know, and I have given that to the

Firemen's and Policemen's Benevolence with a suggestion for Mrs. Tippit. You know that?

Mr. LIEBELER. I don't know that—you received \$25,000?

Mr. ZAPRUDER. \$25,000 was paid and I have given it to the Firemen's and Policemen's Fund.

Mr. LIEBELER. You gave the whole \$25,000?

Mr. ZAPRUDER. Yes. This was all over the world. I got letters from all over the world and newspapers—I mean letters from all over the world. It was all over the world—I am surprised—that you don't know it—I don't like to talk about it too much.

Mr. LIEBELER. We appreciate your answer very much.

Mr. ZAPRUDER. I haven't done anything, the way I have given it, at a time like this.

Mr. LIEBELER. I want to tell you, you may not be aware of it yourself, but I want to tell you that your film has been one of the most helpful things to the work of the Commission that we could possibly have had because it has enabled us to study the various positions of the people in the car and to determine by comparing it with the reenactment—by comparing it to the view from the window of the building, to develop with a fair degree of accuracy the facts here.

Mr. ZAPRUDER. I understand—and I am willing to be helpful but I am sorry it had to be on an occasion like this. I am willing to be helpful but I wish this would never have happened.

Mr. LIEBELER. Yes; that's right.

Mr. ZAPRUDER. I know they have taken my camera to Washington.

Mr. LIEBELER. It was a Bell & Howell camera, isn't that right?

Mr. ZAPRUDER. That's right.

Mr. LIEBELER. And you turned it over to the FBI and they have made tests on it?

Mr. ZAPRUDER. Yes; and then Bell & Howell wanted it for their archives and I thought they were through with it and let them have it. In return, they gave me, not for my personal use, but a sound projector which was given to the Golden Age Group. It's a place where old folks have a home. I asked them to donate something. I didn't want the camera. I didn't want anything for myself. Then the FBI wanted the camera again and I referred them to the Bell & Howell people.

Mr. LIEBELER. Yes; the FBI asked for the camera back because the Commission wanted to determine whether there was any difference in the frame speed as the camera unwound itself, as it went along.

Mr. ZAPRUDER. Well, they claimed they told me it was about 2 frames fast—instead of 16 it was 18 frames and they told me it was about 2 frames fast in the speed and they told me that the time between the 2 rapid shots, as I understand, that was determined—the length of time it took to the second one and that they were very fast and they claim it has proven it could be done by 1 man. You know there was indication there were two?

Mr. LIEBELER. Your films were extremely helpful to the work of the Commission, Mr. Zapruder.

Mr. ZAPRUDER. I am only sorry I broke down—I didn't know I was going to do it.

Mr. LIEBELER. Mr. Zapruder, I want to thank you very much, for the Commission, for coming down. It has been very helpful.

Mr. ZAPRUDER. Well, I am ashamed of myself. I didn't know I was going to break down and for a man to—but it was a tragic thing, and when you started asking me that, and I saw the thing all over again, and it was an awful thing—I know very few people who had seen it like that—it was an awful thing and I loved the President, and to see that happen before my eyes—his head just opened up and shot down like a dog—it leaves a very, very deep sentimental impression with you; it's terrible.

Mr. LIEBELER. Well, you don't have to feel ashamed about that at all, and thank you very much. I enjoyed meeting you very much.

Mr. ZAPRUDER. All right, any time you want some more help you can call on me and I will be glad to come in.

Mr. LIEBELER. All right, thank you a lot.

Mr. ZAPRUDER. Goodbye.

TESTIMONY OF PERDUE WILLIAM LAWRENCE

The testimony of Perdue William Lawrence was taken at 9:15 p.m., on July 24, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Burt W. Griffin, assistant counsel of the President's Commission.

Mr. GRIFFIN. My name is Burt Griffin, and I am a member of the general counsel's staff of the President's Commission on the Assassination of President Kennedy, and the Commission has been set up by Executive order of President Johnson and a joint resolution of Congress. These two official acts have directed the Commission to investigate into the assassination of President Kennedy and the death of Lee Harvey Oswald, to evaluate all the facts we find and report back to President Johnson upon them. We have asked you to come here in particular this evening, Captain Lawrence, because we are interested in the security precautions that were taken both in connection with the protection of President Kennedy and in the prospective transfer of Lee Harvey Oswald to the county jail. I might say that there are a set of rules and regulations that have been promulgated by the Commission and under these rules and regulations I have been designated to take your deposition. You are entitled to receive a written notice 3 days in advance from the Commission. It has been the practice with all of the police officers who have testified that we have simply written a letter to Chief Curry and he has been good enough to make you people available. I assume that you haven't received proper notice, and I will ask you at this time if you are willing to waive that notice?

Captain LAWRENCE. Certainly.

Mr. GRIFFIN. Since you are willing to waive the notice, if you will raise your right hand I will administer the oath to you. 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?

Captain LAWRENCE. I do.

Mr. GRIFFIN. Would you state your full name for the record, please?

Captain LAWRENCE. Not my initials—my full name?

Mr. GRIFFIN. Your full name.

Captain LAWRENCE. Perdue [spelling], P-e-r-d-u-e William Lawrence [spelling], L-a-w-r-e-n-c-e.

Mr. GRIFFIN. Where do you live, Mr. Lawrence?

Captain LAWRENCE. 1623 South Clinton.

Mr. GRIFFIN. When were you born?

Captain LAWRENCE. In August—1911—August 18.

Mr. GRIFFIN. Are you employed with the Dallas Police Department?

Captain LAWRENCE. I am.

Mr. GRIFFIN. And what is your rank?

Captain LAWRENCE. Captain of police.

Mr. GRIFFIN. And how long have you been with the police department?

Captain LAWRENCE. Nineteen years.

Mr. GRIFFIN. Were you captain of police on November 22, 1963?

Captain LAWRENCE. I was.

Mr. GRIFFIN. Were you in charge of any particular department?

Captain LAWRENCE. Traffic at this particular time. I am in charge of the accident prevention bureau of the Dallas Police Department, but my specific assignment was traffic control for the Presidential motorcade.

Mr. GRIFFIN. Was this a special 1-day assignment that you had?

Captain LAWRENCE. Well, in this particular case—it was for this particular occasion.

Mr. GRIFFIN. Was there any other person in the department who regularly was concerned with what you call traffic control?

Captain LAWRENCE. Yes; Capt. R. A. Thompson.

Mr. GRIFFIN. Is there any reason why you handled the traffic control responsibilities for the Presidential motorcade rather than Captain Thompson?

Captain LAWRENCE. None that I know of; none that I can think of except that Chief Batchelor saw me and said, "I want you to get together with Lieutenant

Southard." Lieutenant Southard works for Captain Thompson and we were to use my motorcycle officers and his corner men, so, because of the motorcade part of it, I assume that this was the reason that it was turned over to me. Normally on parade or a special assignment and such, this is under the jurisdiction of Captain Thompson, but because of the escort part of it, I am assuming that this was why it was given to me. I would like to also add that Captain Thompson and I work evenings on alternate Friday and Saturday nights, and I was scheduled to work daytime hours on Friday, November 22, and this may also be a reason I was given this particular assignment. Captain Thompson did work evenings on Friday, November 22, 1963, and Saturday, November 23, 1963.

Mr. GRIFFIN. Had you participated in other traffic control projects in the past?

Captain LAWRENCE. Yes; I had.

Mr. GRIFFIN. Had you ever been involved in one that involved the President of the United States or any other important official who required special protection?

Captain LAWRENCE. No; I had not.

Mr. GRIFFIN. In your experience in the Dallas Police Department, had there ever been a time when there had been a President or an important person who had come through who required special protection?

Captain LAWRENCE. Yes; but not in which I was directly assigned to any duties. When President Kennedy came to town to visit Mr. Rayburn at Baylor Hospital, Lieutenant Curtis was in charge of that detail and I don't know if I was on a day off or what it was, but I was not in charge of that detail at all. I made none of those arrangements.

Mr. GRIFFIN. From whom did you receive your instructions in connection with the duties that you were to carry out?

Captain LAWRENCE. My immediate superior was Deputy Chief R. H. Lunday, and I received my instructions from Chief Lunday and Asst. Chief Batchelor; both of them.

Mr. GRIFFIN. When were you first told that you were to be in charge of this traffic control?

Captain LAWRENCE. The first day was on a Tuesday—November 19.

Mr. GRIFFIN. And who told you at that time?

Captain LAWRENCE. Chief Batchelor.

Mr. GRIFFIN. And what did Chief Batchelor tell you at that time that your responsibilities would be?

Captain LAWRENCE. He told me he wanted me to go over this route and to start working with the assignments of men to the intersections on the motorcade route, and he said that he had gone over this route and handed me a list of intersections that he wanted covered and the amount of men he wanted on each intersection and the reason he wanted more than one or two at certain intersections was because of the turning movements of the motorcade, but he also wanted assignments made to certain overpasses and told me the number of men that he would like to have stationed on the overpasses.

Mr. GRIFFIN. Did he tell you the names of the particular men he wanted on the overpass?

Captain LAWRENCE. He gave me the names of no men. He told me to make the assignments, and when he handed me this list, he was either with Chief Lunday or I went immediately to Chief Lunday and asked for the assistance of Lt. W. F. Southard because he—his men would be directly involved also in these assignments.

Mr. GRIFFIN. I notice you have a list in your hand. Is that the list Chief Batchelor gave you?

Captain LAWRENCE. That's the list that Chief Batchelor gave me.

Mr. GRIFFIN. Would you mind if we marked this and returned this for our file?

Captain LAWRENCE. No; not a bit. I would like to add that it was not requested that I bring any papers with me. I did bring with me some original personnel assignment notes for the purpose of refreshing my memory, and I see no reason why my superiors would object to any requests made by this Committee.

Mr. GRIFFIN. Let me now turn this over and I will state for the record that it consists of five small white sheets of paper, roughly 2½ by 5 inches in size, and

there are a number of handwritten notations on it and I'm going to mark this on the back.

Captain LAWRENCE. I believe this to be the handwriting of Chief Batchelor.

Mr. GRIFFIN. I'm going to mark this Capt. P. W. Lawrence Deposition, July 24, 1964, Exhibit No. 1. In handing this memo to you, did Chief Batchelor say anything to you about what the men on the overpass were supposed to do?

Captain LAWRENCE. He was stationing the men on the overpass to see that no one else came onto the overpass so that no one would be over the motorcade when the President passed under it.

Mr. GRIFFIN. Other than stationing people at intersections, were you given any instructions as to stationing men in between blocks?

Captain LAWRENCE. Not at that time.

Mr. GRIFFIN. Now, after the 18th of November did you later receive further instructions from your superiors?

Captain LAWRENCE. Yes, sir, I did.

Mr. GRIFFIN. When did you next receive instructions?

Captain LAWRENCE. I next received instructions well, during the week we discussed this with Chief Lunday and Assistant Chief Batchelor—certain assignments as far as the motorcycle escorts were concerned, and not directly at that time regarding stationing of any men on any particular corner.

I might add that when Lieutenant Southard and I went over this route, we found one intersection open and which was on Record Street, which raised our total—this is my writing here [indicating].

Mr. GRIFFIN. Yes, this is at the bottom of the second page and you have written in the word "Record."

Captain LAWRENCE. That's right—that's my handwriting and during that week I was next told, of course, to contact other people regarding the route connected with the motorcade to see that no trains would be coming across at the time that the Presidential motorcade was passing through.

Mr. GRIFFIN. These were grade crossings that you are talking about?

Captain LAWRENCE. Grade crossings—yes.

Mr. GRIFFIN. At the time of your first meeting with Chief Batchelor were you given any special instructions about the protection of the President?

Captain LAWRENCE. None.

Mr. GRIFFIN. When was the next time you received some instructions from one of your superiors?

Captain LAWRENCE. The next time was, to the best of my knowledge, the motorcade assignments—possibly 2 days before the President arrived—I asked how we would escort this motorcade.

Mr. GRIFFIN. And with whom did you discuss that?

Captain LAWRENCE. Chief Lunday and Chief Batchelor.

Mr. GRIFFIN. Was anybody from the Secret Service present at that time?

Captain LAWRENCE. Not at that time—no.

Mr. GRIFFIN. What were you told about the purpose of the officers that were being provided, if anything?

Captain LAWRENCE. I was told that there would be these lead motorcycle officers, and that we would also have these other officers alongside the President's car and the Vice President's car, and some of the others that would be in the motorcade, and approximately how many officers would be needed for the escort, and at that time I had prepared a list of 18 solo motorcycle officers, this included three solo sergeants.

I was also instructed that about this motorcade—that when it reached Stemmons Expressway, Chief Batchelor told me that he wanted a solo motorcycle officer in each traffic lane, each of the five traffic lanes waiting for the motorcade, so that no vehicles, on Stemmons Expressway would pass the motorcade at all and he wanted these solo motorcycle officers to pull away from the escort and get up there on Stemmons Freeway and block the traffic, and some of these officers, he stated, would pull past the Presidential car.

Mr. GRIFFIN. Would this include blocking oncoming traffic?

Captain LAWRENCE. This would stop all oncoming traffic on Stemmons Freeway.

Mr. GRIFFIN. All the way to the Trade Mart?

Captain LAWRENCE. No, sir—this would stop all traffic that would be northbound on Stemmons, on—all northbound traffic on Stemmons Expressway, in the five lanes of traffic, so when the motorcade came onto the freeway, that no cars would be able to pass it, that the motorcycle officers would stop the traffic, and then the motorcycle officers after all the motorcade was headed for the Trade Mart, that then these motorcycle officers would slowly move up, but they would keep all the traffic behind—all the northbound traffic.

Mr. GRIFFIN. But, the southbound traffic would be permitted to run in the southbound lanes?

Captain LAWRENCE. That's right.

Mr. GRIFFIN. When did that conversation take place?

Captain LAWRENCE. That conversation took place about the 20th of November—2 days before.

Mr. GRIFFIN. Now, did you receive another set of instructions or orders after that?

Captain LAWRENCE. Yes; on the evening of November 21, this was the first time that I had attended any security meeting at all in regards to this motorcade. At approximately 5 p.m. I was told to report to the conference room on the third floor, and when I arrived at the conference room the deputy chiefs were in there, there were members of the Secret Service—Mr. Sorrels, Captain Gannaway, Captain Souter of radio patrol, and Capt. Glen King, deputy chiefs, assistant chiefs, and Chief Curry, and one gentleman, who I assume was in charge of the security for the Secret Service. This was the first time I had attended any conferences in regard to the security of this escort, and I listened in on most of the discussion and I heard one of the Secret Service men say that President Kennedy did not desire any motorcycle officer directly on each side of him, between him and the crowd, but he would want the officers to the rear. This conversation I overheard as Chief Batchelor was using a blackboard showing how he planned to handle this—how plans had been made to cover the escort.

Mr. GRIFFIN. Was anything said in that meeting about any special precautions that should be taken in connection with protecting the President?

Captain LAWRENCE. Yes; there was some discussion that centered more around the security down at the Trade Mart than any other place and Captain Gannaway was in charge of the security in that area, and then Chief Stevenson, I believe, was there, and they mentioned that they would have detectives stationed along the route—along the motorcade route, especially in the downtown area.

Mr. GRIFFIN. And what were they to be looking for?

Captain LAWRENCE. They were taking care of security, all right, but they did not go into any discussion in my presence. I assume that this had all been, discussed earlier, in fact, when I was called up there, these people were already meeting.

Mr. GRIFFIN. Did you ever receive any instructions as to what the men were to do whom you stationed at the various intersections and elsewhere along the route?

Captain LAWRENCE. Yes; I discussed this with Chief Lunday two or three times and Chief Batchelor two or three times before this meeting ever took place and we discussed the fact that maybe some demonstrators with placards might show up and that the officers stationed along the route should be instructed to be on the alert for any persons that might throw anything or make any movement that might endanger the President at all, and if there were any incident of that nature, that the person would be arrested immediately.

Mr. GRIFFIN. Was there any discussion between you and your superior officers about watching the buildings and windows in the buildings or the tops of the buildings?

Captain LAWRENCE. No, no instructions were given to me about my men watching the buildings—no, so, mine were more crowd control instructions—to watch the crowds, to keep them back, and to block off the traffic and to block off the streets on the approach of the motorcade and not to let them by—and to keep the crowds back.

Mr. GRIFFIN. Were there other men who were going to have other responsibilities?

Captain LAWRENCE. Yes, it was my understanding that the other responsibilities in regard to security were to be handled by the special service bureau and the members of the criminal investigation division.

Mr. GRIFFIN. And were they going to be stationed along the routes?

Captain LAWRENCE. It was my understanding that they would be.

Mr. GRIFFIN. Were you ever informed as to how many men would be in each particular location?

Captain LAWRENCE. I was not.

Mr. GRIFFIN. With specific reference to Dealey Plaza and the area of Elm and Houston and the School Book Depository, did you have any idea of how many Secret Service or detective bureau people or CID people would be in that area?

Captain LAWRENCE. I did not.

Mr. GRIFFIN. Did you ever receive any advice or instructions from any member of the Secret Service about watching buildings or performing other functions other than the normal crowd controls which you have just mentioned?

Captain LAWRENCE. I did not.

Mr. GRIFFIN. When you met with the Secret Service, what do you recall that the Secret Service did discuss?

Captain LAWRENCE. I sat in on the discussion and I did not participate in any at all, and from what I heard there would be sufficient personnel inside the Trade Mart—they were discussing this, and these detectives' assignments were not the ones that I was at that time primarily instructed in, so—I know that they had made some elaborate precautions, which no one discussed with me, but I don't remember all of the conversation that went on regarding that. I was particularly interested in traffic assignments and these were the ones that I was listening for.

Mr. GRIFFIN. Was there ever any discussion that you heard about taking precautions designed to prevent some sort of assault on the President that would be more severe than simply placards, picketing, and people throwing rotten eggs and vegetables, and things like that?

Captain LAWRENCE. Not to my knowledge, other than the fact that the Secret Service man in there—when it was mentioned about these motorcycle officers alongside the President's car, he said, "No, these officers should be back and if any people started a rush toward the car, if there was any movement at all where the President was endangered in any way, these officers would be in a position to gun their motors and get between them and the Presidential car," and he mentioned, of course, the security and safety of the President and those words were mentioned.

Mr. GRIFFIN. But was that concept of the security and the safety of the President spelled out in any certain details?

Captain LAWRENCE. Not to my knowledge. Now, you see, I'm not familiar with some of the things that were discussed with the other bureau commanders. Now, I didn't know until that time who was going to be in charge at the Trade Mart.

Mr. GRIFFIN. What time is that that you have reference to?

Captain LAWRENCE. Sometime between 5 and 6 p.m. on November 21. I knew at that time that Captain Souter would be in charge, and when I was so advised, after this meeting I asked Souter if I could meet him down at the Trade Mart, and discuss how the motorcade would come into the Trade Mart, and they had discussed also about keeping an area open down there and it had also been discussed with me—I might add one thing that I had forgotten to say before—that there would be two officers remain with the Presidential car while he was in the Trade Mart. This was told to me by Assistant Chief Batchelor—to the best of my knowledge.

After this conference, I asked Captain Souter if I could meet him down at the Trade Mart and he said he would be down there and then I called Sgt. S. Q. Bellah [spelling] B-e-l-l-a-h. I called him on the phone at home and asked him if he could meet me down there because he was going to be the leading solo motorcycle sergeant. He met me at the Trade Mart with Stavis Ellis, another

solo motorcycle sergeant, who was going to be leading the Presidential motorcade and I met with both of them down there on the evening of the 21st, so that I would know how they would come in the area and how they were to be escorted around in the area.

Mr. GRIFFIN. I take it from what you said, that your principal concern then was keeping the motorcade moving smoothly?

Captain LAWRENCE. That's right.

Mr. GRIFFIN. And there was no special attention brought on your part to the question of actually protecting the President other than from some impediment to the actual movement of the automobile.

Captain LAWRENCE. Mainly—my understanding was mainly that my assignment was for crowd control and, of course, security would be involved in it, as far as anyone making any movements in the crowd.

Mr. GRIFFIN. Now, did you prepare a list of the assignments that you gave in stationing your men along the route?

Captain LAWRENCE. I did and I might add another thing that I have overlooked here, that Chief Batchelor had also instructed me to have one man on a three-wheel motorcycle—to station this one man over the Stemmons overpass at Industrial, to make sure that no car stopped and no people stopped there who would be in a position to throw anything down when the motorcade came off of Stemmons Freeway to make its turn onto Industrial, and there would be a three-wheeler up there and he had specifically instructed me on that, which to me was security as well too.

Mr. GRIFFIN. Were you given any general instructions to go out and look along the route for special security problems that might arise along the route?

Captain LAWRENCE. No; I was not, but I did do this.

Mr. GRIFFIN. What did you do in that regard?

Captain LAWRENCE. This is getting ahead, but after the detail was put out in the detail room and I had talked to the motorcycle officers and the motorcade officers and had given them their instructions, I then went out to Love Field with Maj. George Tropolis of the police reserves who is in charge of the police reserves and awaited the arrival of the President and to see that all the motorcycle officers were at the proper location, I had already given a copy of the detail to each one of the sergeants and their instructions and when we were out there at the airport, the weather cleared up and the officers put their raincoats, of course, in the motorcycle saddlebags and when the Presidential plane arrived and President Kennedy got off of the plane, I saw that there was going to be a brief ceremony there, and I knew that Chief Lumpkin was going to—I had been told was going to be ahead of this motorcade—I got in my car and tried to be a few blocks ahead of him to make sure that everybody was on their assignments, and, of course, the crowd, the huge crowd en route surprised me, especially in the residential area, that all the people had turned out to see the President. I didn't expect a crowd this big, and, of course, we had officers stationed at many intersections along the route, but not at every intersection until we got to the downtown area. Not every intersection was covered, but as I went along the route, this didn't look like it was necessary because the crowds already had blocked the streets, and no motor vehicle could have crossed some of these streets. As I came up to many of these intersections—I slowed my car down and I was in uniform, but I was driving a plain car which I drive, and I told the officers to keep the traffic in back of me moving and not let any vehicles cross because I could hear Chief Curry on channel 2 giving the location of the motorcade from time to time, and I knew a few blocks ahead of him would be Chief Lumpkin, and I knew that I would have to stay considerably ahead of him. Although I was not given this assignment—I proceeded on this route, and I followed it on down to the Trade Mart.

Mr. GRIFFIN. Let's go back a little bit and let me ask you—when did you first give instructions to the men who were actually stationed along the route as to what they should do?

Captain LAWRENCE. I gave them those instructions on the morning of November 22 and I had with me at the time—I had the detail with me and some notes that I had written. I first told the men the approximate time of the arrival

of the President's plane at Love Field. Then, I went over the route that the motorcade would take to the Trade Mart and then the approximate time they were scheduled to be at the Trade Mart and then to leave for Love Field.

I stated that there would be some assignments which we would call assignment No. 1, assignment No. 2 and assignment No. 3. Some officers would only have one assignment and some would have two and some would have three, and that these assignments would be given to them by Lieutenant Southard, that there would be supervisors stationed along the route, cruising the route, and would be able to assist them. I then covered the supervisory assignments, telling them where these sergeants would be stationed along the route, and if anything came up they were to contact them.

Mr. GRIFFIN. The men you assigned, from the instructions that you gave them, what would you expect that these men would do besides simply keep people from running out into the motorcade of cars?

Captain LAWRENCE. They are crowd control—for the motorcade to move and I also gave the men instructions that it would be no violation—for persons to carry placards, that we expected very little of this, but that they were to be alert to any unusual movements in the crowd so that no one threw anything at the President, that there would be no repetition of the Ambassador Stevenson incident, that President Kennedy was the President of the United States and entitled to the courtesy and protection of this office, and it was their duty to see that this was done, and if there were any violations of the law of any type, that they would arrest individuals immediately, and these were the specific instructions.

Mr. GRIFFIN. Now, if a man, captain, one of your men was placed at a station—was actually standing out there and acting pursuant to these orders, first of all, let me ask you what direction would he be looking; would he be looking toward the street or would he be turned around and facing the crowd?

Captain LAWRENCE. He would either be facing the crowd or facing the street, depending on the necessity at that time. He was given no specific instructions except that he was not told specifically that he would face the crowd on the traffic assignments, but he was told that he was to watch the crowd, so I wouldn't say that the man—that all of the men on the route were specifically instructed to face the crowd. I gave them no such instructions.

Mr. GRIFFIN. As you drove down the route preceding the motorcade, did you observe just exactly what these men were doing?

Captain LAWRENCE. Yes; most of the men were watching the oncoming traffic and keeping it moving. They were keeping this oncoming traffic moving. Some of the men were trying to push the crowd back, especially in the downtown area. There were many of them facing the crowds there and trying to push the crowds back, and this was, I imagine, about a mile ahead of the motorcade.

Mr. GRIFFIN. As a practical matter—stationing as you did two men at each intersection generally—could two men have effectively prevented anyone who was bent upon attacking the President, could they have effectively prevented him from rushing out and doing something?

Captain LAWRENCE. If they saw them in time, but two men, in as large a crowd as that—these men had all they could handle, with as large a crowd as we had turned out for that motorcade. It was a full-time job keeping the crowd back, and this was what the officers were trying to do.

Mr. GRIFFIN. Have you given any thought, or do you have any suggestions as to how a police department the size of the Dallas Police Department could have stationed more men along the route so that they could have effectively—not only kept the crowd back but could have been effectively on the lookout for people who might want to rush out and do something?

Captain LAWRENCE. Well, looking back on it, I would say, with the manpower that we had for this particular job and the crowd that turned out, that without the use of precautions, these men would have a very difficult time keeping a crowd back like that. This crowd was an enthusiastic crowd, as you know, as you probably have heard many times, and it was a bigger crowd than I expected.

Mr. GRIFFIN. Is it practical for a city the size of Dallas to use barricades or ropes along the motorcade, the length of the one that the President traveled?

Captain LAWRENCE. Well, with the length of this motorcade, I don't believe that we could have on this short a notice, and this is my opinion. We would have to go to another source to get sufficient barricades to handle it, because I don't think we have that many barricades—I don't think that many barricades would be available for a motorcade as long as this one.

Mr. GRIFFIN. Does the police department maintain barricades?

Captain LAWRENCE. No; the barricades are obtained from the public works department. We have been able to request barricades to barricade off streets at certain events on holidays and parks. We have asked for barricades and we have always received barricades.

Mr. GRIFFIN. Did you give any specific instructions to your men with respect to watching windows?

Captain LAWRENCE. No.

Mr. GRIFFIN. Did you give any specific instructions to the people who were stationed along Elm and Houston at the intersection of Elm and Houston, the man at Houston in particular, did you direct any particular attention to those men who were stationed there?

Captain LAWRENCE. No; I did not make the individual assignments, but as I said, the only thing I did was make these remarks as to these particular assignments in stating that they would be made by these officers, and, of course, there were some assignments made in this area and there were also some assignments made to the overpass.

Mr. GRIFFIN. Was there anything that would be in the general orders or the general background and training of the police officers who were stationed along this route which would make the individual police officer believe that it was his responsibility to watch the windows of buildings?

Captain LAWRENCE. I don't recall any specific instructions of that kind ever being given on an assignment of this type, because—again—as I said, with the manpower that was assigned and the crowd they had to control, that the officer had all he could take care of in maintaining crowd control of the people on the streets and watching the crowd there.

I am talking about the men that were assigned for these specific assignments here. I assume that some instructions have been given to some members of the CID, the criminal investigation division, and to the men from the special service bureau, and the men specifically assigned to security duties instead of traffic duties. It would be my assumption that this was a part of the assignments given.

Mr. GRIFFIN. Would the duties of the men at the intersections be so burdensome prior to the time that the motorcade actually arrived that they couldn't keep their eyes on the windows and other places such as that? In other words, did they have anything to do of substance until shortly before the motorcade arrived?

Captain LAWRENCE. They had everything they could do to take care of the crowds when I came through there before the President's motorcade—keeping the crowds back, in fact, when I was listening on channel 2 I heard Inspector Sawyer asking for more help for men downtown to try to keep the crowds back so the motorcade could get through there.

Mr. GRIFFIN. When an officer is at an intersection for the purpose of crowd control, do his problems begin as soon as the crowd begins to form, regardless of how long it is before the President is going to arrive, or does the problem only become a substantial one when he realizes the President is 5 minutes away?

Captain LAWRENCE. I think when he first goes on assignment, that's when he's prepared to handle the crowd.

Mr. GRIFFIN. Well, is there a danger that the crowd is going to move out into the street at any point as soon as it gets large enough where the people start to push and shove?

Captain LAWRENCE. This did happen in the downtown area and this was substantially before the President's car actually arrived. This is why, I believe, and I am assuming, because I was ahead of this motorcade, but I heard Chief Curry ask these motorcycle officers that were way up ahead to drop

back, and some of them that were alongside and to the rear of the President, to pull up alongside his car, and Chief Curry had some of these motorcycle officers that were supposed to be about a couple of blocks ahead of this motorcade, he asked them to drop back. He asked the lead motorcycles that were supposed to be a half block ahead of the escort—he asked them to drop back.

Mr. GRIFFIN. Well, is it fair to say that without specific instructions, that an officer would not watch the windows of buildings? He would not do it as a result of routine orders that prevail in the police department and his general training.

Captain LAWRENCE. I would say in a case like this that an officer should do this and this should be part of his responsibility on the job, but I also have to say he was not given any specific instructions to do that as far as buildings were concerned, but I'm talking about the men assigned to this traffic assignment.

Mr. GRIFFIN. Are there any other specific instructions besides watching the windows of buildings that, as a result of your experience on November 22, you think should be given to police officers who have traffic assignments?

Captain LAWRENCE. As a result of what happened on November 22, I believe that where a Head of State, the President of the United States, comes to Dallas and is in a motorcade or a parade, that the streets should be barricaded or roped off and that officers—more officers than were stationed be stationed along the route to control the crowd. I mean, of course, this is looking back—as I told you before—there were more people along the route—in fact, I was surprised—they had even stopped their cars all along Stemmons Freeway.

Mr. GRIFFIN. Of course, we are trying to benefit from hindsight, when I asked you if in looking back you could make some suggestions for the future.

Captain LAWRENCE. That's right.

Mr. GRIFFIN. Could a police force the size of the Dallas police force have found more officers to man the route?

Captain LAWRENCE. With a route as long as this, I doubt that they could have, because some of these officers were given second and third assignments and this motorcade route, as long as it was, was in my opinion—this was too long of a motorcade route to give the proper security, and our department wasn't big enough to handle an event—of course, this is hindsight again—and an event like this with a route as long as this to cover all of the cross streets, because we certainly didn't cover all of the cross streets along the route except the downtown area. We covered some of the main ones and there were other streets that were not covered and the people themselves block the streets for the motorcade.

Mr. GRIFFIN. You have with you here a list of the assignments you made on November 22?

Captain LAWRENCE. Yes; I do.

Mr. GRIFFIN. Could you give that to us so we can mark it for identification?

Captain LAWRENCE. Yes, sir; would you mind me explaining a couple of them?

Mr. GRIFFIN. No; not at all, if you think it is necessary.

Captain LAWRENCE. There were some changes made.

Mr. GRIFFIN. I am going to mark this as Capt. W. P. Lawrence Deposition, July 24, 1964, Exhibit No. 2. Do you want to indicate what clarification you would make in the assignments that are shown on Exhibit No. 2?

Captain LAWRENCE. Yes; on the morning of November 22, the streets were still wet and it was raining that morning and I talked to Asst. Chief Batchelor about some of the motorcade assignments and he agreed with me that no car, no motorcycle officer, should pass the President's car, so we reassigned some officers indicated by asterisks on this detail to cover the Stemmons Freeway traffic lanes to the rear of the escort to prevent any vehicles from passing the presidential party, and that's shown on the detail. Also, as I say—you can see the asterisks here beside these officers and they were changed. Also, I felt that because of the curvature of Stemmons Freeway and these people coming over a crest and around a curve—that they would be on top of these motorcycle officers and would not have warning enough. I discussed placing a couple of

the three-wheel motorcycle officers up further on Stemmons Expressway, which would be back farther south, so that when they saw from the top of Stemmons Expressway this motorcade approaching, they could start stopping the traffic before it came around the curve and down the hill because of the speed. For this reason, two officers were stationed—their assignment was changed and they were placed—they were stationed up on Stemmons Freeway for the purpose of starting to stop this traffic themselves.

Mr. GRIFFIN. Is there anything else on there that you think should be clarified?

Captain LAWRENCE. Yes; on the evening—I'm going back a day, but on the evening of November 21, I was handed a list of additional men from the Third Patrol Platoon to work traffic assignments. Here is the list—you can have this list.

Mr. GRIFFIN. All right.

Captain LAWRENCE. This necessitated me making some changes so that the three-wheel motorcycle officers could be taken off of corner assignments and placed on patrol assignments in the downtown area, and those assignments, or some of those patrol assignments are shown on the last page of this.

Mr. GRIFFIN. All right.

Captain LAWRENCE. The changes you can see were made in ink. There was one particular assignment, on page 3, that we had eliminated because we understood that the Highland Park Police would cover Lemmon and Loma Alto and then when these additional men were given to us, two officers were placed back on this assignment.

Mr. GRIFFIN. I have marked the additional list of 19 men, which list you received on November 22, as Capt. P. W. Lawrence, July 24, 1964, Exhibit No. 3. Let me ask you some specific questions about it—about the men who were stationed in the area of Dealey Plaza. Did you question any of these men after the President was shot to determine whether or not they had seen anyone in the windows of the Texas School Book Depository Building?

Captain LAWRENCE. Yes; however, when I questioned the men—the men had already been—one man that I questioned had already been questioned by Mr. Sorrels and this would be Officer J. E. Murphy and two other men that I questioned were Officers J. W. Foster and J. C. White. I questioned J. W. Foster regarding the men that were alongside him on the overpass, on the triple underpass where the President was to go.

Mr. GRIFFIN. Did you question Sergeant Harkness?

Captain LAWRENCE. No; I didn't question Sergeant Harkness.

Mr. GRIFFIN. Did you question Officer King—W. K. King?

Captain LAWRENCE. No.

Mr. GRIFFIN. Did you question Officer J. B. Allen?

Captain LAWRENCE. No.

Mr. GRIFFIN. Did you question Officer W. H. Denham?

Captain LAWRENCE. No.

Mr. GRIFFIN. Or Officer W. E. Barnett?

Captain LAWRENCE. No.

Mr. GRIFFIN. Officer J. M. Smith?

Captain LAWRENCE. No; I did not.

Mr. GRIFFIN. Officer E. L. Smith?

Captain LAWRENCE. No; I did not.

Mr. GRIFFIN. Do you know of anyone in the police department who questioned those men after the assassination to determine whether or not they had been observing the windows of the Texas School Book Depository Building and had seen anybody in those buildings?

Captain LAWRENCE. I know that all of these men have been questioned and that they were calling all of these men to be questioned and that this investigation was being handled by the Secret Service, and this is one reason why I did not question these men.

Mr. GRIFFIN. Have you received any information that any of these men did see anybody at the windows of the Texas School Book Depository Building, particularly on the sixth floor?

Captain LAWRENCE. I have never received any information from any of these men that they saw anybody up there.

Mr. GRIFFIN. You have answered that you did not conduct an investigation of these men and that you thought the Secret Service did; let me ask the further question—has the police department conducted an investigation of these men who were at the intersections of Main and Houston and Elm and Houston?

Captain LAWRENCE. To my knowledge, they were—there was an investigation requested.

Mr. GRIFFIN. By the police department?

Captain LAWRENCE. By the police department—that reports were requested from these men, by the supervisory officers, but—and by the inspectors and the deputy chiefs—but I was not given any such assignment.

Mr. GRIFFIN. Let me turn to the movement of Lee Harvey Oswald and ask you when did you first receive instructions as to the moving of Lee Harvey Oswald to the county jail?

Captain LAWRENCE. I received no original instructions on the movement of Lee Harvey Oswald. I was scheduled to be off on Saturday and Sunday. These were my days off. On Saturday at approximately 10 a.m., I came down in civilian clothes and I observed a large crowd of people around the county courthouse and I had knowledge from what I had heard on television and I had seen on television and heard on the radio that charges had already been filed against Lee Harvey Oswald, so it was my assumption that he would be transferred to the county jail, but I had no knowledge of it; and seeing this large crowd gathering down at this part of town, I immediately called the traffic office and started trying to contact Sergeant Harkness and finally got him down there and told him to get some other traffic officers down there and I remained down at this location until approximately 6:30 p.m. when Captain Thompson came on duty. While down there and during the afternoon, I noticed there was a large crowd gathered and there seemed to be a need for barricades or ropes or something to keep these people behind these ropes and across the street from the county jail, and I called Chief Batchelor's office, and Officer Art Hammett answered the phone and I told Art Hammett there was a large crowd down there, and this was early in the afternoon—I would say about 2 or 3 o'clock in the afternoon on Saturday—and there was a large crowd there and I believe that ropes or barricades were necessary to keep these people out of the streets and across the street at Dealey Plaza, and Hammett said he would try to get in touch with Chief Batchelor and let me know.

On Saturday afternoon I got a call on the radio, and, of course, it was a three-wheel motorcycle with the radio going, and Officer Hammett asked me and I am assuming he was in the dispatcher's office at the time, and he asked me if the ropes that I requested were to block off the street for motor vehicle traffic and I told him it was not, and he said, "Well, permission is granted." Then, we borrowed some rope from the sheriff's office and we roped off this block across the street from the county jail. We also got some barricades from Elm and Houston where a—where part of the street had been blocked off there anyway, and we blocked off the sidewalks on the county jail side—at Houston and Elm Street, and Main Street, and the only persons we allowed in this area were television, radio, and news media people.

Mr. GRIFFIN. Did you take any further precautions on Sunday?

Captain LAWRENCE. Yes. By the way, when Captain Thompson came on, I contacted him by radio and asked him to meet me down there and he relieved me and our solo motorcycle detail was placed down there in the evening. When I got home I called Chief Lunday at home and I told him—that's when I heard that the transfer was supposed to be made the following morning, that there would be a need for some more men down there and that I would be down there and I would get as many men as I could on the location. So on Sunday morning I arrived down there and I'm going to guess at the time as approximately 8 a.m. I first went by the office and I picked up some police reserves in my car and took about four of them down there with me, and then I had some motorcycle officers that were not already stationed—upstairs on

the third floor—and I had them meet me down there too. It was still roped off and the crowds started gathering and I personally instructed Sergeant Steigel to go down there and Sergeant Bellah, and most of the men down there, I personally instructed them that when Oswald was brought in down there, that they were not to look at Oswald, that they were to face the crowd and they were not to worry about anything but keeping their eyes on that crowd, because I estimated there were approximately 500 people down there at that time, and these officers were specifically instructed on that. And when Chief Lunday showed up at approximately—sometime between 9:30 and 10, he showed up—he arrived in civilian clothes—he saw that there was a large crowd there too and we were concerned about the security of Oswald, and I expressed this opinion to Chief Lunday and Lieutenant Southard also. There with me at the time too was Captain Solomon, who also showed up down there. The only time that I knew that anything had happened was when Sheriff Bill Decker came out of his office and came by the cameras there where the vehicle was supposed to enter the county jail entrance there, and he waved for me to come over to him. I was across the street at that time and he told me that Oswald had been shot in the basement of the city hall. So, after this was confirmed, we then sent some more men to Parkland Hospital to seal it off.

Mr. GRIFFIN. Did you have anything to do with the stationing of men along the route that it was expected that Oswald was to follow?

Captain LAWRENCE. No; I didn't.

Mr. GRIFFIN. Did you ever receive any specific instructions from any of your superiors on stationing your men around Dealey Plaza or the county jail or did the precautions that you took—were they undertaken on your own initiative?

Captain LAWRENCE. I would say that I notified Chief Lunday of the situation down there and then he told me to go ahead and station these men there.

Mr. GRIFFIN. But there never was any independent effort made by your superior officers to contact you prior to the move and say, "Captain Lawrence, we are going to move Oswald at such and such a time, or in such and such a way, and take such and such precautions"?

Captain LAWRENCE. No; I believe though that Chief Lunday was in communication with headquarters because he went immediately after he talked to Lieutenant Southard and I and saw this crowd too, he immediately went inside the sheriff's office and it is my assumption that he had communication with them because he came out a little later and told me about the plans—how Oswald was to be brought down and that he would not be brought down in the armored truck, but that the armored truck would come Elm Street and would make a left turn off of Elm, and when it did, this car with the detectives in it would come first and the car with Oswald would turn into the ramp there at the county jail and they would lower the gates immediately. At that time Chief Lunday was in charge down there.

Mr. GRIFFIN. How long were you informed of this plan to bring Oswald in a police car; how long before you actually knew Oswald was shot did you learn about that plan?

Captain LAWRENCE. I would say approximately 10 minutes—I'm just guessing—I know it was just shortly after that that I heard he was shot.

Mr. GRIFFIN. Were you ever informed that the armored car had arrived at the police station?

Captain LAWRENCE. No; I had no knowledge of an armored car until Chief Lunday told me about it and at the same time he was telling me about it, a sergeant arrived down there from the radio patrol and was giving Chief Lunday some information to the same effect, that the armored car was going to be used as a decoy.

Mr. GRIFFIN. But maybe I didn't make my question clear—was any information ever passed on to the people at the county jail that the decoy car had arrived in the city basement?

Captain LAWRENCE. Not to my knowledge. I was outside all the time.

Mr. GRIFFIN. I think we have pretty well covered everything here. I'm going to ask you if you will sign Exhibit No. 1 and also Exhibits Nos. 2 and 3.

Captain LAWRENCE. This man did not show up and he was given some other assignment.

Mr. GRIFFIN. That is the No. 3 man there on that list?

Captain LAWRENCE. Yes; he was given some other assignment.

Mr. GRIFFIN. Let me mark one more paper here—this is a copy of a letter that you wrote.

Captain LAWRENCE. That's a copy of a letter that I wrote that you probably have in the file there.

Mr. GRIFFIN. This is a letter you wrote to Chief Curry on July 15 detailing what you did on November 22, and I am going to mark it Capt. P. W. Lawrence Deposition, July 24, 1964, Exhibit No. 4, and I will ask you if you will sign that up at the top also. Do you have anything else, captain, you would like to add?

Captain LAWRENCE. Oh, I guess this probably has been mentioned to you before—there are some people that were down there—Captain Solomon and I discussed the fact that we were rather shocked at the crowd that was down there when they announced that Oswald—when they heard that Oswald had been shot—about them cheering, but this was an actual fact, and I thought it was a terrible thing myself, it broke me up too, this killing of the President, but as I said, this was a real shock that these people cheered like this. This just showed the attitude of some of them that were down there. I can't think of anything else.

Mr. GRIFFIN. I want to thank you for coming here and taking this time. All of the members of your department who have been here have really given very generously of their time and cooperated and we are all very appreciative of it.

Captain LAWRENCE. I did learn of some new security measures from this unfortunate experience. I refer to the manner in which the Secret Service handled the transfer of President Johnson and his party from Parkland Hospital, the plans for this transfer in unmarked cars, the solo escorts and positioning of the vehicles en route to Love Field. First, the Secret Service personnel made arrangements for three unmarked cars to be placed in a "ready" position at the rear of Parkland without the knowledge of the news media or other persons. Three cars were so arranged. The first car was Chief Curry's unmarked car, the second car was my unmarked car, and the third car was Inspector Putnam's unmarked car. I was instructed to have two solo officers ready to go but not to give them their destination until we started to leave—these instructions were from the Secret Service. When President Johnson came out of the hospital with his party he was immediately taken to Chief Curry's lead vehicle. Other White House and Secret Service personnel got in my car, as they did in Inspector Putnam's car. I instructed the solo officers to escort us to Love Field. As we left Parkland Hospital the solo officers started using their sirens and shortly thereafter Chief Curry came on the police radio and requested them to cut the sirens off. Chief Curry repeated these instructions about three or four times and after several blocks the officers cut off their sirens. One of the Secret Service men in my vehicle instructed me as to how to position my vehicle to the rear of Chief Curry's car and I also noticed in the rear view mirror that Inspector Putnam's vehicle was positioned in such a way that it would be difficult for any other car to overtake this escort. After the solo motorcycle officers cut off their sirens they went ahead and stopped traffic at various intersections so that it was not necessary for any of the cars in President Johnson's party to stop. I was quite impressed with the quick efficient planning of the Secret Service in getting the President and his party safely to the airport and the security precautions taken while en route to Love Field. You know—this thing—something like this, this just really hits you. You are so busy you don't know it, but it just finally really hits you down deep.

Mr. GRIFFIN. There's not very much I guess really that can be said—it's one of these events that is so shocking in our lifetime.

Captain LAWRENCE. Too—Chief Curry was really torn up about it—out at Parkland Hospital he held himself real good—I guess we all were.

Mr. GRIFFIN. Yes; we all were. Thank you very much for coming.

Captain LAWRENCE. Thank you.

AFFIDAVIT OF RONALD G. WITTMUS

The following affidavit was executed by Ronald G. Wittmus on July 30, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

DISTRICT OF COLUMBIA, ss:

I, Ronald G. Wittmus, have reviewed the testimony of Sebastian Francis Latona before The President's Commission on the Assassination of President Kennedy and I agree with the conclusions stated therein.

I have conducted independent examinations of the items which were the subject of Mr. Latona's testimony and on the basis of these independent examinations I reached the same conclusions reached by Sebastian Francis Latona.

Signed this 30th day of July 1964, at Washington, D.C.

(S) Ronald G. Wittmus,
RONALD G. WITTMUS.

AFFIDAVIT OF THOMAS J. KELLEY

The following affidavit was executed by Thomas J. Kelley on July 30, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

DISTRICT OF COLUMBIA, ss:

I, Thomas J. Kelley, being duly sworn say:

1. I am an Inspector in the United States Secret Service assigned to Secret Service Headquarters in Washington, D.C.

2. On November 24, 1963, I attended the interrogation of Lee Harvey Oswald in the Dallas Police Station. Those present included: Captain Fritz; Forrest Sorrels of the United States Secret Service; Postal Inspector Harry Holmes; and several Dallas Police Officers.

3. It is my recollection that during this interrogation, Oswald was not asked about nor did he speak of a trip that he took to Mexico or plans that he had to go to Cuba.

Signed this 30th day of July 1964, at Washington, D.C.

(S) Thomas J. Kelley,
THOMAS J. KELLEY.

AFFIDAVIT OF ROBERT A. FRAZIER

The following affidavit was executed by Robert A. Frazier on July 31, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

DISTRICT OF COLUMBIA, ss:

I, Robert A. Frazier, Special Agent of the Federal Bureau of Investigation, do hereby state that I have reviewed the testimonies of Cortlandt Cunningham on March 11 and April 1, 1964, before the President's Commission on the assassination of President John F. Kennedy and I agree with the conclusions stated therein.

I do hereby state that I conducted independent examinations of the items which were the subject of Mr. Cunningham's testimonies and that on the basis of these independent examinations, I reached the same conclusions reached by Mr. Cunningham.

Signed this 31st day of July 1964, at Washington, D.C.

(S) Robert A. Frazier,
ROBERT A. FRAZIER.

AFFIDAVIT OF CORTLANDT CUNNINGHAM

The following affidavit was executed by Cortlandt Cunningham on July 31, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

DISTRICT OF COLUMBIA, ss:

I, Cortlandt Cunningham, Special Agent of the Federal Bureau of Investigation, do hereby state that I have reviewed the testimonies of Robert A. Frazier on March 31 and May 13, 1964, before the President's Commission on the assassination of President John F. Kennedy and I agree with the conclusions stated therein.

I do hereby state that I conducted independent examinations of the items which were the subject of Mr. Frazier's testimonies and that on the basis of these independent examinations, I reached the same conclusions reached by Mr. Frazier.

Signed this 31st day of July 1964, at Washington, D.C.

(S) Cortlandt Cunningham,
CORTLANDT CUNNINGHAM.

AFFIDAVIT OF CHARLES L. KILLION

The following affidavit was executed by Charles L. Killion on July 31, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

DISTRICT OF COLUMBIA, ss:

I, Charles L. Killion, Special Agent of the Federal Bureau of Investigation, do hereby state that I have reviewed the testimonies of Robert A. Frazier on March 31 and May 13, 1964, and testimonies of Cortlandt Cunningham on March 11 and April 1, 1964, before the President's Commission on the assassination of President John F. Kennedy and I agree with the conclusions stated therein.

I do hereby state that I conducted independent examinations of the items which were the subject of Mr. Cunningham's and Mr. Frazier's testimonies and that on the basis of these independent examinations, I reached the same conclusions reached by Mr. Frazier and Mr. Cunningham.

Signed this 31st day of July 1964, at Washington, D.C.

(S) Charles L. Killion,
CHARLES L. KILLION.

AFFIDAVIT OF ROY SANSOM TRULY

The following affidavit was executed by Roy Sansom Truly on August 3, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

STATE OF TEXAS,
County of Dallas, ss:

I, Roy Sansom Truly, being duly sworn say:

1. I am the Superintendent of the Texas School Book Depository Building in Dallas, Texas.

2. The door opening on the vestibule of the lunchroom on the second floor of the Texas School Book Depository Building is usually shut because of a closing mechanism on the door.

Signed this 3d day of August 1964, at Dallas Tex.

(S) Roy Sansom Truly,
ROY SANSOM TRULY.

AFFIDAVIT OF FORREST V. SORRELS

The following affidavit was executed by Forrest V. Sorrels on August 6, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

STATE OF TEXAS,
County of Dallas, ss:

I, Forrest V. Sorrels, being duly sworn say:

1. I am the Special Agent in Charge of the Dallas district of the United States Secret Service.

2. On November 24, 1963, I attended the interrogation of Lee Harvey Oswald in the Dallas Police Station. Those present included: Captain Fritz; Thomas J. Kelley, Inspector of the United States Secret Service; Postal Inspector Harry Holmes; and several Dallas City Detectives.

3. I do not recall that during this interrogation Oswald being questioned about or him making statements about a trip that he took to Mexico or plans that he had to go to Cuba.

Signed this 6th day of August 1964, at Dallas, Tex.

(S) Forrest V. Sorrels,
FORREST V. SORRELS.

AFFIDAVIT OF JOHN JOE HOWLETT

The following affidavit was executed by John Joe Howlett on August 11, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

STATE OF TEXAS,
County of Dallas, ss:

I, John Joe Howlett, being duly sworn say:

1. I am an agent in the Dallas office of the United States Secret Service.

2. On March 20, 1964, counsel to the President's Commission on the Assassination of President Kennedy timed me as I walked from the southeast corner of the sixth floor to the second floor lunchroom by the stairway in the Texas School Book Depository Building.

3. During this test, I carried a rifle from the southeast corner of the sixth floor northerly along the east aisle to the northeast corner, then westerly along the north wall past the elevators to the northwest corner. There I placed the rifle on the floor. I then entered the stairwell, walked down the stairway to the second floor landing, and then into the lunchroom.

4. After the second test which was run at a "fast walk," I was not short-winded.
Signed this 11th day of August 1964, at Dallas, Tex.

(S) John Joe Howlett,
JOHN JOE HOWLETT.

AFFIDAVIT OF MARRION L. BAKER

The following affidavit was executed by Marrion L. Baker on August 11, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

STATE OF TEXAS,
County of Dallas, ss:

I, Marrion L. Baker, being duly sworn say:

1. I am an officer in the Dallas Police Department.

2. On November 22, 1963, upon hearing shots I rode my motorcycle 180 to 200 feet, parked the motorcycle, and ran 45 feet to the Texas School Book Depository Building.

3. On March 20, 1964, counsel from the President's Commission on the Assassination of President Kennedy timed a re-enactment of my actions after hearing the shots on November 22, 1963. During this re-enactment, I reached the recessed door of the Texas School Book Depository Building fifteen seconds after the time of the simulated shot.

Signed this 11th day of August 1964, at Dallas, Tex.

(S) Marrion L. Baker,
MARRION L. BAKER.

AFFIDAVIT OF ROBERT BROCK

The following affidavit was executed by Robert Brock on August 5, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

I, Robert Brock, being duly sworn, depose as follows :

I now reside at 3519 30th Street, Lubbock, Texas. On January 21, 1964, I was residing at 4310 Utah, Dallas, Texas. On January 21, 1964, I was interviewed by Special Agents of the Federal Bureau of Investigation concerning what I had seen on November 22, 1963, as it related to Lee Harvey Oswald and the assassination of President John Fitzgerald Kennedy.

I have been shown the written report* of the results of my interview with Special Agents John T. Kesler and Vernon Mitchem of the Federal Bureau of Investigation on January 21, 1964. I have read this written report and it represents a correct report of what I saw on November 22, 1963.

Signed this 5th day of August 1964.

(S) Robert Brock,
ROBERT BROCK.

AFFIDAVIT OF MARY BROCK

The following affidavit was executed by Mary Brock on August 5, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

I, Mary Brock, being duly sworn, depose as follows :

I now reside at 3519 30th Street, Lubbock, Texas. On January 21, 1964, I was residing at 4310 Utah, Dallas, Texas. On January 21, 1964, I was interviewed by Special Agents of the Federal Bureau of Investigation concerning what I had seen on November 22, 1963, as it related to Lee Harvey Oswald and the assassination of President John Fitzgerald Kennedy.

I have been shown the written report** of the results of my interview with Special Agents John T. Kesler and Vernon Mitchem of the Federal Bureau of Investigation on January 21, 1964. I have read this written report and it represents a correct report of what I saw on November 22, 1963.

Signed this 5th day of August 1964.

(S) Mary Brock,
MARY BROCK.

*This report was labeled Robert Brock Exhibit A.

**This report was labeled Mary Brock Exhibit A.

AFFIDAVIT OF HAROLD RUSSELL

The following affidavit was executed by Harold Russell on August 10, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

I, Harold Russell, being duly sworn, depose as follows :

I now reside at U.S. Highway 77 S., Davis, Okla. On January 21, 1964, I was residing at on North Clinton, Dallas, Texas, and was employed as a salesman by Johnny Reynolds Used Car Lot, 500 East Jefferson, Dallas, Texas. On January 21, 1964, I was interviewed by Special Agents John T. Kesler and Vernon Mitchem of the Federal Bureau of Investigation concerning what I had seen on November 22, 1963, as it related to Lee Harvey Oswald, the shooting of Dallas Police Officer J. D. Tippit, and the assassination of President John Fitzgerald Kennedy.

I have been shown the written report* of the results of the interview by Special Agents John T. Kesler and Vernon Mitchem of the Federal Bureau of Investigation on January 21, 1964. I have read this written report and it represents a correct report of what I saw on November 22, 1963.

Signed this 10th day of August 1964.

(S) Harold Russell,
HAROLD RUSSELL.

AFFIDAVIT OF DAVID GOLDSTEIN

The following affidavit was executed by David Goldstein on August 13, 1964.

PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF
PRESIDENT JOHN F. KENNEDY

AFFIDAVIT

STATE OF TEXAS,
County of Dallas, ss:

I, David Goldstein, 6111 Averill Way, Apartment D, Dallas, Tex., being duly sworn say :

1. I am and have been for several years owner of Dave's House of Guns, 2544 Elm Street, Dallas, Texas.

2. Dave's House of Guns has handled Smith and Wesson .38/200 British Service Revolvers. Within ten days after the assassination of President Kennedy, F.B.I. agents called on me to determine if Dave's House of Guns had any record of handling a Smith and Wesson .38/200 British Service Revolver, serial number V 510210 and assembly number 65248. We had no such record.

3. After being shown a photograph of the above gun, I showed the F.B.I. agents a catalog which listed such guns and indicated that they were handled by George Rose and Company, Inc., 1225 South Grand Avenue, Los Angeles, California.

Signed this 13th day of August 1964.

(S) David Goldstein,
DAVID GOLDSTEIN.

*This report was labeled Russell Exhibit A.

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