

cating], because he was walking around, back and forth in this area around the staircase and around where I was assigned, also.

Mr. HUBERT. Well, suppose I draw a line, I will start the line with "1," and—

Mr. BROCK. I would say he went over in this area rather than come up on it this way.

Mr. HUBERT. He went out to about the place marked "2" and I am putting the number "1" and "2" in a circle. Now, the line "1" and "2" is where you saw this reserve officer walking up and down?

Mr. BROCK. Yes, sir.

Mr. HUBERT. But, you don't know his name?

Mr. BROCK. No, sir.

Mr. HUBERT. Was he there when you first got there?

Mr. BROCK. No, sir.

Mr. HUBERT. He came later? Was he there when you left?

Mr. BROCK. Yes, sir.

Mr. HUBERT. Now, I think you have read these two statements?

Mr. BROCK. Yes, sir.

Mr. HUBERT. I want to mark them for identification as follows: "An FBI report of an interview of you made by FBI Agents Wilkinson and Hardin on December 4, 1963, for identification. I am marking it, "Dallas, Tex., March 26, 1964. Exhibit No. 5114, deposition of A. R. Brock." And signing my name underneath it. It has two pages, and so, I am placing my initials in the left-hand corner on the second page, and I'm also marking for identification what seems to be a copy of a letter dated November 26, addressed to Chief Curry, the original, apparently, has been signed by you, and I am marking it, "Dallas, Tex., March 26, 1964, Exhibit No. 5115, deposition of A. R. Brock." I am signing my name. It has only one page. Now, I understand that you have read both of these documents?

Mr. BROCK. Yes, sir.

Mr. HUBERT. Have you any comment to make? I would like you to express yourself as to whether those documents represent the truth and are they complete, or do they have omissions or should anything be deleted as wrong or just tell me your thoughts about the documents dealing first with the FBI report which has been marked "5114"?

Mr. BROCK. These are true, to the best of my memory.

Mr. HUBERT. Is that true of 5115, too?

Mr. BROCK. That would be the other one? Yes, sir.

Mr. HUBERT. Have you any comment to make on these? Do you think they represent what you know?

Mr. BROCK. Yes, sir; they—I think they represent all that I know about it.

Mr. HUBERT. Would you say that between those two documents, to wit, 5114, 5115, and the material we got on the chart and your deposition, itself, that we now know just everything you know about the matter?

Mr. BROCK. Yes, sir.

Mr. HUBERT. All right, sir; do you care to add anything else in any way?

Mr. BROCK. No, sir; I don't know of anything else that would—

Mr. HUBERT. All right. Now, have you been interviewed by me or any other member of the Commission staff prior to the starting of this deposition?

Mr. BROCK. No, sir.

Mr. HUBERT. All right, that's all. Thank you.

TESTIMONY OF DETECTIVE B. H. COMBEST

The testimony of Detective B. H. Combest was taken at 9 a.m., on March 26, 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 B. H. Combest. Mr. Combest, my name is Leon D. Hubert, and 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, 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 that the general nature of the Commission's inquiry is to ascertain, evaluate, and report upon the facts relating to the assassination of President Kennedy and the subsequent violent death of Lee Harvey Oswald. In particular as to you, Mr. Combest, 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. Mr. Combest, you appeared here today by virtue of a general request made to your Chief Curry by Mr. J. Lee Rankin, general counsel on the staff of the President's Commission. Under the rules adopted by the Commission, you are entitled to a 3-day written notice prior to the taking of the deposition, but the rules, however, also provide that a witness may waive this notice. Are you willing now to waive the 3-day notice?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Will you raise your right hand to be sworn, please?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. COMBEST. Yes.

Mr. HUBERT. Will you please state your name, sir?

Mr. COMBEST. Billy H. Combest.

Mr. HUBERT. Now, your name is Billy and not William?

Mr. COMBEST. Yes, sir; it is Billy.

Mr. HUBERT. And your age?

Mr. COMBEST. Thirty-three.

Mr. HUBERT. Where do you reside, sir?

Mr. COMBEST. 2803 Linhaven, Mesquite, Tex.

Mr. HUBERT. Mesquite, Tex.

Mr. COMBEST. Yes, sir.

Mr. HUBERT. What is your occupation, sir?

Mr. COMBEST. Detective for the city of Dallas Police Department.

Mr. HUBERT. And how long have you been so employed?

Mr. COMBEST. With the department a little over 9 years. I have been a detective about 4 years.

Mr. HUBERT. Were you on duty on Sunday, November 24th, 1963?

Mr. COMBEST. Yes, sir, I was.

Mr. HUBERT. Was that one of your regular working days or had you been called in specially?

Mr. COMBEST. No, my regular working day.

Mr. HUBERT. Do you know Jack Ruby?

Mr. COMBEST. Yes, sir; I did.

Mr. HUBERT. How well did you know him?

Mr. COMBEST. Well, I knew him very well by sight. I had seen him numerous occasions before, over a period of approximately 4, 4½ years. I knew him through business with the—checking his location for violations, routine checks by the police.

Mr. HUBERT. Would there be any doubt that you would recognize him as soon as you saw him?

Mr. COMBEST. No, sir.

Mr. HUBERT. You would recognize him even in a crowd of people?

Mr. COMBEST. Yes, sir; I would have.

Mr. HUBERT. Would it make any difference in your recognition if he had a hat on or not?

Mr. COMBEST. No, sir.

Mr. HUBERT. Now, Mr. Combest, I ask you to identify some documents and in order for the record to show that we are talking about the same thing, I am going to mark them. I now mark what appears to be a copy of a letter

dated November 26, 1963, addressed to J. E. Curry, chief of police, and the original apparently was signed by you, as, "Dallas, Texas, March 26, 1964. Exhibit No. 5099. Deposition of B. H. Combest." I am signing my name Leon D. Hubert, Jr., on the first page. On the second page, I am placing my initials in the lower right-hand corner. I am also marking for identification what purports to be a report of the FBI of an interview with you by Special Agents Dallman and Quigley on December 2, 1963, consisting of four pages, putting on this first page, in the right side margin the following, "Dallas, Texas, March 26, 1964. Exhibit No. 5101. Deposition of B. H. Combest." I am signing my name on the first page below that and placing my initials in the lower right-hand corner of the three succeeding pages. Now, Mr. Combest, you have read the letter dated November 26, addressed to Chief Curry, which I have marked Exhibit 5099. Does that document represent the truth, so far as you know it?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Have you any comments to make about it?

Mr. COMBEST. No, sir.

Mr. HUBERT. All right. Now let's turn to a document which I have marked 5101, which is the FBI report, and I will ask you if you have read that?

Mr. COMBEST. Yes, sir; I have.

Mr. HUBERT. If you have any comments to make on that, corrections, deletions, anything been omitted?

Mr. COMBEST. Well——

Mr. HUBERT. In other words, I want to know whether this represents a true, full statement of the interview and what you said, or didn't say, and let's have an explanation of it.

Mr. COMBEST. Okay, sir. On the fourth page there, the third paragraph where——

Mr. HUBERT. Yes.

Mr. COMBEST. They relate to the person named as Newman. They misunderstood me, evidently, on that. He does work at the Theatre Lounge as it so states there, but Ruby does not have anything to do with the Theatre Lounge. This is another so-called strip joint in the downtown area.

Mr. HUBERT. Here is the sentence we are talking about. "He did recall, however, that an individual by the name of Newman, first name unknown, was formerly district supervisor for the liquor control board, worked for Ruby at the Theatre Lounge." Now, your statement is that that is an incorrect statement of what you said?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Will you correct it, please?

Mr. COMBEST. Well, the question was did I know of any police officers that had worked for Ruby.

Mr. HUBERT. Yes.

Mr. COMBEST. At the time I told him, "No," I did not and I explained possibly where they had gotten their information was that a reserve police officer had made a statement to some news media that he had worked for Jack Ruby, but he is not a regular policeman for the city of Dallas, and I also told him that possibly what they had heard that this L. L. Newman, who formerly worked for the Texas Liquor Control Board was working at the Theatre Lounge in the downtown area, and possibly that was what they had heard.

Mr. HUBERT. In other words, you actually told them that there were two Newmans involved, one who had been a reserve officer——

Mr. COMBEST. No, sir; I do not recall the name of the reserve officer.

Mr. HUBERT. Two different individuals, one, who had been a reserve officer and one who had been with the Texas Liquor Control Board?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. And your statement to them was that possibly what they were thinking about when they were questioning you was that the Newman who had worked for the Texas Liquor Control Board was the one you thought had once worked for the Theatre Lounge?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Now, did Ruby have any connection with the Theatre Lounge?

Mr. COMBEST. No, sir; none whatsoever.

Mr. HUBERT. Who did, as a matter of fact?

Mr. COMBEST. It is either Abe or Barney Weinstein. One of the brothers owned the Theatre Lounge. One of the brothers owns the Colony Club.

Mr. HUBERT. Now, I think that perhaps I should call your attention to the next sentence, too, because you may want to correct it in the light of this testimony. The next sentence which is the last sentence of the very top paragraph of the last page of Exhibit 5101 reads as follows: "Newman terminated his employment with the State about a year and a half ago and it would have been possibly about that time that he started working for Ruby."

Mr. COMBEST. No; there again, evidently they misunderstood me. It was possibly that time that he went to work for the Theatre Lounge.

Mr. HUBERT. All right. Have you any other comments to make with reference to the FBI report, which is Exhibit 5101?

Mr. COMBEST. Well, I believe it is on page 3, first paragraph, in—where they say, I didn't—didn't observe Ruby make any statement at the time of the shooting, could not recall Ruby making statements.

Mr. HUBERT. All right. Now, I understand that you wish to comment on or make some correction in a sentence on the third page of Exhibit 5101, which sentence begins on the sixth line from the top of the page and reads as follows: "As best he could recall Ruby had what could be described as a determined look, or grimace on his face, and he could recall Ruby making no statement in conjunction with his action." Now, I understand you want to comment on that sentence?

Mr. COMBEST. Yes, sir; it may be correct as it is said there. I don't—the way I was—the way I say it is not exactly the way I meant it. I told them he was talking. He was making statements but I could not recall anything word by word to tell them or any exact words that he said at the time.

Mr. HUBERT. Well, I suppose that is true now, that you can't recall any exact words that he said at the time.

Mr. COMBEST. Yes.

Mr. HUBERT. But, can you tell us without using the exact words, the sense of what he was saying?

Mr. COMBEST. Well, it appeared to me that at the time he was cursing Oswald, but again, I wasn't close enough to hear the words, his exact words. I could tell he was talking, tell he was making some statements, but I cannot recall anything he said exactly. I wasn't that close.

Mr. HUBERT. I see. In other words, what you are really changing to, instead of the affirmative statement that you couldn't recall Ruby making any statement, you are changing it to say you think he was saying something but you couldn't hear?

Mr. COMBEST. Yes, sir; that's right.

Mr. HUBERT. What other corrections do you have then?

Mr. COMBEST. That's all I have, sir.

Mr. HUBERT. With the corrections that you have noted in the FBI report, which have been marked for identification as Exhibit 5101, did you consider that the FBI report is a fair statement of what you said to the FBI agent involved?

Mr. COMBEST. Yes, sir; I do.

Mr. HUBERT. And it represents the truth?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Now, and so that the record may show that we are both speaking of the same document, I would like you to sign your name below mine here on Exhibit 5099 and initial the second page below my initial, and do the same thing with Exhibit 5101.

Mr. COMBEST. Yes, sir. Did you say that there was four pages on that earlier? There are five, I believe, aren't there?

Mr. HUBERT. Beg your pardon, sure are. It has been brought to my attention that Exhibit 5101, which I have previously identified as having four pages, in fact, has five, and I notice now that I have failed to place my initial on the second page, apparently having missed it, so, I now place my initial on the second page. All being initialed now. I have marked for identification a chart, or floor plan of the Dallas Police Department basement area showing

the jail office, the parking area, down ramp from the Main Street, the upper ramp to Commerce Street, and for the purpose of identification with this testimony, I have marked this document as follows: "Dallas, Texas, March 26, 1964. Exhibit 5100. Deposition of B. H. Combest." I have signed my name under that in order also that we may recognize that we are talking about the same document. I will ask you to put your signature below mine on that document, sir.

When did you first learn about the time of the plan to transfer Oswald?

Mr. COMBEST. Sometime late the preceding day that I heard it through the news media that we were going to transfer him the next morning, and I don't recall the exact time, but the time of transfer was supposed to be pretty early the next morning, the way I understood it.

Mr. HUBERT. You mean 5 or 6?

Mr. COMBEST. Well, 7 or 8.

Mr. HUBERT. What time did you come on duty?

Mr. COMBEST. I believe it was 9 o'clock in the morning.

Mr. HUBERT. Didn't your shift go on at 7, your regular shift?

Mr. COMBEST. No, sir.

Mr. HUBERT. On Sunday it begins at—

Mr. COMBEST. We have a 9 to 5, and a 10 to 6 squad working Sundays.

Mr. HUBERT. Well, I know that, the FBI report indicates that. But, you reported to central police headquarters at 7 a.m.?

Mr. COMBEST. No, sir; I overlooked that.

Mr. HUBERT. That is incorrect then?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. So, you want to change the first sentence of the third paragraph on the first page? Exhibit 5101 which states you reported at 7 a.m., to show that you reported at 9 a.m., on that Sunday, November 24?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Did you have any particular assignment as to the transfer of Oswald?

Mr. COMBEST. No, sir; not before, just shortly before the transfer.

Mr. HUBERT. In other words, from 9 o'clock when you reported until you were given the assignment which we are going to in a minute, you went about your normal duties?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Now, who gave you that particular assignment and what was it?

Mr. COMBEST. Well, it was Captain Jones who works in the forgery bureau of the Dallas Police Department. He came through the basement of the jail and talked to Detective Beaty and Officer J. D. Hutchinson and, I believe, some other officers there at the time, and told us to remain in the basement and we would be given more specific orders shortly.

Mr. HUBERT. What time was that about?

Mr. COMBEST. I would have to refer to my letter there. I don't remember at this time.

Mr. HUBERT. The letter says 10:50 approximately 10.50, is that about right?

Mr. COMBEST. Yes.

Mr. HUBERT. What did you do?

Mr. COMBEST. We remained there in the basement and shortly Captain Jones came back off the elevator with what appeared to be all the on-duty officers in the building at that time. He told us to go outside the jail office in the parking area and into the basement, itself, and there he would station us.

Mr. HUBERT. Did he do so?

Mr. COMBEST. Yes, sir; he did. When he got outside he told us to form a line either side of the passageway leading into the ramp where the vehicles were parked to transfer Oswald, and he gave us orders not to let anyone rush in, not let the lines close in. He also told us to make sure that they didn't fall in behind him, to follow him out after they had passed.

Mr. HUBERT. So, there was a line formed on either side of the jail corridor from the jail door to the basement area where the car was to transport Oswald?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Now, if you will step over here, please, and have a look at this

mockup here. First of all, this is the inside jail office. This is really—this is the corridor swinging door. This is the outside corridor of the jail door. Now, looking at this first, try to fix your position and then I'm going to ask you to place your position on this map once you have related this map to the mockup, so we will have a record on this map of where you were.

Mr. COMBEST. Yes, sir; would have been standing just about here [indicating], just almost to the corner.

Mr. HUBERT. Now, I am placing—is this it?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. I am placing a circle where you say you were standing. That is just off the corner of the intersection formed by the jail corridor and the basement ramp, but toward the swinging door in the basement and the jail office?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Right?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. And, I'm going to put there, "Position of Combest as stationed by Jones." Is that correct?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. I am circling that language and attaching the language to the circle that you have indicated. Now, what time did you reach the position that we just marked on the map?

Mr. COMBEST. It would have been approximately 20 minutes before the shooting, which would have placed it at 11, wouldn't it? 11 a.m.

Mr. HUBERT. Did you remain at that position until the shooting?

Mr. COMBEST. Yes, sir; I did.

Mr. HUBERT. Of course, I understand that you didn't remain absolutely still, but you didn't walk around?

Mr. COMBEST. No, sir; I stayed in that immediate area right there.

Mr. HUBERT. Do you remember who was on your right?

Mr. COMBEST. R. L. Lowery. Detective R. L. Lowery.

Mr. HUBERT. I am going to mark his position. That would have put him almost—

Mr. COMBEST. Right at the corner.

Mr. HUBERT. Right at the corner?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. I am marking that, encircling the language, "Position of R. L. Lowery," and do you remember who was to your left?

Mr. COMBEST. Detective Beaty, Detective B. L. Beaty.

Mr. HUBERT. You were facing in the direction of the Main Street ramp, in the parking area on the Main Street side of the building?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. And you were there for approximately 20 minutes?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Could you see out into the parking area on the Main Street side of the building?

Mr. COMBEST. No, sir; I could not. They completely blocked me, television cameras and newsmen on this side—on this side of the rail, and of down in the basement, itself.

Mr. HUBERT. I am marking an area which I am going to call "area B," with an oblong circle. Is that the area you are talking about?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. And you say that "area B," had television cameras and personnel attending them?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. And other people there, so that you were unable to see into the parking area, is that correct?

Mr. COMBEST. That's correct.

Mr. HUBERT. Now, I'm going to mark another area, "area A," and ask if there were any people standing in that area?

Mr. COMBEST. Yes; there were.

Mr. HUBERT. Roughly, how many?

Mr. COMBEST. There were several officers standing here [indicating]. There were some—

Mr. HUBERT. When you say "here," you are just pointing to the Commerce Street side of the area that I have marked "area A"?

Mr. COMBEST. Yes, sir; also down the line.

Mr. HUBERT. In other words, they were on the opposite side of the corridor from you?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. A semicircle curving toward Commerce Street?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. And I'm marking a line, which I am going to start off at a point called "1," and have it curve over to a point called "2," is that approximately the line you are talking about?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Now, on that line from "1," to "2" you say there were a number of detectives, or members of the police department?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Did you recognize any of them?

Mr. COMBEST. Well, I remember "Blackie," that is the nickname, Harrison.

Mr. HUBERT. That is W. J. Harrison?

Mr. COMBEST. Yes, sir; I believe it is.

Mr. HUBERT. Where was he, about?

Mr. COMBEST. I don't recall exactly. I know that he was on that side, and I lost contact with him as soon as Oswald started out. I don't remember if he had moved, or if he was still standing directly across.

Mr. HUBERT. He was in front of the people that I have marked here in "area B," and "area A"?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Well, other than the detective, how many people do you suppose were in that "area A," right back of the curving line marked "1" to "2"?

Mr. COMBEST. It would be an estimate on it at this time. I don't recall. There were several. I would say 15, at least.

Mr. HUBERT. Do you think they were standing shoulder to shoulder?

Mr. COMBEST. Yes; it was pretty crowded all the way around.

Mr. HUBERT. That would make about what, two or three ranks of people?

Mr. COMBEST. I don't recall exactly. I know there was a very large crowd in the basement that day.

Mr. HUBERT. You are talking about the whole basement?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Were there any people in the area which I am marking roughly by an oblong figure, "area C," which is the ramp leading from the parking area into Main Street, Commerce Street ramp?

Mr. COMBEST. Yes, sir; there were.

Mr. HUBERT. Did you go in there, too?

Mr. COMBEST. Yes, sir; there were several people there, newsmen and also, several officers stationed in that area out there.

Mr. HUBERT. Now, were the television lights on all the time you were standing there?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Did they bother you?

Mr. COMBEST. Yes, sir; they did.

Mr. HUBERT. In what way?

Mr. COMBEST. Well, when we first came downstairs it was a little hard to distinguish faces in this area here [indicating].

Mr. HUBERT. "Area B," the witness is pointing to "area B."

Mr. COMBEST. And until you got used to them it was pretty hard to look into them.

Mr. HUBERT. Did you get used to them?

Mr. COMBEST. Yes, sir; I was pretty well used to them at the time the actual transfer took place.

Mr. HUBERT. So, you could distinguish faces of people in "area B"?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Could you distinguish faces in "area A"?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. The lights gave you no trouble by the time the transfer actually took place, is that correct?

Mr. COMBEST. Yes, sir; that's correct.

Mr. HUBERT. All right. When did you first see Ruby in that crowd?

Mr. COMBEST. Just as they started to lead Oswald past me, at the corner there I observed him lunge from the crowd. Almost the whole line of people pushed forward when Oswald started to leave the jail office, the door, the hall—all the newsmen were poking their sound mikes across to him and asking questions, and they were everyone sticking their flashbulbs up and around and over him and in his face. I don't—when he first lunged forward I don't think anyone noticed him. I didn't until he came apart from the crowd and continued on towards Oswald.

Mr. HUBERT. Now, did he come from the area—we have marked on this Exhibit 5100, as "area A," or as "area B," sir?

Mr. COMBEST. The best I could tell he would be coming approximately half way between them there, between what you have marked as "area A," and "area B."

Mr. HUBERT. Sort of from the corner there?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. I would like for you to take the pen and mark an "X" on the spot that you first saw Ruby.

Mr. COMBEST. About approximately [indicating], because—

Mr. HUBERT. This was really the front line "1," through "2."

Mr. COMBEST. Yes, sir.

Mr. HUBERT. And I'm writing on the map, "Position where Ruby was first seen by Combust." Was he standing still then?

Mr. COMBEST. No, sir; he was stepping forward and—or lunging forward, I guess would be the best way to put it.

Mr. HUBERT. You had not seen him, of course, prior to that moment?

Mr. COMBEST. No, sir; I had not.

Mr. HUBERT. Had you seen him in the crowd at all?

Mr. COMBEST. No, sir; I had not.

Mr. HUBERT. Had you seen him coming down?

Mr. COMBEST. No, sir; when I was standing with the crowd I couldn't see the ramp there, the Main Street ramp.

Mr. HUBERT. You could see a part of it, couldn't you, the bottom?

Mr. COMBEST. Well, no, sir; it slanted up and they had an air conditioner sitting across here where you have to be almost in your—standing directly in the bottom of the ramp you couldn't see the top of it very clearly.

Mr. HUBERT. But, you testified that you knew Ruby's face well enough so that you could distinguish it in a crowd?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. You had looked into that crowd and your eyes had become accustomed to the lights?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Now, I ask you if you saw him in the crowd before he lunged forward?

Mr. COMBEST. No, sir.

Mr. HUBERT. Do you think you would have seen him had he been in that crowd during the 15 minutes or so prior to that shot, the shooting?

Mr. COMBEST. Quite possibly if he had been there very long I believe I would have spotted him. I might not have, but knowing that he didn't belong there I believe I would have spotted him right off.

Mr. HUBERT. Well, now, what precautions were taken to assure that people who did not belong there would not be there?

Mr. COMBEST. Well, everyone that went out into the basement from the jail office had to have the press card, proper identification showing that they were members of the press and police officers. Other than that no one was admitted to the basement parking area.

Mr. HUBERT. What kind of press cards were honored, and what were dishonored?

Mr. COMBEST. Well, most of the news personnel there had the—had a press card for that—I don't remember the wording. It was something about—"Presidential press party," or something that they had. Of course, it was recognized and then any other card that did have their picture on it, and it had to say they were a member of a press, any newspaper. I remember the Oklahoma City newspaper came in, and they were admitted with their press cards.

Mr. HUBERT. Did they have to have their picture on the press cards?

Mr. COMBEST. The ones I checked, I remember now I wasn't actually stationed there at the cars. There were two uniformed officers here who were actually doing the checking. Of course, I did check some to expedite travel through that narrow corridor.

Mr. HUBERT. What I'm trying to get at, there were no particular press cards issued for this particular occasion?

Mr. COMBEST. Not that I recall; no, sir. Not that I know of.

Mr. HUBERT. Do you remember any instances in which you were involved or in which you observed in which persons who were not properly—who didn't have a press card, were removed or questioned?

Mr. COMBEST. Yes, sir; in my letter there to Chief Curry I recall there was a girl that worked at the police information desk, which is in the basement, by the records bureau, had went out into the basement, at least on one occasion to summon officers that were wanted on the telephone. On the next time that I noticed her start to go into there, she was stopped by Sergeant Putnam, as I recall it. He advised her that she would not go into the basement if she had messages to officers that were in the basement, and she was not to leave her assignment behind the information desk until the transfer was over. Also, to a civilian employee that worked in the jail booking office proper. He had came out into the parking basement, appeared to have a look around to see what was going on. He was told to get back behind the desk in the jail booking office and remain there until after the transfer was over. Also, one other incident, I think I have also put in my letter there and regarding a reporter for the Oklahoma City News, I believe his name is Jim Standard. He did not have a press card. He was stopped and questioned, but he did have proper identification to prove that he did work for the Oklahoma City newspaper. He had a hospitalization card made out to a group policy of this newspaper in Oklahoma City. Had some letters and correspondence to him, addressed to him at that location, and after convincing myself and Beaty, he convinced Captain Talbert that he was a legitimate member of the press and he was admitted. Two or 3 days after the incident I was in Oklahoma City and I saw the article he had written showing this incident in Dallas and his picture was also in the Oklahoma City paper, and I remembered him. I recognized him. And he wrote a pretty good article on the security in the basement.

Mr. HUBERT. Did you speak to Ruby after the shooting?

Mr. COMBEST. No, sir.

Mr. HUBERT. Did you hear him say anything?

Mr. COMBEST. Again, I heard him talking when he came into the jail office proper, where the booking office is located. As I recall it, they laid him on the floor to put the handcuffs on him more securely. He was talking then as they led him past the spot where Oswald was laying, near the elevator, to take him to jail. He was also talking. He was looking in the direction of Oswald and was talking to the officers that were leading him away. I don't recall any specific statement he made.

Mr. HUBERT. Did you hear Oswald say anything?

Mr. COMBEST. No, sir. He—I didn't hear him say a word hardly, after he had been shot. He was moaning at the time Jimmy Leavelle, Graves, and I laid him down on the floor and removed the handcuffs that he had on him.

Mr. HUBERT. That was in the jail office?

Mr. COMBEST. Yes, sir. At the time I asked him and talked to him trying to get him to make a statement to me at the time. Especially, after I realized how serious the wound was. When we first asked him he appeared to comprehend what I was saying.

Mr. HUBERT. What did you ask him?

Mr. COMBEST. Well, I told him was there anything that he wanted me to tell anybody or was there anything he wanted to say right now before it was too late, and I don't remember my—exactly the words that I did say to him, but after I realized the seriousness of the wound, of course, trying to let him know if he was ever going to say anything he was going to have to say it then.

Mr. HUBERT. You thought he was dying?

Mr. COMBEST. Yes, sir; I did.

Mr. HUBERT. And do you think you used language to him to convey to him your idea that he was dying?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Did you get any indication that he actually understood what you were trying to convey to him?

Mr. COMBEST. When I first started asking him he did. He looked up at me, seemed to recognize that I—who was talking to him.

Mr. HUBERT. You don't mean that he recognized you as a person?

Mr. COMBEST. He recognized that I was the person talking to him.

Mr. HUBERT. But, he didn't say anything?

Mr. COMBEST. No, sir; just shook his head and I said, "Do you have anything you want to tell us now," and he shook his head.

Mr. HUBERT. He did not say the word "No"?

Mr. COMBEST. No, sir; he did not say anything at all.

Mr. HUBERT. Did you indicate to him that if he had any accomplices or wanted to clarify the shooting of the President, that he had better do it right quick?

Mr. COMBEST. Not in those words. I didn't mention "accomplice," or anything. I was real excited at the time but I kept talking to him as long as I thought that he would try to answer me, hoping that he would give a dying declaration on the shooting.

Mr. HUBERT. And you think you used language sufficiently clear to him to indicate to him that in your opinion he was dying and on account of the fact that he was dying it was just about the last time he would have a chance to say anything about the shooting of the President, or the shooting?

Mr. COMBEST. Yes, sir; that's correct.

Mr. HUBERT. Did you see Ruby thereafter?

Mr. COMBEST. What was the question, sir?

Mr. HUBERT. Did you see Ruby, thereafter?

Mr. COMBEST. I didn't see him until after he had passed through the jail office. Now, in the jail elevator. The next time I saw him at the preliminary hearing in Judge Brown's office in the court house.

Mr. HUBERT. You didn't hear him say anything else?

Mr. COMBEST. No, sir.

Mr. HUBERT. Had you heard anything that would indicate to you that any member of the police department actually saw Ruby in the garage prior to the shooting?

Mr. COMBEST. No, sir; not on this day, this particular day.

Mr. HUBERT. I am talking about this day.

Mr. COMBEST. No, sir.

Mr. HUBERT. Did any member of the police department ask you whether you had seen Ruby prior to the shooting?

Mr. COMBEST. Yes, sir.

Mr. HUBERT. Who was that?

Mr. COMBEST. Lieutenant Revill, Jack Revill and Lieutenant Cornwall. Now, they were members of a group that were investigating within the police department, and I was interrogated by them as to if I had seen him that day.

Mr. HUBERT. And your answer was the same as it was——

Mr. COMBEST. Yes, sir; it was "no."

Mr. HUBERT. Was there any suggestion by these gentlemen or anybody else that you should say that you had not seen him?

Mr. COMBEST. No, sir; none whatsoever.

Mr. HUBERT. Have you any other statements or comments that you would like to make that have not been said or reported in any way that you know of by you concerning the matter that we have been talking about this morning?

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

Mr. HUBERT. It is your opinion, and concerning your letter, which has been identified as 5099, the FBI report of the interview with you which has been identified as 5101, and this deposition today represents all you know about this, completely?

Mr. COMBEST. Yes, sir; it does.

Mr. HUBERT. And all of it is correct and true?

Mr. COMBEST. Yes, sir; it is.

Mr. HUBERT. All right, sir. Now, has there been any interview between me and you, or you and any other member of the Commission's staff other than this deposition this morning?

Mr. COMBEST. No, sir; there have not.

Mr. HUBERT. Thank you very much, sir.

TESTIMONY OF KENNETH HUDSON CROY

The testimony of Kenneth Hudson Croy was taken at 10 :30 p.m., on March 26, 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 advisory staff to the General Counsel of the President's Commission on the assassination of President Kennedy. This Commission was set up under Presidential Resolution No. 11130, signed by President Johnson on November 29, 1963, and also pursuant to a joint resolution of Congress No. 137. As a result of this Presidential Executive order and the Presidential resolution, the Commission has been given authority to promulgate certain rules of procedure, and I have been authorized in accordance with those rules to take your sworn deposition, Mr. Croy.

I want to explain to you a little bit first before we go forward with the deposition of what this testimony, why we are taking the testimony. The Commission has been set up for the purpose of investigating, evaluating, and reporting back to the President on all of the facts surrounding the assassination of President Kennedy and the subsequent murder of Lee Harvey Oswald. We are particularly concerned here today in calling you, with delving into the events surrounding Oswald's death, although if you have any other information that you feel would be useful to us in any other areas of our inquiry, we would like very much to have that.

Now, I also want to explain to you, Mr. Croy, that you have been asked to appear here today as a result of a letter which was sent by Mr. J. Lee Rankin, who is the general counsel of the Commission, to Chief Curry, and your name was listed on that and Chief Curry arranged to set up the schedule. I should tell you that under the rules of the Commission you are actually entitled to get a 3-day written notice before we can require you to appear here. However, we do have a provision in the rules that permit you to waive the notice if you are agreeable to it.

Now, the first thing I want to do is ask you if you would like us to send you the letter, and I want to make it clear that we do send these letters out as a routine matter, and if for any reason you feel that you would like to have advance notice and so forth, that we haven't really given you, why feel free to tell me now.

Mr. CROY. No; I would just have to come back down here.

Mr. GRIFFIN. Then you are willing to waive?

Mr. CROY. Yes.

Mr. GRIFFIN. I also want to explain to you that you have a right to be represented by counsel before this Commission and again, many of the people are represented by counsel. I want you to understand that we, in fact, encourage people to come here with an attorney if they feel there is any reason at all