

Mr. KRISS. Right.

Mr. HUBERT. And you saw a blur?

Mr. KRISS. Yes.

Mr. HUBERT. Did you recognize the man at all?

Mr. KRISS. Right then? No.

Mr. HUBERT. Had you known Ruby?

Mr. KRISS. Known, of him, saw him before in the papers and everything.

Mr. HUBERT. What did you do after that?

Mr. KRISS. Well, they said—somebody said, "Don't let anyone out of the basement." And I ran across here and I thought I saw one of the captains, Arnett, and I saw him going down, and he was in the confusion and in that confusion here, and ran over there and saw that everything was all right, and they said, "Don't let anyone out."

Mr. HUBERT. And you positioned yourself right in the middle?

Mr. KRISS. Positioned myself in the middle and no one passed thereafter. That I can assure you of. That is the only thing I do know for sure.

Mr. HUBERT. All right. Let me see if there's anything else.

All right. Is there anything else you would like to add that is not contained in the statement, or in your testimony today?

Mr. KRISS. No, sir; I just don't know a thing.

Mr. HUBERT. All right for now. Have you ever been interviewed by any member of the Commission's staff prior to today?

Mr. KRISS. No; only the FBI is all.

Mr. HUBERT. And you have never been interviewed by me prior to this deposition today?

Mr. KRISS. No.

Mr. HUBERT. All right, sir. I think that is all and I certainly thank you very much.

TESTIMONY OF ROY LEE LOWERY

The testimony of Roy Lee Lowery was taken at 11 a.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 Detective R. L. Lowery, Dallas Police Department. Mr. Lowery, my name is Leon D. Hubert. I am a member of the advisory staff of the general counsel of the President's Commission on the Assassination of President Kennedy. Under the provisions of the Executive Order No. 11130, dated November 29, 1963, a joint resolution of Congress No. 137, and the rules of procedure adopted by the Commission in conformance with the Executive order in the joint resolution, I have been authorized to take the sworn deposition from you, Mr. Lowery. 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, Mr. Lowery, 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 death and the general inquiry.

Now, Mr. Lowery, you have appeared here today by virtue of a request made to Chief Curry by Mr. J. Lee Rankin, who is the 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 by the Commission prior to the taking of this deposition, but the rules adopted by the Commission also provide that a witness may waive that 3-day notice if he wishes to do so. Do you wish to waive the 3-day notice?

Mr. LOWERY. I will waive it.

Mr. HUBERT. Will you 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. LOWERY. I do.

Mr. HUBERT. Will you please state your name?

Mr. LOWERY. Roy Lee Lowery.

Mr. HUBERT. And your age?

Mr. LOWERY. Thirty-two years of age.

Mr. HUBERT. Your residence?

Mr. LOWERY. 838 West Church in Grand Prairie.

Mr. HUBERT. Texas?

Mr. LOWERY. Right.

Mr. HUBERT. Is that just outside of the Dallas area?

Mr. LOWERY. Yes, sir; it is in Dallas County. It is on the west side.

Mr. HUBERT. What is your occupation, sir?

Mr. LOWERY. I am a detective with the Dallas Police Department.

Mr. HUBERT. How long have you been so occupied?

Mr. LOWERY. Oh, approximately 9½ years.

Mr. HUBERT. What specific position do you hold in the detective department?

Mr. LOWERY. I'm a detective in the juvenile bureau of the police department, criminal division.

Mr. HUBERT. Who is your immediate superior?

Mr. LOWERY. Capt. Frank Martin.

Mr. HUBERT. Who is next up the line?

Mr. LOWERY. I believe it is M. W. Stevenson.

Mr. HUBERT. And then Chief Batchelor and Chief Curry?

Mr. LOWERY. Right.

Mr. HUBERT. Now, I think you have read——

Mr. LOWERY. Now, if you will start with Mr. Bookhout's——

Mr. HUBERT. Let me get this report in.

Mr. LOWERY. All right.

Mr. HUBERT. I think you have read three documents which I have previously handed you to read, and I want to mark the three of them now for identification, and then we will talk about each one.

Mr. LOWERY. All right.

Mr. HUBERT. I am marking a letter, or a copy of a letter consisting of one page, addressed to Chief Curry, dated November 24, 1963, indicating that the original may be signed by you, and I am identifying it as follows, by marking upon it, "Dallas, Tex., March 25, 1964. Exhibit No. 5081. Deposition of R. L. Lowery, and signing my name below it." As to the second document, consisting of two pages, and purporting to be a report of an interview by—of you by FBI Agent Bookhout, on November 24, 1963, and I am marking that document along the right margin as follows: "Dallas, Tex., March 25, 1964. Exhibit 5082. Deposition of R. L. Lowery." I am signing my name below that on the first page of that document, and placing my initials in the right-hand lower corner on the second page of that document. Finally a document purporting to be a report of an interview of you by FBI Agents Smith and Chapoton, on December 23, 1963, consisting of five pages, marking the first page as follows, to wit: "Dallas, Tex., March 25, 1964. Exhibit No. 5083, deposition of R. L. Lowery," and I am signing my name on the first page, and placing my initials in the lower right-hand corner on the second page, third page, fourth page and the fifth page.

Now, sir, I hand you the exhibit which has been marked 5081, being the letter to Chief Curry, and ask you if that letter is correct insofar as it goes? Or do you have any other comments to make about it?

Mr. LOWERY. This is correct.

Mr. HUBERT. Now, I hand you an exhibit identified as 5082, consisting of two pages, and ask you if you have read it, and whether you have any comments to make about it?

Mr. LOWERY. Yes, sir; I read it. Now, as to this one there is some changes to be made.

Mr. HUBERT. All right. Now, I suggest you do this. If you want to make a change in a sentence, read that sentence indicating that you are beginning to read by using the word "quote", and when you get to the end of the sentence,

"unquote". Then make your comment about the sentence, or if you have the whole paragraph you may do it that way.

Mr. LOWERY. Well, first one, quote Lowery—

Mr. HUBERT. That is on the first page, is it not? What paragraph?

Mr. LOWERY. First page, first paragraph interview by Mr. Bookhout of the FBI.

Mr. HUBERT. You are going to start reading, so say "quote".

Mr. LOWERY. Quote, "Lowery stated he and several others grabbed Ruby," unquote. Now, I didn't—I didn't grab Ruby. Several other officers did. I didn't touch Ruby at all at that time.

Mr. HUBERT. Did you tell this man—

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

Mr. HUBERT. That is incorrect?

Mr. LOWERY. I do not recall—no, I touched Ruby later, but not at this particular time. This is the time where Ruby was disarmed and taken into the jail office. I didn't touch him at all at that particular time. There were several other officers around him. I couldn't even get to him.

Mr. HUBERT. When did you touch him?

Mr. LOWERY. He was carried into the jail office by several officers, and after coming into the jail office by myself, I held one of Jack Ruby's legs while he was given a quick shakedown before he was taken upstairs.

Mr. HUBERT. All right. Have you any other comments to make about that Exhibit 5082?

Mr. LOWERY. I don't believe that there is any others on this one. Yes. On Page 2, of this same exhibit—let's see, where could I start. Now, would you like me to start in the middle of a sentence, or just read the whole sentence even though it is several lines?

Mr. HUBERT. Perhaps you'd better read the whole sentence, I think it will be clearer.

Mr. LOWERY. All right, quote "He stated this camera was never put into operation, the cable was never connected and the blank cap was never taken off. Lowery stated that the following—that following the shooting, the action of the two cameramen who had pushed the camera from the area was brought to the attention of Lt. R. E. Swain, and they were taken to homicide and robbery bureau for questioning." unquote. The facts are, are that the cameramen were not taken to homicide and robbery bureau. I accompanied those men up on the third floor where they were allowed to set up their long range camera, and I stayed with those people for approximately an hour to an hour and a half until I contacted Lieutenant Baker in the homicide division and told him the reason that I was with those people, and he advised me to take their names and addresses, business address and business phone, and home phone number, and that it wouldn't be necessary to stay with them any longer. I took this information and turned it in to Lieutenant Baker and released the cameramen.

Mr. HUBERT. Anything else you wish to say about it?

Mr. LOWERY. I don't believe there is any other.

Mr. HUBERT. 5082. Anything other about 5082?

Mr. LOWERY. No, that is—nothing further.

Mr. HUBERT. As to Exhibit 5083, I ask you if it is correct, do you have any changes or suggestions, or comments to make about it?

Mr. LOWERY. On page 1, paragraph 2—let's see, "The contingent from the juvenile bureau consisted of Captain Martin, Lt. George Butler, Detective W. J. Cutchshaw, Detective L. B. Miller, Detective Charles Goolsby, Patrolman W. J. Harrison and myself, Lowery."

The facts are that Captain Martin, Lt. George Butler, Detective W. J. Cutchshaw, Detective L. B. Miller, Detective Charles Goolsby went from the third—juvenile bureau, on the third floor, room 314, city hall, down the elevator to the basement of the city hall. As we came off the elevator we met Patrolman W. J. Harrison coming up the hall from the police locker room, and he accompanied us to the location in the basement where Oswald was shot.

Mr. HUBERT. When you say, "city hall," you mean the police department building, not the municipal building?

Mr. LOWERY. No, sir. Police and courts building.

Mr. HUBERT. All right, any further comments about Exhibit 5083?

Mr. LOWERY. Now, I have one change here.

Mr. HUBERT. On what page?

Mr. LOWERY. On page 2, paragraph 3. Now, this is the only thing, the only change is—I don't know whether it is necessary for me to read the whole thing—is the TV station WPAB. In this report it says, "WPAB".

Mr. HUBERT. It is a typographical—

Mr. LOWERY. It is wrong.

Mr. HUBERT. Yes, that's correct, and now, I don't think we have to do anything more about it.

Mr. LOWERY. All right. Then, on page 2 in—let's see, this page 2, paragraph 4, and this will carry on to paragraph 1 of page 3. All right. "This police car had its red lights on, flashing, and there were two or three officers in the car."

That is a mistake. The facts are is this police car was a marked squad car, occupied by one officer, and that officer was Officer O'Dell, who is a patrolman, and as far as I can say, he was alone in the car. Only person in the car. All right. On page 3, this also is in paragraph 1. "He did not know who this individual was until his hat fell off in the melee and he saw it was Jack Ruby whom he has known for several years."

The facts are that at approximately the same instant the shot was fired, or within a fraction of a second thereafter, I did recognize the person firing the shot as being Jack Ruby.

Mr. HUBERT. The correction there being that you recognized him before his hat fell off, is that what you mean?

Mr. LOWERY. Well, I couldn't definitely say that I recognized him before his hat fell off. I don't—

Mr. HUBERT. Did you recognize him before he fired the shot?

Mr. LOWERY. Well, it seemed like to me at the same time. Now, of course, this happened directly in front of me, closer than—about half of the distance between the two of us and—

Mr. HUBERT. Let the record show that the witness indicates the distance that I would judge to be approximately 6 feet.

Mr. LOWERY. Well, he would be within 4 feet, I think. That Jack Ruby would be within 4 feet of me.

Mr. HUBERT. Would you say that the distance that I judge is 6 feet, you think is about two-thirds of that distance?

Mr. LOWERY. That's right. Three to 4 feet, and I couldn't say that Jack Ruby's hat—I couldn't say whether the hat had fallen off or not.

Mr. HUBERT. All right.

All right. Now, you have looked over the other pages of 5083, and handed it back to me, are there any corrections or deletions or—wrong statements or anything that you would like to comment upon?

Mr. LOWERY. Best I can remember the rest of it is fairly accurate.

Mr. HUBERT. Now, I want to have you identify a chart of the basement area of the Dallas Police Department and I am marking upon it for the purposes of identification the words, "Dallas, Tex., March 25, 1964. Exhibit Number 5084, deposition of R. L. Lowery." And I am signing my name below that, and just for the purposes of identification, I wish you would sign your name below it, too, below my name.

I would like you to look at the mockup here and—if you will come over here with me, we can put the chart and the mockup together, and I would like you to—by using the mockup, point to the place on the mockup where you were standing and then we will mark it on the map.

Mr. LOWERY. All right. I was standing exactly at this point here [indicating]. In fact, the corner—I was leaning back against the corner, and I could feel it exactly between my shoulder blades.

Mr. HUBERT. All right. Now, I am marking a circle right here as the point that you are talking about?

Mr. LOWERY. Yes, sir; and that would be on the southwest corner.

Mr. HUBERT. Southwest corner of the intersection of the jail corridor and the ramp?

Mr. LOWERY. Yes, sir.

Mr. HUBERT. I am marking a circle around the position you have indicated and I am writing the words, "Position of R. L. Lowery at the time of the shooting," which I am also placing in a circle. Now, is that correct, sir? That was your position?

Mr. LOWERY. Yes.

Mr. HUBERT. Now, how long had you been in that position prior to the shooting?

Mr. LOWERY. Well, I couldn't definitely say how long I had been at that one particular position. I had been in this area for, oh, from approximately 10 minutes. I had been within a few feet of there, I just took this position a few minutes, and—or maybe a couple of minutes before the shooting actually took place, but I was standing within a few feet of that point.

Mr. HUBERT. At the moment of the shooting, you were in precisely that position?

Mr. LOWERY. Yes.

Mr. HUBERT. And you would judge you had been in that position about 2 minutes?

Mr. LOWERY. I don't believe it would be any more than 2 minutes' time. I don't know.

Mr. HUBERT. You were facing then in the general direction of the TV cameras?

Mr. LOWERY. Well, when the actual shooting took place.

Mr. HUBERT. And the time before that? I want to get both?

Mr. LOWERY. Well, I looked both ways, both left and right.

Mr. HUBERT. I'll ask you if you scanned the crowd?

Mr. LOWERY. Well, in the direction of the TV cameras, the lights were so bright I couldn't have seen any people in the crowd. I could see forms, but I couldn't—I wouldn't be able to—

Mr. HUBERT. Do you know a detective, W. J. Harrison, I think he is called "Blackie" Harrison?

Mr. LOWERY. Yes, sir.

Mr. HUBERT. Was he in your line of vision?

Mr. LOWERY. Yes, sir.

Mr. HUBERT. Could you see him?

Mr. LOWERY. I saw him shortly before the shooting. Now, at the time all the TV lights and everything were turned on, I don't recall seeing "Blackie" from that time until the shot was actually fired.

Mr. HUBERT. I wonder if you would use the mockup first to place the position, approximately, of Harrison, the last time you were able to see him, and then translate that by placing a circle on the map that—

Mr. LOWERY. Let me get squared away here. He would have been in this general area. I couldn't say in relation to this wall—to this guardrail. I would think they would have been approximately—

Mr. HUBERT. Well, I am going to mark a line, which I am labeling as line "A, B," and then I want to ask you to take the pen and put the approximate position of Harrison the last time you saw him.

Mr. LOWERY. Well, I would say about this [indicating].

Mr. HUBERT. Now, you have made an "X," and I am putting a circle about the "X," and drawing a line out and writing the following, "position of W. J. Harrison—" the approximate position, is that what you mean?

Mr. LOWERY. Right.

Mr. HUBERT. "The approximate position of W. J. Harrison when last seen by Lowery."

Mr. LOWERY. Before—

Mr. HUBERT. "Before the shooting." Right?

Mr. LOWERY. Right.

Mr. HUBERT. I am encircling that language and connecting it with the position marked "X." Now, can you give us any estimation of how long before the shooting was the last time that you saw Harrison?

Mr. LOWERY. No, sir; I wouldn't make an attempt, because the time in my estimation I found that they were so far off that I couldn't—I just don't have any idea. It couldn't have been more than a couple of minutes.

Mr. HUBERT. All right; you did not see him after that, though, did you?

Mr. LOWERY. I saw him after the shooting.

Mr. HUBERT. No; I mean after that position?

Mr. LOWERY. As far as I remember, no, sir; I don't.

Mr. HUBERT. Then you attribute your failure to see him to the fact that the TV lights had been turned on after that?

Mr. LOWERY. Well, the TV lights were so bright. I don't remember seeing Harrison, but I don't say that I was completely blinded by the TV lights.

Mr. HUBERT. Did you see Ruby come up from the crowd?

Mr. LOWERY. Sir?

Mr. HUBERT. Did you see Ruby come out from the crowd?

Mr. LOWERY. The first time I saw Ruby he was lunging, and almost instantaneously the shot was fired, and I couldn't—I couldn't say that I saw him come from the crowd. I saw a blur, and about this time the shot was fired, and there is Jack Ruby right in front of me.

Mr. HUBERT. What side of "Blackie" Harrison did Ruby come from with relation to Harrison himself?

Mr. LOWERY. I couldn't say which side that—

Mr. HUBERT. You don't know whether it was on Harrison's left side or right side?

Mr. LOWERY. No, sir.

Mr. HUBERT. Do you remember the automobile that went up the ramp just before the shooting that had a flashing red light on top of it and two or three officers in the car?

Mr. LOWERY. Well, now, that is one of the statements we changed. I remember the marked squad car being driven with Officer O'Dell going up the—oh, we call it the north ramp, the wrong way, which—with his red lights on, but this car only had the one officer in it, the best I remember.

Mr. HUBERT. Do you know Rio Pierce?

Mr. LOWERY. Yes, sir.

Mr. HUBERT. Did you see him drive a car up that ramp?

Mr. LOWERY. I will say that between the time that Officer O'Dell went up the north ramp, I couldn't tell you in minutes or seconds how much time had elapsed, but there was a plain car, and I believe it was driven by Lieutenant Pierce, and he had a couple or three other officers. I couldn't say exactly how many officers were in the car, but it did go up the ramp with red lights on going up the north ramp to the Main Street entrance.

Mr. HUBERT. That was after O'Dell had passed?

Mr. LOWERY. Yes, sir; best I remember.

Mr. HUBERT. So, that the statement—I would ask you to have another look at the statement, which is Exhibit 5083, and ask you if it is the statement that you previously corrected so that it would refer to O'Dell. Isn't it, in fact, correct insofar as it would deal with what you have just said about Pierce?

Mr. LOWERY. Now, here is the statement we changed.

Mr. HUBERT. I see your point, and that is that the O'dell car did not have a red light on it?

Mr. LOWERY. Yes, sir, it did, but the O'Dell was—the O'Dell car was a marked squad car, and that was the change that we made. This O'Dell's car was the first car to go up the ramp, and he was—there was only one person in the car.

Mr. HUBERT. But, then, there was another marked car—

Mr. LOWERY. There was an unmarked car.

Mr. HUBERT. There was an unmarked car, and that is Pierce?

Mr. LOWERY. Pierce was the unmarked car, and he had another officer in the car. I couldn't tell you who, or how many, or who they were.

Mr. HUBERT. What was the time interval between the O'Dell car movements up that ramp and Pierce's movements up that ramp?

Mr. LOWERY. I couldn't—I couldn't—I'd be afraid to say exactly, but probably wasn't more than a minute in that.

Mr. HUBERT. Did you follow the car, or the Pierce car up the ramp with your eyes, I mean?

Mr. LOWERY. No, sir; if you will notice this [indicating] there is an offset here, and from my position here I would only see a short distance up the ramp, and there is also a drop down, air-conditioning and central-heating unit back in here that I would—if my view hadn't been obstructed by the line of people

on that side I wouldn't have been able to see more than a few feet up the ramp.

Mr. HUBERT. Did you see anybody coming down? I understand from your statement that you could not have seen their faces as they came down the ramp because of the obstruction, but you could have seen feet, couldn't you?

Mr. LOWERY. I wouldn't be able to. I didn't see anybody come down the ramp. They could have possibly gotten down there without me seeing them, but I didn't see any feet, or any person come down the ramp at all.

Mr. HUBERT. Did you see anybody climb over the rails from the parking area into the ramp on the Main Street side?

Mr. LOWERY. No, sir; not that I remember. I couldn't see—couldn't see the rail from my position for the line of photographers and officers and the TV cameras and lights.

Mr. HUBERT. Did you have occasion to talk to Ruby thereafter?

Mr. LOWERY. No, sir.

Mr. HUBERT. Did you see him after that?

Mr. LOWERY. Which point?

Mr. HUBERT. After the shooting?

Mr. LOWERY. Well, as I told you, the officers took him into the jail office, and I went into the jail office, and they were in the process of searching him, and he was struggling, and I held one—I believe his left leg. Had him down on his back, and I held his left leg while he was doing a quick shakedown and then he was taken to the elevator and upstairs, and that is the last that I saw of him.

Mr. HUBERT. All right. Detective Lowery, have you anything else that you would like to add that you have not stated, or is not contained in these several exhibits we have identified here today?

Mr. LOWERY. Well, I think they—I haven't been through the police report, the investigation in the police department made by Captain Jones. I believe that they had—a little more in detail.

Mr. HUBERT. You are referring, I think, to a document contained in Commission's report 81-A, that is page 66, consisting of two pages and entitled, "Investigation of Operational Security Involving the transfer of Lee Harvey Oswald, November 24, 1963," which was supplied to the Commission by the Dallas Police Department through the attorney general.

Since I do not have an extra copy of this document, I am going to allow it to remain in the volume, but I am going to mark it for identification as I have marked the others, and that is, "Dallas, Texas, March 25, 1964, exhibit Number 5085," which purports to be an interview of you. Now wait—I'll finish the identification, 5085, deposition of R. L. Lowery, signing my name on the first sheet and placing my initials in the lower right-hand corner on the second sheet. This is an interview of R. L. Lowery, November 29, 1963, by Lt. P. G. McCaghren and Lt. C. C. Wallace. I think you have read this document, have you not, sir?

Mr. LOWERY. Let me brush through it right quick. I don't—

Mr. HUBERT. All right. Referring to Exhibit 5085, do you now say that it is correct? Are there any changes you want to suggest, modifications to make?

Mr. LOWERY. It is correct, as far as I know.

Mr. HUBERT. All right. Anything else you want to say?

Mr. LOWERY. No, sir; I believe that's—

Mr. HUBERT. Now, have you been interviewed prior to the taking of the deposition by any member of the Commission? I don't think there was any interview between you and me before.

Mr. LOWERY. No, sir.

Mr. HUBERT. All right, sir. Thank you very much.

TESTIMONY OF CAPT. FRANK M. MARTIN

The testimony of Capt. Frank Martin was taken at 2 p.m., on March 24, 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.