

Mr. CURRY. My instructions to the investigating officers were to go into every facet of this incident and to uncover any information that might indicate that any police officer cooperated in any way with letting Ruby get in a position to where he could have an opportunity to shoot Oswald.

Mr. HUBERT. Did you find any evidence that would indicate anything?

Mr. CURRY. No evidence whatsoever were we able to find.

Mr. HUBERT. You were looking for such?

Mr. CURRY. Yes; we certainly were.

Mr. HUBERT. Chief, what was your intention had you found such evidence?

Mr. CURRY. Proper action would have been taken.

Mr. HUBERT. And by that you mean what?

Mr. CURRY. The officer, if criminal negligence had been established, he would have been filed on by us.

Mr. HUBERT. Now, there has been also the rumor that while the police did not actively cooperate, that they saw Jack Ruby there, didn't pay much attention to him, were really appalled when he did what he did, and then after that, engaged in a cover-up activity to preserve the reputation of the police department. Can you tell us whether your investigative efforts were directed toward uncovering any evidence which might throw light on that matter?

Mr. CURRY. This investigation which was conducted was a completely impartial investigation.

We in the police department for a number of years have felt like if there is anything wrong in our department, we want to know it, and if actions of the officers are improper, an examination of our records through the years will show that we have taken whatever action was indicated, whether this be filing on a man for law violations or for improper conduct or whatever it might be. The seriousness of the offense is certainly not covered up and through the years we have a reputation for a high standard of conduct and the integrity of the department has not been questioned.

Mr. HUBERT. You are satisfied that from all you know that there has been no effort to cover up?

Mr. CURRY. No, sir; not to my knowledge, and had there been and it had come to my knowledge, I certainly would have done something about it.

Mr. HUBERT. You are satisfied that the evidence shows that really Ruby came through one man?

Mr. CURRY. That's right.

Mr. HUBERT. And that was Vaughn?

Mr. CURRY. That's right.

Mr. HUBERT. Have you anything else to say, chief?

Mr. CURRY. No, sir; I believe not.

Mr. HUBERT. Well, sir, on behalf of the Commission and myself personally, I want to thank you very much for coming here and being frank and contributing, I think, a great deal of the permanent record in this matter.

Mr. CURRY. Thank you, sir, if there is anything that I might know that I haven't brought out, I will be happy to. The only thing I can say is that our security broke down at one place. I can't deny that, and I don't think it intentional on the part of the police department to have this thing occur.

Mr. HUBERT. I think that's covered. I wanted to ask you those questions and I think they are going to be asked and we are going to have an answer to them now and you are the man to do it. Thank you very much, chief.

Mr. CURRY. All right. Thank you.

TESTIMONY OF SHERIFF J. E. (BILL) DECKER

The testimony of Sheriff J. E. (Bill) Decker was taken at 10:44 a.m., on April 18, 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 J. E. (Bill) Decker.

Mr. Decker, my name is Leon 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, the joint resolution of Congress 137, and the rules of procedure adopted by the Commission in conformity with the Executive order and the joint resolution. I have been authorized to take a sworn deposition from you, Sheriff Decker. I state to you now that the general nature of the inquiry of the Commission's inquiry is to ascertain, evaluate, and to report upon facts relating to the assassination of President Kennedy and the subsequent violent death of Lee Harvey Oswald.

In particular as to you, Sheriff Decker, the nature of the inquiry today is to determine what facts you may know about the death of Oswald and any other pertinent facts you may know about the general inquiry, including the security of Oswald, and the method and so forth by which he was killed.

I think, Sheriff Decker, that you have appeared here today by virtue of a letter written to you by Mr. J. Lee Rankin?

Mr. DECKER. Yes; I think that's correct.

Mr. HUBERT. Who is the General Counsel of the staff of the President's Commission?

Mr. DECKER. I know there was a letter—anyway, I am here due to that reason.

Mr. HUBERT. I had the impression you had a letter, but let me say this, that in any event, you are appearing here by virtue of a request made to appear here?

Mr. DECKER. I was notified by the U.S. Secret Service to appear here and I presume that was a summons.

Mr. HUBERT. Then, that would be because we did not wish to go through the formalities here?

Mr. DECKER. That's right.

Mr. HUBERT. In that case, however, I must state to you that under the rules and regulations of the Commission, every witness is entitled to a 3-day written notice before appearing.

Mr. DECKER. I understand.

Mr. HUBERT. But the Commission does provide that the witness may waive that 3 days' notice and I now ask you if you are willing to waive it and testify now?

Mr. DECKER. Yes, sir.

Mr. HUBERT. Will you stand up, please, and I will administer the oath? 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. DECKER. Yes, sir.

Mr. HUBERT. Will you state your name?

Mr. DECKER. Bill Decker.

Mr. HUBERT. Your age?

Mr. DECKER. Sir, 66.

Mr. HUBERT. And your residence?

Mr. DECKER. 6302 Palo Pinto.

Mr. HUBERT. What is your occupation?

Mr. DECKER. I am sheriff of Dallas County.

Mr. HUBERT. How long have you been sheriff?

Mr. DECKER. Since January 1, 1949.

Mr. HUBERT. Well, you have been reelected a number of times?

Mr. DECKER. Yes, sir.

Mr. HUBERT. How many times?

Mr. DECKER. I am serving my 16 years—I had two of those—one of those terms for a 4-year term, but we caught 2 years prior to that—that makes 4 from 16, leaves 12, 3 and 1 is 4 terms and I am coming for my fifth now.

Mr. HUBERT. What was your occupation prior to the time that you became sheriff?

Mr. DECKER. I was chief deputy sheriff for Dallas County 14 years prior to that. Prior to that I was chief deputy constable since 1924, prior to that I

was in the courthouse as a court clerk and prior to that I was elevator operator in the courthouse. Now, that's it—that's my life.

Mr. HUBERT. You started really at the bottom you might say, and went up?

Mr. DECKER. Yes, sir.

Mr. HUBERT. You are married, of course?

Mr. DECKER. Yes.

Mr. HUBERT. You have a family?

Mr. DECKER. I have one adopted son.

Mr. HUBERT. Now, I—as I understand it, it is your responsibility to operate the State or county jail for those prisoners who are either serving terms that may be served there, or who are awaiting a trial in Dallas County and do not make bond, is that correct, sir?

Mr. DECKER. That is correct. I am keeper of the county security building, of the county jail, which maintains the prisoners.

Mr. HUBERT. That is located where?

Mr. DECKER. 505 Main Street, the corner of Main and Houston, and it extends to the corner of Elm and Houston in the rear.

Mr. HUBERT. Now, when prisoners are put in your custody or you take them into your custody who are awaiting trial, where are they placed, in cell blocks or something of that sort?

Mr. DECKER. Oh, yes; we have a jail there with a capacity of 750 prisoners.

Mr. HUBERT. Do you have what might be called maximum security there?

Mr. DECKER. Yes; I do—there are many maximums—I have 450 maximum-security cells that's the latest that can be built. The others are built in the old jail which was built in 1913. Of course, my steel isn't so good in that old jail.

Mr. HUBERT. By maximum security, you mean, of course, maximum security from the standpoint that the prisoner can't get out?

Mr. DECKER. It is tool proof steel, one, and two, it is the modern locks. The man who maintains it—the opening and closing of the doors to it is in a cell block where the prisoners could not get to him unless he did as a couple of my boys did the other day, I'm sorry to say. You don't need to put that in there. They are no longer with me. They opened the door when they had no business to and they lost their jobs and I lost five prisoners.

Mr. HUBERT. Does maximum security as it operates with you include considerations of security to the prisoner himself?

Mr. DECKER. Yes, sir.

Mr. HUBERT. Do you consider it to be your function, not merely to secure the prisoner so that he may be brought to justice or acquitted, but also so that his personal security will be maintained and he will not be injured, either by other prisoners or by outsiders?

Mr. DECKER. Well, I even go further than that.

Mr. HUBERT. Well, will you tell us about that?

Mr. DECKER. A prisoner that is delivered to me—when the crime is committed, he is then delivered to me and when he is delivered to me, from then on I am his keeper. I must furnish his food, his clothing, get his medication and all the necessities of life required. I must protect him from a violent prisoner and I also must protect him from a citizen who would desire to do harm to him.

Mr. HUBERT. Do you consider that your physical set up, and by that I mean, bricks and cement and steel as well as personnel is adequate to accomplish the purposes that you have described as maximum security?

Mr. DECKER. We feel that our men are qualified from the training that is given to them, one; that the jail has passed Federal jail inspection on many occasions; and we feel that our jail is so constructed that the prisoner is protected.

Mr. HUBERT. Now, of course, you are aware that a man by the name of Lee Harvey Oswald was in the custody of the Dallas police?

Mr. DECKER. Yes; I had some officers present when he was arrested.

Mr. HUBERT. From the sheriff's office—sheriff's officers were present?

Mr. DECKER. Yes; sheriff's officers were present in Oak Cliff at the time. They responded to the assassination of the killing of Tippit, the same as others. You see, I was at the scene of the assassination of the President.

Mr. HUBERT. Yes.

Mr. DECKER. When my officers were dispatched there, I also told some other agencies to send their men over there.

Mr. HUBERT. Now, what is the custom with respect to prisoners who are captured or taken into custody by the city police when there is no warrant of arrest?

Mr. DECKER. Most prisoners taken in custody by the city police are arrested within the corporate limits of the city of Dallas and they in turn are moved to the city jail, which is located at the corner of Main and Harwood, or better still, in the 2000 block of Main Street, and there confined until their period of investigation is completed.

Mr. HUBERT. How long is that?

Mr. DECKER. Well, now, that's a problem I couldn't—there would be no way to answer that—how long does it take to make some investigation?

Mr. HUBERT. What I had in mind was whether there was any rule, regulation, or law?

Mr. DECKER. No; someone said once you couldn't hold them over 24 or 36 hours, but where it is, I don't know. The city ordinance under which most municipalities work is—they have a right to arrest and hold for investigation until they could determine if a crime has been committed. That leaves it pretty blank.

Mr. HUBERT. All right. Now, let's assume that a man has been formally charged and that there has been a *causas* or warrant—

Mr. DECKER. It's a warrant in this case.

Mr. HUBERT. Of arrest, which authorizes you to arrest the particular prisoner?

Mr. DECKER. I or one of the constables.

Mr. HUBERT. What is your custom—are there any rules or regulations or laws?

Mr. DECKER. No; there's no rules or regulations—only this—when a warrant is issued—when a complaint is filed with my district attorney or the magistrate, which is the justice of the peace, the warrant is issued and delivered to the agency. If it is a felony and in the justice court, it goes to the constable, which this offense we are speaking about was a felony and should have gone to David Johnston, justice of the peace, precinct 2, and the warrants were delivered to the city police.

Mr. HUBERT. Now, you are talking about the charge with respect to Tippit, are you, or the death of the President, or both?

Mr. DECKER. Well, I rather think it was both.

Mr. HUBERT. The warrants then were not put into your possession at all?

Mr. DECKER. No, sir; not at that time.

Mr. HUBERT. And that is in accordance with the custom, too?

Mr. DECKER. Yes.

Mr. HUBERT. What would normally happen in circumstances such as we are dealing with here, where warrants were issued about 7 o'clock in one case, as to Tippit, and a little later about 11 o'clock on the 22d of November, as to the death of the President, what would be the normal situation as to your getting control and custody and your becoming the keeper of these prisoners?

Mr. DECKER. The whole thing would be that if we, if those warrants had come through the regular channels to us, we would have contacted—I imagine we would have contacted Captain Fritz because it was a homicide and that is in his division, and asked him about the prisoner and discussed with him if he was ready for transfer—if he was going to transfer or did he want us to transfer. That would have been the normal procedure with us.

Mr. HUBERT. In other words, it is normal to have them transfer the prisoner to you, rather than for you to go and get them, or both?

Mr. DECKER. No; it is normal but it is not too much—they transfer maybe one-tenth of maybe 1 percent, but as hot a piece of merchandise as this prisoner was, chances are Captain Fritz and his men would have attempted to bring him from the city hall to the courthouse.

Mr. HUBERT. In other words, except in rare instances, meaning a situation of this sort, you send your men to the city jail to get them?

Mr. DECKER. Day in and day out. We have a paddy wagon for that purpose and a driver for the purpose and uniforms and insignias and all on it.

Mr. HUBERT. Now, when did you make any efforts to take custody of Oswald?

Mr. DECKER. I can't tell you that as to when—the homicide occurred and the boy was taken in custody in the afternoon and that was on a Friday—I'm not going to tell you for certain because there was so much and on Friday afternoon we were taking statements in my office—you know—this thing happened, occurred just across the street from my office and we moved all the witnesses when we were on the ground there at the scene, all the witnesses we could locate—I was working there and I had Inspector Sawyer, who is there with me, and also Heitman of the FBI and my assistant chief deputy, and every witness, just as we picked up a witness that had any information at all, we sent him directly across the street to my office and reduced his statement to writing. Then, I talked to Fritz after he arrived.

We had by then located the gun and the ammunition, my officers had located it in the building, and was awaiting the arrival of the scene searchers and also the arrival of my scene searchers and Fritz arrived and then I talked to Fritz and then we went across the street and he phoned and that's when I learned Oswald had been formerly employed there at that building.

And, Fritz went to the city—now, here's something I'm uncertain about—whether I talked to him that afternoon or the next day about this removal. I cannot tell you because there was so much happening and so much press in our hair, I couldn't say, but I did discuss with him and advise with that I wished to be notified when he started to move this boy, so that I would have my security in shape to receive him when he arrived there.

Mr. HUBERT. You think that was no later than Saturday, the 23d?

Mr. DECKER. Oh, no; it wasn't. I don't think it was any later than that—no.

Mr. HUBERT. In other words, as I understood you, you couldn't tell whether it was on Friday or Saturday, but it could not have been Sunday?

Mr. DECKER. No; it wasn't Sunday. I remember there were different conversations on Sunday, different conversations on Saturday and different conversations on Saturday night.

Mr. HUBERT. Well, now, perhaps if you can, you can tell us about these various conversations, if you remember them—who they were with and about what time?

Mr. DECKER. Well, on Saturday, the homicide, I believe, if I'm correct—now, the date of the homicide of Oswald was what?

Mr. HUBERT. It was Sunday the 24th.

Mr. DECKER. The 24th—Sunday. Friday, after we had completed our investigation and gotten our files together to some extent, we then closed shop, shall we say, and went back into our routine work, and on Saturday arrival at our office we then again, I'm reasonably sure that was the day, we talked about moving Oswald but I just don't remember. That's one of those things you just don't remember the date.

Mr. HUBERT. But you talked to Fritz?

Mr. DECKER. That's when I talked to Fritz.

Mr. HUBERT. What did Fritz tell you, do you know?

Mr. DECKER. He said he would notify me when he was ready to move.

Mr. HUBERT. He wasn't ready at that time?

Mr. DECKER. He wasn't ready at that time, witnesses were being brought in, he was still interviewing witnesses. Now, then, later that afternoon the rumor was out that they were going to bring him down—of course, we had rumors, rumors, rumors all the day, because we had worldwide press and they were in the city hall, you couldn't get in the city hall for them and they were running back and forth down to our pressroom, and this word was here that they were coming, so late that afternoon, on Saturday, Jim Kerr was the first man that brought me the date of the 10 o'clock transfer Sunday morning. Jim Kerr is associated with channel 5, and there were several of the pressmen in my office and members of my staff and we were discussing it and later in the evening, later about 9 o'clock it was getting on to be, and he notified us they were going to move in and I think I then confirmed that with someone in the

city and they said yes—the next morning at 10 o'clock and then I went to my home.

Mr. HUBERT. Did they say "Next morning at 10," or not before 10?

Mr. DECKER. They said "around 10 o'clock."

Mr. HUBERT. You got that, though, from newsmen, you think?

Mr. DECKER. Jim Kerr is the man that gave me the information.

Mr. HUBERT. You didn't talk to Fritz or Curry about that?

Mr. DECKER. No; but I checked it up at the city with somebody there, and I don't know who it was now.

Mr. HUBERT. You, yourself, don't know who it was?

Mr. DECKER. I checked it on the telephone.

Mr. HUBERT. But you don't remember who you talked to?

Mr. DECKER. No; I don't remember who I talked to.

Mr. HUBERT. And it was confirmed that he would not be moved that night?

Mr. DECKER. It was confirmed that he wouldn't be moved that night and that's all there was to it.

Mr. HUBERT. But you say your normal operations went on and I assume you went to your home?

Mr. DECKER. Yes.

Mr. HUBERT. What time did you get to your office on Sunday, the 24th of November?

Mr. DECKER. It was before 10—around 10 o'clock—wait a minute, let me see if I can refresh my memory just a little bit here [examining records in his possession]. I am considering that time of when I was advised by the city that transfer might be made the first time, if you care to incorporate this in there—the first time was 3:30 p.m. Saturday. At that time it was not at 10 o'clock. I have this note—however, I arrived at my office early Sunday morning to recheck all security measures that had been provided for the transfer of Oswald, so what would be early for me, sir, I am a man that doesn't get down to the office until 9 o'clock, and so if I arrived at 9 o'clock, that would be early arrival for me, so you can place it near that period.

Mr. HUBERT. Mr. Decker, I would like for you to carry on from there in narrative form as to just all of the events that happened as they came to your knowledge.

Mr. DECKER. You mean on that morning, on Sunday morning?

Mr. HUBERT. Yes, sir.

Mr. DECKER. For additional security, I placed all members of the press—you see, I forgot to give you this a moment ago—on Saturday afternoon and Saturday night when they learned that they were going to transfer Oswald down there, the world's press moved from the 2000 block on Main to the 500 block on Main. They were laying on my floor, they were laying on the sidewalks—

Mr. HUBERT. You mean that was Saturday night?

Mr. DECKER. That was Saturday night, waiting for the Sunday morning transfer. They just started moving out of the city hall and moved down there—suddenly they were all over the streets, the sidewalks, the floors, we had cameras running out our ears.

Mr. HUBERT. Television too?

Mr. DECKER. Yes; everything—live television moved in, and some remained at the city, you see, and they set up down there a press—back and forth—so, I heard that my halls were full and my carport was full, so I moved them all out. I told them to come in the building, bring their cameras with them, that they were going to utilize, and the remainder not operate unless they were on the street—into a room—you will have to see my building to realize it—it's where you walk in the front, you see, the building is on Main and you come in the rear from the carport. There is a room that runs down about 45 or 40 feet, which is just an open hall space and a room where people stand who are attempting to get information out of the jail or visit someone in the jail, and I moved them into that and closed the doors on them.

Mr. HUBERT. In other words, you cleared them from where?

Mr. DECKER. I cleared them from the carport, where the man would be brought in, and put them behind locked doors—I'm talking about steel doors, now.

Mr. HUBERT. So, there was no news press or anybody else at the spot where the prisoner would be brought?

Mr. DECKER. Well, there may have been some on the street—I'm not so sure of that—but what I mean, I cleared the port and kept them in this room where they could only see him as he came by one door and by the second door, and they were away from him a distance then. He was to be in the carport and they were 20 or 25 feet back in the building.

Mr. HUBERT. You say you had them under lock and key, but they could see out—could they see through windows?

Mr. DECKER. No; bars, they were barred doors.

Mr. HUBERT. Oh, I see.

Mr. DECKER. They were barred doors.

Mr. HUBERT. And you put all the press people out there?

Mr. DECKER. Yes, sir.

Mr. HUBERT. Did you check to see whether they were press people or not?

Mr. DECKER. All in all—I was under the impression that they were—that the majority of them were press people. I don't think there was anybody in that room that wasn't.

Mr. HUBERT. I mean, did you have any system of checking?

Mr. DECKER. No; I didn't personally check and search each one of them because they had so darn much equipment—everybody had equipment—I don't care who they were, and I had my officers mix and mingle with them and knew most of them. You see, we got pretty well acquainted with that press for 2 or 3 days there because they were continually in our hair, you see.

Mr. HUBERT. All right, sir; go ahead.

Mr. DECKER. At the outside drive, or at the entrance to my carport—I moved a couple of my men—four or five of my special men there to be sure that it was clear when the man did arrive. I had been notified by Curry that maybe they would bring him down in an armored car and I had some other rumors—they would be bringing him in a car, and about that time on those live TV cameras in that room, the flash came that shots had been fired, that there was a riot on in the basement of the city hall, and if you will pardon my French and you don't need to put this in here, young lady, "We caught lightening in the jug in that room," sir. There is no question. They tried to crawl the walls, they tried to tear down those barred doors, they tried to do everything to get out of there and it looked like I would never get them out of the damn room.

Mr. HUBERT. You mean the ones you had locked up?

Mr. DECKER. The press—they were locked up and couldn't get out of there with all of their equipment, so as I say, "We caught lightening in the jug." There wasn't any question. Finally, I got the doors open and they tore out on Main Street and out on Houston Street and commandeered cars with cameras hanging on their backs, some of their own equipment, back up Main Street. I lost the majority of them then for a few minutes.

Mr. HUBERT. Have you been given any warning by the FBI that they had received a message, or had the message been received, I think, by your office, that some attempt would be made by a group to injure Oswald?

Mr. DECKER. That's along 12:30 or 1 o'clock in the morning—that's when that occurred. That's when I got on the telephone, you see, sir—I'm sure that you don't understand this, but, you know, but no man—it makes no difference how long he is an officer, ever imagined that he could work on an investigation the size of this one and therefore, of course, you realize that my officers and I'm sure some of the city officers, myself included, were working under just a little bit of pressure.

Anyway, this thing you are talking about came to me from my office man, Sergeant McCoy, and he had received a call from the Federal Bureau of Investigation, Milt Newsom, who stated to him that this boy was going to be killed and that he had good information. He relayed that message to me at my home, and I asked him had the city been notified and he said, "Yes."

Mr. HUBERT. That was early in the morning, as I recall?

Mr. DECKER. It was 12:30; 12:30 in the night.

Mr. HUBERT. 12:30 on the morning of the 24th?

Mr. DECKER. Yes; and I called that office and I talked to a man whom I believe to be Frazier, is that correct?

I don't know the gentleman only there by telephone conversation.

Mr. HUBERT. You, yourself, talked to him and told him what you had heard?

Mr. DECKER. I told him what I had heard and talked to him about the transfer, and I even went so far as to advise McCoy to call in a pair of my supervisory personnel to stand by my office, that should they decide to transfer this man, they would be available and we would have the other men moved in there to make it secure—to have the security.

Mr. HUBERT. Did you make any suggestions that he be moved earlier than the time that had been announced?

Mr. DECKER. I did. I suggested to get the man on down to the lower end of Main Street.

Mr. HUBERT. Before the time announced?

Mr. DECKER. Yes; then.

Mr. HUBERT. Who did you say that to—Frazier?

Mr. DECKER. I'm sure I told it to Frazier and I'm sure there was one or somebody in Fritz' office—I don't remember whether it was Baker or Wells, I talked to one of those persons.

Mr. HUBERT. That was when you got this call from the FBI?

Mr. DECKER. When I got this call from my night sergeant.

Mr. HUBERT. It was still nighttime?

Mr. DECKER. Yes—it was in the morning—12:30 in the morning.

Mr. HUBERT. It was your suggestion that he should be moved immediately?

Mr. DECKER. I felt that he should be moved—yes, sir.

Mr. HUBERT. What reply did you get?

Mr. DECKER. They stated that they were going to ask him if he wouldn't feel better to talk to his superiors and see what could be done. He called me back shortly and stated that he had had no success in contacting them, and I think that was about the extent of our conversation. I kept my men, my supervisory personnel standing by in the event that they did change their timing or anything and notified us. I asked him if he had any success to call me and that we would make arrangements to take care of the prisoner either way, and I meant by that that we would transfer him or whatever was necessary to be done.

Mr. HUBERT. At this point let me ask you: When a man is transferred to your custody, may he thereafter be interviewed by the city police?

Mr. DECKER. Anybody who wishes to.

Mr. HUBERT. So that Captain Fritz and others could have continued their investigation?

Mr. DECKER. It's not customary for them to bring a prisoner down until they have finished their investigation in the city.

Mr. HUBERT. I understand that, but the transfer to you would not have cut off their opportunity to investigate?

Mr. DECKER. Oh, no—no—it wouldn't have cut it off to anybody—any law enforcing agency. Just the same as Ruby, Ruby has been interviewed in my jail by city police, the FBI agents, and incidentally may I ask you a question?

Mr. HUBERT. Well—

Mr. DECKER. If you can answer it, all well and good—I can't. I keep getting information here that we are going to have you people—you people are going to attempt to interview this prisoner that I have now, and if that is correct, why of course I would like to make some provisions to talk to somebody before it happens. Of course, it will take a court order for me to move him, which of course you know is no trouble to obtain—you know that.

Mr. HUBERT. I can't comment on that.

Mr. DECKER. Don't, if you can't, sir—it's all right, but of course I am leaving that with you that I would like to have some advance knowledge. You can comment on that—that you will do it if you have any knowledge.

Mr. HUBERT. Well, I'm sure if such a decision is made by the people who are authorized to make it, that they will cooperate with you in every way possible.

Mr. DECKER. And, I would like to keep it out of the press also because every time I turn around with Mr. Ruby, I am blasted with this.

Mr. HUBERT. Of course, that's another matter—that's out of my control.

Mr. DECKER. Yes.

Mr. HUBERT. I repeat that I think that if such a thing should come about, that you would be contacted and that the various problems that might exist in the matter would be discussed with you fully and that the persons representing the Commission would cooperate with you.

Mr. DECKER. I'm sure they will.

Mr. HUBERT. In every way you wish them to do so, consistent, of course, with their mission.

Mr. DECKER. It makes no difference. I'm sorry, but I don't seem to have in this file Perry McCoy's statement. I think you have a statement from McCoy.

Mr. HUBERT. Yes.

Mr. DECKER. He made one—stating the times that he talked to the man, the conversations, and substantiated exactly practically what I said to you.

Mr. HUBERT. I think we have covered the point.

Mr. DECKER. I know you have because I sent him up there to be interviewed.

Mr. HUBERT. I have heretofore shown you two documents identified as follows: 'The first being a report of an interview of you by Officer Neeley.

Mr. DECKER. That's correct.

Mr. HUBERT. On November 27, 1963.

Mr. DECKER. That's where I told him I didn't wish to discuss the matter any further over the telephone.

Mr. HUBERT. I have identified it by marking on the margin, "Dallas, Texas, April 16, 1964, Exhibit 5321, Deposition of Sheriff J. E. Decker." That consists of one page.

The second document also consists of one page. It is a report of an interview by James W. Bookhout of you on November 28, 1963. That document I have marked for identification as follows:

"Dallas, Texas, April 16, 1964, Exhibit 5322, Deposition of Sheriff J. E. Decker," and I have signed my name. I think you have had an opportunity to read these two?

Mr. DECKER. Yes.

Mr. HUBERT. I should like to ask you, sir, if these documents are fair statements of the interviews that you had with the FBI agents indicated?

Mr. DECKER. Yes, sir.

Mr. HUBERT. Are they correct?

Mr. DECKER. Yes, sir.

Mr. HUBERT. Have you any comment to make with respect to either one of them?

Mr. DECKER. No, sir; I think they speak for themselves, sir.

Mr. HUBERT. May I ask if you have any particular comment, sheriff, to make with regard to the last paragraph of exhibit 5321, which reads in part as follows:

"Sheriff Decker stated that he had no desire to discuss this matter further and does not desire to furnish any details of the conversations he had with the Police Department and declined to say whether he advised the Police Department he had a preference as to the time of day the transfer of the prisoner should be made."

Mr. DECKER. That was a telephone conversation. I had an office full of people and that's what it was and I didn't make any statement—no more than I made directly to you here about the call, and which McCoy made, which is a statement which you have from McCoy in your files.

Mr. HUBERT. As I understand it, then, your explanation of the paragraph is that you did not wish to discuss the matter further over the telephone and in the presence of the people who were there?

Mr. DECKER. Well, I don't believe I went that far. I just said I didn't care to discuss it any further and I got my friend Neeley off the line. That's all there was to it. And I never had the opportunity to talk to him afterward again until I met him several days ago, you know, he works in north Texas and is in and out, but that's all the conversation he and I had—what you have there.

Mr. HUBERT. Well, what I had in mind to ask you was this: On the face of the paragraph that I have just read from Exhibit 5321, it looks like there was an attitude on your part that you didn't wish to cooperate with the FBI—I am just simply wanting to get the record straight from your point of view—as to what was your intention.

Mr. DECKER. As I said at that time—I didn't care to discuss it any further at that time. That's all there is to it.

Mr. HUBERT. Yes; I understand, but this paragraph is correct and stands as it is?

Mr. DECKER. Yes, sir; I did not—at that time I didn't discuss it. There was no reason to go into why, and why—I told him my reasons a moment ago.

Mr. HUBERT. Now, sheriff, I have noticed that you have looked from time to time at a book which I gather must be your own or the official record?

Mr. DECKER. No; it's part of my records there. It doesn't have all the statements in it as it should have.

Mr. HUBERT. Were copies of those statements made—are they available?

Mr. DECKER. They are yours—you can have them if you want them to keep them.

Mr. HUBERT. This copy?

Mr. DECKER. You can have the whole thing. The only thing that is not in there is McCoy's and about three or four other statements. I will submit the whole thing to you if you want it right now. You can take it with you. I have no objections.

Mr. HUBERT. Do you wish to have this returned to you—this seems to be a copy anyway—this is not the original.

Mr. DECKER. Yes; those are photostatic copies. I can furnish you those others—I can furnish you that copy on McCoy and I can furnish the copy on two or three others that I have down there but I don't know where McCoy's is and I don't know whether they left it out of there or not—since McCoy's I have testified to, I would like to furnish it to you.

Mr. HUBERT. All right.

Mr. DECKER. And will send it to you shortly.

Mr. HUBERT. Let me mark this document, then—I am marking it, "Dallas, Tex., April 16, 1964, as Exhibit 5323, Deposition of Sheriff J. E. Decker," and I am signing my name to it.

The document is actually a dark brown heavy folder with an Acco fastener. It is called Acco Press on the inside and bears the label on the outside, "Harvey Lee Oswald, WM 24, Murder—11-22-63 of John Fitzgerald Kennedy; W-M-46, President of the United States. Assault to murder: Gov. John B. Connally." On the left hand bottom side of the cover is a sticker on which there is type-written "File of: Sheriff's Department, Dallas, Tex., Bill Decker, Sheriff," under which I have written the identification of it as I dictated it a moment ago into the record.

Turning on to the inside of the book, it seems to be divided up into parts. There is a yellow, light cardboard division marker, which in the left hand bottom says, "Crime Reports." In that are 2 yellow sheets and 10 white sheets. I am marking the cover with my initials and the yellow and white sheets with my initials, all in the lower right hand corner. The next subdivision which is made by a light cardboard sheet, is entitled, "Witness affidavits." I am marking it with my initials.

Mr. DECKER. Now, you are supposed to have copies of all of those affidavits come to you from some agency—I don't know which.

Mr. HUBERT. And, each of the sheets thereof I am marking with my initials. There are 35 of such sheets.

Then, in the last part of the book, also divided by a light yellow cardboard sheet on which I am putting my initials, that division sheet is entitled "Officers supplement," and there are 42 sheets which I have marked with my initials. Is this document, Sheriff Decker, that you have handed me a complete record of what you have concerning Oswald? I think you mentioned that there might be one document or two that you wished to send me?

Mr. DECKER. I would like to send you a copy of McCoy's statement, a copy of McCoy's report in there and maybe a couple of other statements, that's all.

There may be some others—I can send those to you anywhere—Washington or anywhere, it makes no difference, or I can send them up here to you in the next 45 minutes after I leave here.

Mr. HUBERT. After lunch will be all right.

Mr. DECKER. Fine, I will send them up.

Mr. HUBERT. I will just attach them to this exhibit.

Mr. DECKER. That's all right—they belong in there and I don't know how they got out, but in comparing them, making a new one up, you lose some once in a while—as much paperwork as we do in law enforcement fields this day and time, you lose a heck of a lot of it.

Mr. HUBERT. Now, Sheriff Decker, has any member of the Commission's staff interviewed you other than myself?

Mr. DECKER. No, sir.

Mr. HUBERT. Have you anything further you wish to add?

Mr. DECKER. I don't know why I should take any more of your time. You have practically everything I have that is of value to you. If there is anything further you want—we are available and you have a big job to do—

Mr. HUBERT. Well, that's all right—that's what I'm here for.

Mr. DECKER. I know that.

Mr. HUBERT. But if we know all that you know, then that's all right.

Mr. DECKER. That's right—so, there is no reason of going over it.

Mr. HUBERT. Is it your thought that considering your testimony here today and what you have told the FBI and your records—

Mr. DECKER. And my records that I have given to you—turned over to you and what my other deputies have given to you, I don't know of any reason to take up any more of your time, sir.

Mr. HUBERT. All right, thank you very much.

Mr. DECKER. I will be delighted to have you come and see my operation before you leave and it might clear up some things there for you.

Mr. HUBERT. All right, thank you.

Mr. DECKER. Thank you.

TESTIMONY OF CAPT. W. B. FRAZIER

The testimony of Capt. W. B. Frazier was taken at 2 p.m., on March 25, 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 Capt. W. B. Frazier, Dallas Police Department. Captain Frazier, my name is Leon Hubert. I am a member of the advisory staff of the general counsel on the President's Commission on the Assassination of President Kennedy.

Captain FRAZIER. Yes.

Mr. HUBERT. Under the provisions of President Johnson's Executive Order No. 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 the Executive order and the joint resolution, I have been authorized to take a sworn deposition from you, among many officers of the detective bureau. Your name has been specifically mentioned as a person from whom I could take a sworn deposition. I state to you now 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, Captain Frazier, 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, Captain, you have appeared here today by virtue of a letter addressed to Chief Curry by Mr. J. Lee Rankin, who is the general counsel for the President's Commission. Under the rules adopted by the Commission every witness is entitled to a 3-day written notice prior to the taking of his deposition. The rules also