

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.

Mr. HUBERT. This is the deposition of Capt. Frank M. Martin of the juvenile division, Dallas Police Department. Captain Martin, 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 Executive Order No. 11130, dated November 29, 1963, the joint resolution of Congress No. 137, and the rules of procedure adopted by the Commission in conformance with the Executive order and the joint resolution, I have been authorized by the Commission to take the sworn deposition of you, Captain Martin.

Captain MARTIN. Uh-huh.

Mr. HUBERT. 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 to you, Captain Martin, the nature of the inquiry is to determine what facts you know about the death of Oswald and any other pertinent facts that you may know about the general inquiry.

Captain MARTIN. Uh-huh.

Mr. HUBERT. No; Captain Martin, do—you have appeared here by virtue of a general request made by the general counsel on the staff of the President's Commission, Mr. J. Lee Rankin, to Chief Curry. Under the rules adopted by the Commission, you are entitled to a 3-day written notice prior to the taking of this deposition, that the rules adopted by the Commission also provide that a witness may waive the 3-day written notice. Do you wish to waive that notice?

Captain MARTIN. Yes.

Mr. HUBERT. Now, will you rise and raise your right hand and I will now swear you. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Captain MARTIN. I do.

Mr. HUBERT. State your full name, Captain Martin.

Captain MARTIN. Frank M. Martin.

Mr. HUBERT. Your age, please?

Captain MARTIN. Fifty-four.

Mr. HUBERT. Where do you live?

Captain MARTIN. 906 West Five Mile Parkway.

Mr. HUBERT. What is your occupation today, and how long have you been in that occupation?

Captain MARTIN. I am a police officer in Dallas. I have been in it for 30 years.

Mr. HUBERT. Your rank is what now?

Captain MARTIN. Captain.

Mr. HUBERT. How long have you held the rank of captain, sir?

Captain MARTIN. Since 1951, about 13 years.

Mr. HUBERT. What are your particular duties with the Dallas Police Department?

Captain MARTIN. I have charge of the juvenile bureau. We handle all juvenile affairs.

Mr. HUBERT. Now, captain, I have two documents here which I am going to mark for identification and then I will question you concerning them. Now, I am marking this document March 24, 1963, addressed to Chief J. E. Curry, the original of which apparently was signed by you. Marking this as follows, to wit: "Dallas, Texas, March 24, 1964. Exhibit No. 5058, deposition of Capt. F. M. Martin, and I'm signing my name to that document which consists of one page, and I'm also marking another document which apparently is the report of an interview of you, Captain Martin, by Special Agents of the FBI, to wit: Alvin J. Zimmerman and Joseph G. Peden, on December 2nd, 1963." The document consists of one full page, marking the first page as follows, to wit: "Dallas, Texas, March 24, 1964. Exhibit 5059. Deposition of F. M. Martin." Signing my name on that. I am placing my initials on the second page of that document in the lower right-hand corner. Now, Captain, I believe that you have only recently, that is to say, about 2 or 3 hours ago, had occasion to read both of these documents?

Captain MARTIN. Yes.

Mr. HUBERT. 5058 and 5059. I now ask you if those documents represent the truth, or whether there are any modifications or deletions or additions—
Captain MARTIN. Well, of course, there—

Mr. HUBERT. That you would like to make in it?

Captain MARTIN. This "Miller," they have there once, where it should be my name in the first paragraph.

Mr. HUBERT. I think you are speaking of the third line, the first page of Exhibit 5059, where the second sentence starts, "Capt. Miller," and apparently the sense of it would be, that since they are speaking of you, it would be "Capt. Martin," is that right?

Captain MARTIN. That's right.

Mr. HUBERT. I am, therefore, going to circle the word "Miller," and—with a circle, and an extension line indicates that it had been changed by putting my initial on it, and I am going to ask you at a later time to put your initials on it, too.

Captain MARTIN. All right.

Mr. HUBERT. Other than that, that document speaks the truth, as far as you know?

Captain MARTIN. Yes. There is one area in there in the ramps that I don't quite understand. Did he mean the ramp, or does he mean the door into the building, the corridor door or—

Mr. HUBERT. Now, then, I think you are speaking of the second to the last sentence in the last paragraph on the first page of Exhibit 5059, sentence which reads as follows, to wit: "He advised that auxiliary officers were stationed at each ramp."

Captain MARTIN. Right.

Mr. HUBERT. "And that to his north, this was the only entrance to the compound which Ruby could have used." Now, what is it that you would like to say about that, sir?

Captain MARTIN. There is a double door going into this basement at the city hall which I wouldn't consider a ramp. They never considered it that. I don't know, but it is more or less a corridor, or hallway going into the basement.

Mr. HUBERT. There is a corridor, you say, that leads from the jail building into the basement area?

Captain MARTIN. It is from the garage area into the basement.

Mr. HUBERT. I see.

Captain MARTIN. I don't know—

Mr. HUBERT. Well, now, did you make any statement to them about auxiliary officers being stationed at any place?

Captain MARTIN. Yes. Yes; I told them that there were, but I meant the two ramps coming into the basement from the outside.

Mr. HUBERT. I see. In other words, what you want to clarify about this is that what you meant when you made reference to auxiliary officers and ramps, that you meant the entrances or exits at the street level of the Main and Commerce ramps?

Captain MARTIN. That's right.

Mr. HUBERT. And, you did not have reference to the officers at other passages?

Captain MARTIN. That's right.

Mr. HUBERT. All right. I might ask you in connection with that same thing, what do you mean by the word "compound"?

Captain MARTIN. I didn't use that.

Mr. HUBERT. Didn't use that word?

Captain MARTIN. No; that must be theirs.

Mr. HUBERT. What do you understand there, because the report is that you said "That this was the only entrance into the compound which Ruby could have used"?

Captain MARTIN. I didn't use that word.

Mr. HUBERT. Well, did you express any such thought and if so, what were you referring to?

Captain MARTIN. Of course, what they are referring to by "compound," is the area right outside the jail door there.

Mr. HUBERT. You mean what is commonly called the basement area including the parking area, the garage area, the two ramps and the space between the two ramps?

Captain MARTIN. I am sure it is, because I didn't use the word "compound."

Mr. HUBERT. Let's look at it this way, would this statement be correct then if we changed the word "compound," to be defined as the general basement area as I just defined it a moment ago?

Captain MARTIN. Yes.

Mr. HUBERT. So, then it would be correct to say that, to your knowledge, the two ramps, to wit, those—the one leading from Main Street, and the one leading from Commerce Street were the only entrances to the basement area, as we defined it a moment ago, that Ruby could have used?

Captain MARTIN. More that he could have used, yes; but, of course, you—

Mr. HUBERT. Of course, this says the only entrance, and if you wish to qualify it—

Captain MARTIN. We were speaking of these two ramps. And we were talking of him coming down into the basement off the street.

Mr. HUBERT. Yes, sir.

Captain MARTIN. Of course, you have got the city hall. I mean, the police and courts building, and also got the city hall. He could have been—come down the elevator over here [indicating].

Mr. HUBERT. I take it you want to modify this statement then so that your present opinion is that it is not correct to say that the Main Street and the Commerce Street entrances were the only mode of entrance to the basement?

Captain MARTIN. No, no; there are other ways to get in there.

Mr. HUBERT. That is what I mean. What other ways are there?

Captain MARTIN. There is—coming from the police and courts building to the basement, or you can come down the elevator in the city hall into the garage area and come across, but as far as I remember, that wasn't brought up. They were speaking of those two ramps.

Mr. HUBERT. Well, let me ask you this: Was the explanation that we have now put into the record, are you satisfied that this document, 5059, is substantially correct?

Captain MARTIN. I don't know exactly what he means here by "He knew of no unauthorized persons to be in the basement."

I don't know what—

Mr. HUBERT. Well, sir; if you wish to modify that in any way so that we now know what you are thinking is about it, I ask you to please do so.

Captain MARTIN. I don't quite—that is not very clear to me, "He knew of no unauthorized persons permitted to be in the basement."

Mr. HUBERT. Let me get at it this way. Do you know what security precautions were being taken to be sure that unauthorized persons were not in the basement?

Captain MARTIN. Yes; they had men at the top of both of the outside ramps, and I presume that they were supposed to stop anybody coming in, but apparently they didn't.

Mr. HUBERT. Did you know what was meant by "unauthorized persons"?

Captain MARTIN. Well, there were so many people down there. The press, TV, radio. Of course, all had been checked before they came in. I don't know.

Mr. HUBERT. Did you receive any specific instructions, yourself, as to checking?

Captain MARTIN. I didn't receive any instructions at all.

Mr. HUBERT. Did you know, or was there anything told to you whereby you could recognize an unauthorized person?

Captain MARTIN. Nothing was said. Of course, if I'd had seen Jack Ruby, I'd have known him. I've known him for a long time.

Mr. HUBERT. Did any of the people have identifying badges or anything of that sort?

Captain MARTIN. No; so far as I know, they didn't. In fact, there was nothing—there was nothing said about who was to be down there and who wasn't. There was nothing said about anything—I didn't know anything about it.

Mr. HUBERT. Well, when did you come on duty that day, sir?

Captain MARTIN. That morning, it was my Sunday to work, 8:15.

Mr. HUBERT. Now, did you have anything to do with the planning of the movement of Oswald?

Captain MARTIN. No.

Mr. HUBERT. Did you have any knowledge as to what the plan was?

Captain MARTIN. I knew nothing. I just went down there. That's about it.

Mr. HUBERT. Were you ordered to go down?

Captain MARTIN. Yes.

Mr. HUBERT. By whom?

Captain MARTIN. Chief Stevenson.

Mr. HUBERT. About what time, sir?

Captain MARTIN. Oh, I would say between 10:30 and 10:45, somewhere around there.

Mr. HUBERT. Chief Stevenson is your immediate superior?

Captain MARTIN. Yes.

Mr. HUBERT. What did he instruct you to do?

Captain MARTIN. Just to go to the basement is all.

Mr. HUBERT. Did he give you any specific duty to perform?

Captain MARTIN. No.

Mr. HUBERT. When you got there, what time was it?

Captain MARTIN. I don't recall. It was a few minutes before 11, I believe.

Mr. HUBERT. What did you do?

Captain MARTIN. Well, I just got out there by the ramp and just stood there.

Mr. HUBERT. How long did you stand before the actual shooting of Oswald?

Captain MARTIN. I imagine I was down there 20 or 25 minutes.

Mr. HUBERT. I'm going to mark a chart. A chart of the basement area, as follows, to wit: "Dallas, Texas, March 24, Exhibit 5060, deposition of Capt. F. M. Martin." Signing it with my own name. Now, I would like to ask you, Captain, if you could sign the other three documents just below my name, that is to say, 5058 and 5059. Please initial a second page of 5058, below my initial and then sign 5059. I will ask you to sign for the purposes of identification under my name the document 5060. Now, Captain, it may be that you will want to look at this mockup here of the basement area, and then we will enter it on the map, but if you could show us where you stood on the mockup here, from the time you got down there at about 11, I think, until Oswald was shot, and you say you did not move around?

Captain MARTIN. I wasn't in one spot all this time, but when he came out, of course, there was a car sitting right—I guess the back end of the car was coming to about here [indicating].

Mr. HUBERT. All right, now, you are showing the back end of the car, and I am going to, with a pen draw in on Exhibit 5060, the approximate position of the back end of the car as you demonstrated it.

Captain MARTIN. Be about right there [indicating]. No; not that far. About right here.

Mr. HUBERT. About like so?

Captain MARTIN. Uh-huh.

Mr. HUBERT. Now, I have drawn on the map a rough image of a car, by using simply a square, and I have marked it "car". Now, would you take the pen, sir, and—your own pen, and mark by the use of a circle your position with reference to the car at the time of the shooting. Now, let's get that.

Captain MARTIN. I was about right here [indicating].

Mr. HUBERT. Now, would you just write in your own handwriting there, "The position of F. M. Martin at the time of the shooting." Now, Captain, you think you—you said you had been in that general basement area for about 20 minutes prior to the shooting?

Captain MARTIN. I would say that. I don't know for sure.

Mr. HUBERT. Did you see anybody you knew?

Captain MARTIN. Well, most of the press I knew. No one outside of the press that I knew.

Mr. HUBERT. You did know Jack Ruby, I understand?

Captain MARTIN. Yes; I knew Jack.

Mr. HUBERT. And I think, that is already in report?

Captain MARTIN. Yes; it is in here.

Mr. HUBERT. Did you see him?

Captain MARTIN. Not until after the shooting.

Mr. HUBERT. Were you looking at any time in the direction where you subsequently learned or believed he came from?

Captain MARTIN. No; not directly. Of course—Where is your map? I couldn't have seen him from—if I would have been, because there were people all along here [indicating].

Mr. HUBERT. That is to say, to your right, is that right?

Captain MARTIN. Yes; across here [indicating]. And all up in here [indicating].

Mr. HUBERT. There were people between—on your right, between you and—

Captain MARTIN. And—

Mr. HUBERT. And the Main Street ramp?

Captain MARTIN. Right.

Mr. HUBERT. How many people were there in that general area?

Captain MARTIN. I just would have to make an estimate.

Mr. HUBERT. That's right.

Captain MARTIN. I would say between me and where he was, there was 8 or 10 people.

Mr. HUBERT. I'm going to mark off an area in the Main Street ramp by just drawing with a pencil a square, and putting, "Area A," in it and I will ask you if you can tell us in the "Area A," marked on this map, what were the conditions with respect to the number of people and so forth. Not exactly. I know you didn't count heads, but just how crowded were the conditions?

Captain MARTIN. As well as I can remember there weren't too many people up in that—up that far. There were 2 or 3 cars parked in the ramp there.

Mr. HUBERT. You mean in the Main Street ramp?

Captain MARTIN. Now, wait a minute. You have got Main Street—

Mr. HUBERT. I marked this as "Area A," on Main Street?

Captain MARTIN. No, no; across this ramp there, there was quite a number of people.

Mr. HUBERT. That is in the space I have marked "Area A"?

Captain MARTIN. Yes.

Mr. HUBERT. Roughly how many people?

Captain MARTIN. Oh, I'd say 15 or 20.

Mr. HUBERT. Were they standing shoulder to shoulder?

Captain MARTIN. Yes; more or less.

Mr. HUBERT. How many ranks deep would you think?

Captain MARTIN. I don't know.

Mr. HUBERT. Well, would you regard it as a crowd?

Captain MARTIN. Yes; I would. Mostly the press. There were some officers in that area also.

Mr. HUBERT. I think this Officer Harrison was—

Captain MARTIN. Yes.

Mr. HUBERT. Did you see him?

Captain MARTIN. Yes, yes; he—he is one of my men. He was standing, oh, just about at the edge of the ramp there.

Mr. HUBERT. Would you mark on the map by the use of a circle where you think Harrison was at the time?

Captain MARTIN. Harrison was about right here [indicating].

Mr. HUBERT. That is at the time of the shooting?

Captain MARTIN. Yes; uh-huh.

Mr. HUBERT. Would you just extend this with a little line and then write out, "Position of"—what are his initials? W. J.?

Captain MARTIN. W. J.

Mr. HUBERT. Now, Captain Martin, let me see if I can get something clear. Was Detective Harrison in front of Oswald, or to one or the other sides of him?

Captain MARTIN. This happened so fast it is really hard to tell.

Of course, Oswald and the two officers came out this door.

Mr. HUBERT. That is the jail door?

Captain MARTIN. Yes.

Mr. HUBERT. When they got just about, oh, 2 or 3 feet from Harrison, there

was a movement over here [indicating]. I couldn't tell what it was. I could tell there was a movement.

Mr. HUBERT. By "over here," you mean——

Captain MARTIN. On the ramp.

Mr. HUBERT. What side of the ramp? The basement—the garage?

Captain MARTIN. The garage. The garage side. Evidently Ruby was standing right here [indicating].

Mr. HUBERT. Now, when you say "here," you'd better put a mark and put a little arrow to it, your best recollection as to where Ruby must have been. You didn't see Ruby?

Captain MARTIN. No, no; this is just supposition. He had to be right in here somewhere.

Mr. HUBERT. In other words, just put a mark and a line and indicate where he was.

Captain MARTIN. I didn't see him, but he had to be right there [indicating]. There is no question about that.

Mr. HUBERT. You did see someone come from that position?

Captain MARTIN. It was a movement. I didn't see anybody, but there was a movement in there that I could detect, and then the shot was fired.

Mr. HUBERT. What did you write here?

Captain MARTIN. "Ruby before the shooting." Or, "immediately before."

Mr. HUBERT. All right, just tell us what you observed?

Captain MARTIN. Well, as soon as the shot was fired, of course, it dumbfounded me, and I tried to get through the people there on my right, to get over there to it, and there was a lot of confusion in there, and I had trouble getting through the press, and when I did get through they had already taken Ruby into the jail office and Oswald was also in the jail office. Ruby was down on the floor just inside the jail, and Oswald was lying on the north side of the jail office.

Mr. HUBERT. Well, now, when Oswald first came out of the jail office with Graves and Leavelle, were you looking at him?

Captain MARTIN. I saw him come out. Now, whether it was—it was shortly after they come out—I saw him after the shot was fired.

Mr. HUBERT. You were looking towards him?

Captain MARTIN. Yes; I thought they were coming all around me and go up by me and go up to the armored car, that is what I had in mind.

Mr. HUBERT. You were not aware that the plans had been changed so that they—he was going to be taken in a police car, rather than in the armored car?

Captain MARTIN. No; I didn't know anything about it.

Mr. HUBERT. But, did you know anything about the route that was going to be used?

Captain MARTIN. No, as far as I knew, they were going to put him in the armored truck. That is the reason I was standing there, because I figured they would come right back there and I could go up there with them, but they didn't ever make it.

Mr. HUBERT. Did you observe what other officers were doing, or in what direction they were looking about the time that Oswald came out?

Captain MARTIN. No; I didn't personally observe it, except on TV later. At the time I didn't notice them.

Mr. HUBERT. In other words, at the time that Oswald came out, you were looking where—you were looking towards Oswald, and if I understand it, you are not in a position to tell us now what other people were doing except what you saw later on television, is that right?

Captain MARTIN. That's right.

Mr. HUBERT. Well, now do you have any comment about what you saw on—later on television?

Captain MARTIN. Well, it seems that all the officers were watching Oswald when they should have been watching the crowd.

Mr. HUBERT. But, that impression you formed by looking at the television coverage of it?

Captain MARTIN. Yes.

Mr. HUBERT. And, you did not form that impression at the time the shot was fired?

Captain MARTIN. No; I hadn't noticed them then. In fact, I was over where I couldn't see them.

Mr. HUBERT. When was the first time that you did recognize Ruby as the man who shot Oswald?

Captain MARTIN. When I went in the jail office.

Mr. HUBERT. You didn't know it until then?

Captain MARTIN. No; I saw him on the floor. Then I heard somebody say it was Jack Ruby, and I went in there and saw him.

Mr. HUBERT. Did he say anything to you?

Captain MARTIN. No.

Mr. HUBERT. Did you hear him say anything at all?

Captain MARTIN. There was so much going on, I don't know whether he said anything or not. First thing I heard was somebody said, "He has been shot." And then there was confusion. I don't know who said that.

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

Captain MARTIN. No, no.

Mr. HUBERT. Now, Captain Martin, is there anything else you would like to say concerning any aspect of this matter at all?

Captain MARTIN. I—don't take this down.

Mr. HUBERT. Well, if you don't want to say it on the record, you'd better not say it at all.

Captain MARTIN. There is a lot to be said, but probably be better if I don't say it.

Mr. HUBERT. Well, I don't know what you mean by—

Captain MARTIN. Well—

Mr. HUBERT. That it would be better. What we are seeking to find out is the facts on it.

Captain MARTIN. I understand.

Mr. HUBERT. If what you have to say is more or less a matter of opinion, that is one thing. I don't want to ask you to express your opinion, but any facts you know that you think might bear upon this matter, I would ask that you state those facts.

Captain MARTIN. Well, there is not but one thing that I could say about the whole business. Of course, we are not experienced in handling this sort of a prisoner. I don't guess anybody is, as far as that goes, but the way I saw it, there was no organization at all. I didn't know who was in charge or anything about it. I don't guess anybody—either people should have been told something—what to do and what to expect. We weren't—

Mr. HUBERT. All right, sir. Have you any other facts that you think have any bearing upon—

Captain MARTIN. No, no; I don't think so. I think it is more or less in that report there [indicating].

Mr. HUBERT. That is to say, you are talking about the documents you have identified?

Captain MARTIN. Yes.

Mr. HUBERT. Now, other than the interview that I had with you this morning, have you been interviewed by any member of the Commission staff?

Captain MARTIN. No, no.

Mr. HUBERT. Now, but I did interview you this morning just prior to lunch, I think at which time we arranged for you to come to have your deposition taken.

Captain MARTIN. Yes.

Mr. HUBERT. Do you perceive at the present time any inconsistency between the interview with me this morning and your testimony in the deposition this afternoon?

Captain MARTIN. No, no. It is about the same.

Mr. HUBERT. Did you state anything, or provide any material, state any facts in the course of the interview this morning which has not been developed in the record this afternoon?

Captain MARTIN. I don't recall anything. If there is any you can think of, you can ask me and I will bring it out, but I don't recall a thing.

Mr. HUBERT. No, sir; I don't. I am just obliged to ask these questions to wrap it up.

Captain MARTIN. Uh-huh.

Mr. HUBERT. We certainly thank you, Captain Martin, and I thank you personally and on behalf of the Commission for your cooperation in this matter. If at any time, if you know that there are some other facts that you may have overlooked, please feel completely free to get in touch with us so that we may find out what that fact may be. In other words, it is never too late to reveal a fact which has been omitted as a lapse of memory.

Captain MARTIN. I don't know of a thing right now.

Mr. HUBERT. Thank you very much.

TESTIMONY OF BILLY JOE MAXEY

The testimony of Billy Joe Maxey was taken at 9:30 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—is that Billy Joe Maxey? It is not William?

Sergeant MAXEY. No, sir.

Mr. HUBERT. Billy Joe Maxey?

Sergeant MAXEY. Yes, sir.

Mr. HUBERT. My name is Leon D. Hubert. I am a member of the advisory staff of the general counsel, Mr. J. Lee Rankin, on the President's Commission on the Assassination of President Kennedy. Under the provisions of the Executive Order 11130, dated November 29, 1963, a joint resolution of Congress No. 137, and the rules and procedures adopted by the Commission in conformance with the Executive order and the joint resolution, I have been authorized to take a sworn deposition from you, Mr. Maxey. 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 H. Oswald. In particular as to you, Mr. Maxey, the nature of the inquiry today is to determine the facts you know about the death of Oswald and any other pertinent facts you may know about the general inquiry. Mr. Maxey, you appeared here by virtue of a general request made by J. Lee Rankin, general counsel of the Staff of the President's Commission, and under the rules adopted by the Commission for the taking of these depositions, you are entitled to a 3-day written notice prior to the taking of the deposition. But the rules also provide that a witness may waive this. I now ask if you are willing to waive it?

Sergeant MAXEY. Yes, sir.

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?

Sergeant MAXEY. I do.

Mr. HUBERT. Please state your full name.

Sergeant MAXEY. Billy Joe Maxey.

Mr. HUBERT. And your age?

Sergeant MAXEY. Thirty-three.

Mr. HUBERT. Where do you reside, sir?

Sergeant MAXEY. 8912 Freeport Drive.

Mr. HUBERT. That in Dallas?

Sergeant MAXEY. Yes, sir.

Mr. HUBERT. What is your occupation?

Sergeant MAXEY. Field sergeant, Dallas Police Department.

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

Sergeant MAXEY. Nine years, and approximately a half. Since September 20th, 1954.

Mr. HUBERT. What is your assignment today?

Sergeant MAXEY. Field sergeant, patrol division.