

Mr. JENNER. By the way, Mr. Brooks, you have a right to read over your deposition if you so desire. And you have a right to sign it if you so desire. And you also have a right to waive that if you wish. It is your choice, one way or the other. If you desire to read it and sign it—

Mr. BROOKS. Did you want me to sign it?

Mr. JENNER. Well, as a matter of fact, it would be more convenient for us to have the reporter certify the accuracy in transcribing and just send it to Washington so we don't have to go to the trouble of calling you in and asking you to read it, but it is your option.

Mr. BROOKS. No; if you don't want me to, I won't.

Mr. JENNER. I would just as soon be relieved of it, but I don't want to press you on it.

Mr. BROOKS. To the best of my knowledge, that is all I remember. I could have been confused about some issues, but I don't think so.

Mr. JENNER. As far as you are concerned, you waive the signing of the deposition?

Mr. BROOKS. Yes.

Mr. JENNER. If you think of anything hereafter, there will be members of the legal staff here next week, and if they are not, call Barefoot Sanders and he will relay the information to us. Thanks for coming over. We appreciate it.

TESTIMONY OF IRVING STATMAN

The testimony of Irving Statman was taken at 4:20 p.m., on April 1, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Albert E. Jenner, Jr., assistant counsel of the President's Commission. Robert T. Davis, assistant attorney general of Texas, was present.

Mr. JENNER. Mr. Statman, would you rise and be sworn, please?

Do you solemnly swear that in the deposition you are about to give, you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. STATMAN. I do.

Mr. JENNER. I'm Albert E. Jenner, Jr., of the legal staff of the Warren Commission. The Commission was authorized by Senate Joint Resolution to provide a body to investigate the assassination of our late President, John Fitzgerald Kennedy, and pursuant to that legislation, the President, Lyndon B. Johnson, appointed the Commission under Executive Order 11130, and we of the staff are enjoined by the Commission and the Commission itself to inquire into all the circumstances, especially that we find pertinent data, regarding Lee Harvey Oswald, to investigate his life and a good many people, you included, either in an official capacity or friends with other people who touched his life in some fashion or other.

Your employment is what?

Mr. STATMAN. The assistant district director of the Dallas district of the Texas Employment Commission.

Mr. JENNER. And just tell us generally what your duties are in that respect?

Mr. STATMAN. Well, we have the unemployment compensation of this and the placement office, and research and statistical branch, and an office in Garland and in Grand Prairie. They are separate entities and it is my duty to assist the district director in any functions there are, and to assist in any problems that there are in any of the offices.

Mr. JENNER. Is there any office of the Commission in Fort Worth?

Mr. STATMAN. Yes. We are the Dallas district. Now, also, he was registered in the Fort Worth district too.

Mr. JENNER. He was?

Mr. STATMAN. Yes; but our connection with him was in actually three capacities—number one, as an applicant for a job, and as an applicant for a job, we had him counseled. In other words, if there are any reasons to believe that

employment might be difficult for a person to obtain due to, maybe inexperience or due to change in occupation or some problem, we have a counseling setup that will counsel this person to the point where we feel we can help place him.

In other words, now, we are not equipped to give him psychological counseling or give him home therapy. Our job is placement counseling and we are trying to counsel them to the point where we can facilitate placing him onto a job and counseling duties then are through.

He was also referred to the counselor due to some apparent counseling needs, and he also filed a claim for unemployment insurance, so those are the three areas that he touched in the Dallas district.

Mr. JENNER. You learned of those three areas—his touching those areas from books, records and documents of the Commission?

Mr. STATMAN. Well, that's true. When this FBI man came in, and I can't think of his name—I've got his card, but I probably cleaned my nails with it, but anyway, he came in and asked for a copy of, or the actual documents, and we told him that we had a certain amount of documents here and there were others in Austin, due to that interstate claim situation, and so we gave him all of our records, and also he contacted an FBI agent in Austin, and our Austin State office gave him some records.

Now, in preparing these records, then, I saw the documents that we had on him. Now, what I have with me here is a copy of his application card.

Mr. JENNER. Could I describe that on the record first?

Mr. STATMAN. Yes; I think it is an E-13, let me make sure what this number is, and—it is his application card.

Mr. JENNER. Excuse me, sir, Mr. Statman has handed me a form entitled—what?

Mr. STATMAN. It's an E-13—it's an E-13 application.

Mr. JENNER. Now, you have handed me two sheets.

Mr. STATMAN. Now, this represents the front.

Mr. JENNER. The top sheet I have is the front of the card and the second sheet is the inside or reverse side?

Mr. STATMAN. No; the inside—this is a folded affair and, let me me fold it for you properly. In other words, this is the way the card would look.

Mr. JENNER. It's a foldover card.

Mr. STATMAN. Right—like this. Now, this is an exact replica.

Mr. JENNER. It is letter size when opened fully, and it is folded in half.

The bottom of the top sheet reads, "Application card E-13" (1261) and for purposes of identification of the record what would be the back of the card when folded, but which is the top of the sheet as I hold it in my hand, it reads, "Describe your longest and most important jobs, including Military Service, beginning with your most recent job."

The second sheet which would form the reverse side of the card, portions of which I have read and which in turn would be the inside of the card when folded, has no form number on it, but it reads at the top, "Do not write below this line," and then in the next line in printing, "Conditions affecting employment," in the left-hand side, and "Handicap description," on the right-hand side.

Mr. STATMAN. Do you want me to interpret on that?

Mr. JENNER. Yes; I do. [The Exhibit is Cunningham Exhibit No. 1.] Now, this card—I will turn it now back to the front or top of the folded card. Will you state for the record what this is and does it relate to Lee Oswald, first?

Mr. STATMAN. This is his application card.

Mr. JENNER. Now, folding it in half, so that I understand it, as folded in half—what now is facing us with the form number at the bottom, would be top of the folded card. [The original card, of which Cunningham Exhibit No. 1 is a copy, is in evidence as Cunningham Exhibit No. 1-A.]

Mr. STATMAN. Right.

Mr. JENNER. That means that Lee Oswald had a contact with the Texas Employment Commission and this is a record made.

Mr. STATMAN. On 10-9-62. This card indicates that he came in.

Mr. JENNER. That he came in on the 9th of October 1962?

Mr. STATMAN. That was his first contact with us.

Mr. JENNER. And what is done, then, in the normal course of this sort of thing, when an applicant comes in for the first time?

Mr. STATMAN. The first is—this card is filled out, and the number one thing is to get the pertinent facts, and do you want me to give what we have on him?

Mr. JENNER. Yes.

Mr. STATMAN. We have his name and his address.

Mr. JENNER. And what address is that?

Mr. STATMAN. 2515 West Fifth Street, Irving, Tex., and a telephone number that indicates an Irving number—BL-3-1628, social security number was given—433-54-3937. Now, under this is his military service to ascertain if he is a veteran, because veterans get preference. In other words, I don't know if you need to know that, but that pink card indicates a veteran, and by law we are to give veterans preference, and the information here is to again ascertain if he is to get veterans preference. In this he listed the entry of his service date—10-23-56, and he was released from active service 9-11-59.

Then, underneath—another category, "If needed for work, do you have—" and it indicates "License, trucks, uniforms, car, tools," and he stated that he had none of these. In other words, some companies before they will hire you, like a mechanic has to have his own tools and some don't.

Mr. JENNER. He answered he had none of those; is that correct?

Mr. STATMAN. Yes—none. Now, he gave his educational background—do you want to go into that?

Mr. JENNER. Yes.

Mr. STATMAN. He stated that he went to Arlington Heights, Fort Worth, 2 years, 5/56 and in that—

Mr. JENNER. What is 5/56?

Mr. STATMAN. Apparently, that is when he left school—I don't know—I'm guessing at that.

Mr. JENNER. But that card does indicate that he told the interviewing official of the Commission that he attended Arlington Heights High School in Fort Worth for 2 years, terminating in May 1956.

Mr. STATMAN. I think you can figure out, if that would be the start—let me see—in 1956, how old would he have been—he would have been 17 years old, so it seems more plausible that he left in 1956 than he started, wouldn't it to you?

Mr. JENNER. Yes.

Mr. STATMAN. All right. He indicated courses that he took—2 years English, 1 year general math, 1 year algebra, 1 year general science.

Now, he indicates he has gotten a high school equivalency. That could have been obtained either through taking a G.E.D.—

Mr. JENNER. What is that?

Mr. STATMAN. General education—something—anyway, you can take a test here and they will give you what is know as a high school equivalency, or he might have obtained that in the Army or in the Marine Corps, but this is tantamount to having a high school education without completing the 4 years.

Mr. JENNER. But indicating he did not complete 4 years?

Mr. STATMAN. Not 4 years formal education. He is, as the name indicates, it is an equivalent—it's a certification that the man has an equivalency of a high school education.

Mr. JENNER. All right.

Mr. STATMAN. Then, he had 2½ months of electronic fundamentals, 2½ months radar operator.

Mr. JENNER. Does he have some dates?

Mr. STATMAN. That's 1957—that was prior to when he was in the Marine Corps. Now, I can't tell you whether those dates run concurrently or not.

He might have had a training first and then the radar operation next.

Mr. JENNER. By the way, in whose handwriting or hand printing is that document?

Mr. STATMAN. I can't be sure—some of these are self applicants. In other words, they take it themselves, and others are prepared by the interviewer. Now, this Don Brooks could tell you. Here is his signature.

Mr. JENNER. Here is whose signature?

Mr. STATMAN. Lee Harvey Oswald's. This is on a different document.

Mr. JENNER. We will get to that in a minute.

Mr. STATMAN. I would guess that Don Brooks did this, because it is fairly consistent, I mean, you don't see a change of handwriting. Usually the applicant, if he is making the application will show a different handwriting.

Mr. JENNER. Is Mr. Don Brooks still employed by the Commission?

Mr. STATMAN. Yes. Usually, if the applicant makes the application and the interviewer completes it, you can see a change in the handwritings and you don't here. Again, I am guessing that this was prepared by Don Brooks.

Now, up on the top is identifying information.

Mr. JENNER. Now, this is up on top of the exhibit as folded in half?

Mr. STATMAN. Yes, adjacent to the identifying information—there is a block—marital status, widow, single, and divorced, and he has checked "Marital status." Underneath that is a block for number of dependents, and he has indicated that he has two dependents.

Mr. JENNER. That would indicate a wife and child?

Mr. STATMAN. Not necessarily—it would just indicate he has two dependents. I couldn't say he had a wife and child—knowing a little bit about him you could say that.

Birthday 10-15-39.

Mr. JENNER. Is that 10-15 or 10-18-39?

Mr. STATMAN. I'm sorry, you are right, it is 10-18-39. Height 5 feet 9 inches, weight, 150 pounds, education—he has listed high school with an asterisk, and the asterisk indicates he has a high school equivalent as opposed to 4 years formal education.

Now, in the block showing his test results, which refer to this general aptitude test battery and which I have a document on that, and if you want to wait, we will come to that later.

Mr. JENNER. I do want to go into it and we will hold that off.

Mr. STATMAN. That indicates—no, let's do go into this. In the general aptitude battery—you have certain cutoff scores, and these scores indicate a propensity or an aptitude in the certain occupational areas, which are totaled by numbers.

Now, the aptitudes that he has proficiency in or propensity in has been indicated in the test results.

Mr. JENNER. And those in turn you will discuss in connection with another document?

Mr. STATMAN. Well, you've got Helen Cunningham, who is a counselor and she can give you a lot better information on that.

Mr. JENNER. All right.

Mr. STATMAN. Now, on the front in the date column—we do not always indicate when an individual is in, only when we see his card might become inactive, we will put it, so this doesn't necessarily mean that these are the only times he has been in, but this does indicate, as we previously stated, that he originally came in 10-9-62, he was in on 10-10-62, and he was in on 4-8-63, he was in on 4-12-63, he was in on 10-3-63. This R.I. indicates a reinterview. That means that he has been previously registered and we are reinterviewing him to bring his card up to date.

Mr. JENNER. And the R.I. appears to the left of the entry—October 8, 1963; correct?

Mr. STATMAN. Yes, sir.

Now, there is just one more bit of information on this. Is your wife employed—and he indicated "no".

Now, we are turning this document on the back.

Mr. JENNER. That is—it would be the back when folded?

Mr. STATMAN. Right. Now, this is the information on the back—this is the job history, the chronological job history, including military service, and we are starting chronologically backwards, with the latest job first.

On this is indicated that he worked for Leslie Welding Co., length of job—4 months; date ended—10/62; rate of pay, \$1.25; the duties—he has sheet metal works, and I think it says, "Made ventilators and cut sheet metal."

Mr. JENNER. That's correct.

Mr. STATMAN. Okay. The next job chronologically was [reading] the William B. Rilly Co. Do you want that address?

Mr. JENNER. If you please.

Mr. STATMAN (reading). 640 Magazine Street, New Orleans, La. This Rilly is R-i-l-l-y (spelling), William B. Rilly, and this was typographical and that was the nature of the business; length of job—4 months; date ended—7/63; rate of pay—\$1.50.

As far as job descriptions, he just said "Photography."

Now, the reason for leaving on both of these jobs was, "laid off."

Then, he gives the U.S. Marine Corps, radar—April—2 years—1959. That was his discharge.

Then, also, we have a summary of other work history. But this is a work history that might be pertinent, but he hasn't spent too much time on.

Let's go back up on the fold, under "identifying information," and there is an occupational title and a code. The occupational title listed, "Routine clerical work." The code is 1X49.

This "X" indicates that he has not had any experience, and this type of work is an entry work. In other words, it is work that he might be interested in and proficient in if he could get training in it. In other words, they deemed that he was not really qualified for anything, and when you have somebody without any apparent qualifications you try to determine some sort of entry job.

Mr. JENNER. Therefore, I conclude—do I correctly—that from this, the interviewer concluded this man had no particular skills or qualifications.

Mr. STATMAN. No; this interviewer ascertained that this individual did not have a definitive type occupation, so he was sent to the counselor and after the counselor counseled and tested Oswald, then it was ascertained that this area of work would probably be the most conducive for him.

You see, that's why he was sent to the counselor, because the interviewer could not make a definitive description or a judgment on his work. That's where our counselor comes in.

Now, we are on the back. Under "miscellaneous" we had—shoe salesman, 4 months, New Orleans, La.; general office work—1 year, New Orleans, La., 1961.

That concludes the information on the back.

Mr. JENNER. Now, we turn to the inside.

Mr. STATMAN. Right. On the inside are his "conditions affecting employment?" That would be anything that in any way could, as the statement says, affect employment adversely or benignly. On this is first listed, "Bus transportation." It indicates that if a job required a car, he couldn't go.

Mr. JENNER. Now, I am interested in that—that is a normal inquiry made, is it, of persons seeking employment?

Mr. STATMAN. Yes; because there are certain geographical areas in Dallas that are not accessible by bus transportation, so when we get an order in this area we know that the applicant has to have his own transportation or he wouldn't be readily available for the job.

Mr. JENNER. Does it mean not only that he does not have an automobile to drive, but that he is unable to drive one, even if one is furnished?

Mr. STATMAN. No.

Mr. JENNER. It means only that he does not have that type of transportation available?

Mr. STATMAN. No; this bus transportation means only that in the event that he would get a job, he would have to get to the job by bus transportation.

Mr. JENNER. All right.

Mr. STATMAN. There is no indication that he can't get a car at a later date?

Mr. JENNER. There is no indication by that in what I am interested, of whether he is able or not able to drive an automobile.

Mr. STATMAN. No; it just describes the motor transportation that he would have to employ in commuting to his work.

Now, the next remark is "Outstanding verbal and clerical work." Now, that was taken off of the G.A.T.B., which we will get into in a minute.

In other words, it indicated that he had a great aptitude for vocabulary and also for clerical type work. This is ascertained off of his tests.

Mr. JENNER. All right.

Mr. STATMAN. The next is "financial position necessitates immediate employment."

In other words, that would indicate that even though he might be qualified for a certain level of work, financially exigencies would force him into taking the first thing that came along.

Mr. JENNER. The important thing then was to get a job right away?

Mr. STATMAN. Right.

Mr. JENNER. And after he has gotten it, he might be able to entertain getting some other job?

Mr. STATMAN. Right—in other words, I might be a civil engineer, but I've just come into town and I will wash dishes until I can get enough money to get my immediate needs taken care of so I can hunt for a job.

Underneath here, "Brother, junior executive, Acme Brick Co.; brother—Staff Sergeant, Air Force," and the initials of the interviewer that talked to him—it is 10-10-62 and it has H.P.C., which is Helen P. Cunningham.

Mr. JENNER. That is the lady I am about to interview?

Mr. STATMAN. That's right. Now, as I say, this document was prepared by two people, by Don Brooks, acting as the initial application taker, and by Helen Cunningham in her capacity as a counselor.

"Applicant's characteristics," this is just a word picture of the interviewer's or counselor's idea on this applicant. We use that in order to, when we are looking through to call in somebody for jobs, you can kind get an idea of what impression they have made on our personnel. Now, their impression was "well groomed and business suit"—something.

Mr. JENNER. I think it reads, "Well groomed and spoken, business suit, alert replies—expressed self extremely well."

Mr. STATMAN. Right.

Mr. JENNER. In whose handwriting is that?

Mr. STATMAN. Well, I don't know; it's either Don Brook's or Helen Cunningham's, so Helen can verify that. Now, the lower half of this inside card indicates any placement action we have taken with this person.

Mr. JENNER. All right.

Mr. STATMAN. Now, we referred him on 10/10 to Harrel Huntington—I can't read this.

Mr. JENNER. Let me give it a try—H-a-r-r-e-l [spelling] and H-a-r-r-i-n-g-t-o-n [spelling].

Mr. STATMAN. You are better at that; you must have had hieroglyphics in school. The job was a messenger job.

Mr. JENNER. Yes; it looks like they are architects—that Harrel and Harrington—it looks like Exchange "Exch"; is that correct?

Mr. STATMAN. That's probably where the job was—at Exchange Park, the job was messenger at \$1.50 an hour, and no indication of what disposition was made. They should have posted probably "not hired" in there and then they called him in about a job for Dallas Transit as messenger and no referral was offered.

Mr. JENNER. What does that mean?

Mr. STATMAN. That means that after he got there, either the job was filled or they decided that maybe he wasn't qualified for it.

Mr. JENNER. What is the date of that?

Mr. STATMAN. He was called in 10-26-62 by telephone message, so apparently they talked to him on the phone and decided not to refer him. Then a call-in card was sent to him—this was a message card by mail 5-3-63.

Mr. JENNER. That would be May 3, 1963?

Mr. STATMAN. Yes. Now, he didn't respond to this, so we issued an E-19, which inactivated his card. In other words, after 3 working days, if he doesn't respond, we deem this person not available. Then, a telephone message on 10-7-63 was sent and then on 10-8-63 he was referred to Solid State Electronics.

Mr. JENNER. Does it indicate the kind of job?

Mr. STATMAN. Yes; as a sales clerk and it paid \$350 a month and he was not hired. On 10-9-63 he was referred to Burton-Dixie as a clerk trainee at \$1.25 an hour. He was not hired. On 10-15 he was called on the phone and referred direct on the same day to Trans-Texas as a cargo handler, and he

did not report. In other words, he just didn't show up, and then they have a notation here that looks like—it says, "Working 10-16 R.L.A." In other words, Robert Adams in some manner of fashion—

Mr. JENNER. Ascertained that he was working?

Mr. STATMAN. Ascertained or received word that he was working. Now, our next document—let's take the easiest one—E-40(A) (961), which is the test record card, and that indicates the different types of tests we give.

Mr. JENNER. Is that on a 2-sided card?

Mr. STATMAN. Yes, sir.

Mr. JENNER. It does not fold?

Mr. STATMAN. Yes, sir: I'm sorry; it's like this.

Mr. JENNER. It is 2-sided but just one sheet?

Mr. STATMAN. Right, and then on the front is also the individual—

Mr. JENNER. It is half the size of a letter-size sheet of paper?

Mr. STATMAN. Right; it is the information on the individual aptitude profile.

Mr. JENNER. All right, may I identify it a little further for the record? It is marked as Cunningham Exhibit No. 2. [The original of Cunningham Exhibit No. 2 is in evidence as Cunningham Exhibit No. 2-A.]

Mr. STATMAN. Yes; start it this way [indicating].

Mr. JENNER. All right. Looking at the face of the card at the top there is a blank for "name," which is not filled in. At the bottom of the card, an aptitude score appears the figures sequentially: 109, 127, 99, 97, 117, 120, 97, 116, 127.

Mr. STATMAN. Those indicate his scores in his tests.

Mr. JENNER. On the face of the card appears in bold face caps "Individual aptitude profile."

Mr. STATMAN. Okay. Now, again, as I say, a complete battery of tests is given to make up this G.A.T.B., which stands for General Aptitude Test Batteries.

Now, certain parts of these tests when converted, give you scores in general intelligence, verbal, numbers, special conception, perception, clerical, motor coordination, finger dexterity, and manual dexterity.

Now, by a combination of some of these parts of tests, it will give you an occupational aptitude in certain areas, which are numbered and circled.

Now, these occupational aptitudes or proficiencies are circled, and these are used—

Mr. JENNER. The ones that are circled are what?

Mr. STATMAN. Are the ones he has some proficiency in. In other words, "2" means he had some writing ability. Now, I'm not that conversant with these cards.

Mr. JENNER. Will Mrs. Cunningham know that?

Mr. STATMAN. She will know and she can tell you, and also he has taken some other tests—a B-400 and a B-49.

Mr. JENNER. What are those?

Mr. STATMAN. I think they are clerical; you better ask her for sure. I'm fairly sure they are clerical. Now, that's all this is.

Mr. JENNER. What is that bottom line there that I read before?

Mr. STATMAN. Those are the scores he made in these different parts.

Mr. JENNER. I see.

Mr. STATMAN. In other words, you see, he made 109 in general intelligence, 127 in verbal; you remember she indicated he did good on verbal and you remember she did indicate that he did good on clerical.

Now, they have a cut-off sheet with certain numbers and you run this down, let's say, in order to be good in occupational pattern "2," you have to have 100 on your G, and 100 on your P, and 100 on your F, which he did.

Let's say, to be good—he missed five. Let's say you have to have a 100, 100, and 100. He only has 99 on this and 97 on this, so he wouldn't pass this pattern. So, actually, the different cut-off scores would indicate which patterns you pass, and the patterns you pass indicate an aptitude or propensity in certain occupational patterns.

Mr. JENNER. Mrs. Cunningham will be able to give us that?

Mr. STATMAN. Yes; I have been away from this a while, but they go into automobile mechanics and maybe clerical, and the first one is literary, art, design, and so forth and so on. As you go down, it takes less proficiency or less mental acuity to pass a test.

Mr. JENNER. While I am thinking about it, who is in charge of the Fort Worth office. I can call on there tomorrow?

Mr. STATMAN. Krizan, he is the District Director, K-r-i-z-a-n [spelling]. That is his last name. Wayland is his first name. Now we might have the same thing in Fort Worth that we are doing here. I think we had some dealings with him in Fort Worth.

Now, along with this should be his counseling card, which would indicate the type of counseling and any responses. I can't find that; I don't know—I know the FBI man has it. We might not have made a picture of it or it might have gotten lost, but again, Helen remembers enough about it to give you the pertinent details of it. Ask her about the E-41 or the counseling card. All right, now, here is where it gets a little complicated.

Mr. JENNER. Now, we are going to a third document?

Mr. STATMAN. The third document is——

Mr. JENNER. Is that a card also?

Mr. STATMAN. Yes; this a card.

Mr. JENNER. It is a folded card?

Mr. STATMAN. Yes; it folds.

Mr. JENNER. It is a letter-size sheet. It is marked Cunningham Exhibit No. 3. Would you put the two sheets in the position they would be in with the card? [The original card, of which Cunningham Exhibit No. 3 is a copy, is in evidence as Cunningham Exhibit No. 3-A.]

Mr. STATMAN. I'm trying to. This isn't one of our normal documents, as I said, this is an interstate document. You know, there is a different address on the test-record card than on the application card and you may want to bring that out.

Mr. JENNER. I do want to bring that out; the address on the aptitude test card, I see, is 3519 Fairmount in Dallas.

Mr. STATMAN. Okay. I'm sorry; I should have mentioned that to you before.

Mr. JENNER. Opposite the word "comments" on the face of the card——

Mr. STATMAN. That's G.A.T.B. in Fort Worth, June 1962, so that indicates that he had had this complete G.A.T.B. given in Fort Worth in 1962, and maybe in order not to be redundant, they might have sent and gotten; yes, in fact, I know they did because you see—you don't have any indication here of the make-up, so these scores and patterns were obtained from the Fort Worth office.

Mr. JENNER. The date, October 10, 1962, appearing on the reverse of the card lettered "individual aptitude tests" would, I take it, in view of what you have now said, be the date on which the information was obtained from the Fort Worth office?

Mr. STATMAN. Well, no; the G.A.T.B. in Fort Worth, June 1962—that's when he took it.

Mr. JENNER. There is another date below that.

Mr. STATMAN. No; you see, all this dealings has been in 1963, hasn't it? This 1962 would probably indicate the Fort Worth action, wouldn't it?

Mr. JENNER. Well, what I was trying to attempt to do was bring it out.

Mr. STATMAN. Well, everything else we have done is in 1963, so we would have to ascertain here or assume that this 10-10-62 was the date that the G.A.T.B. was administered to him in Fort Worth. No; that couldn't be right either, because June wouldn't be 1962.

Mr. JENNER. He came to this country on June 12, 1962.

Mr. STATMAN. Well, maybe this is a mistake and it should have been 10-10-63. That would be more than likely the dates, wouldn't it?

Mr. JENNER. Possibly.

Mr. STATMAN. You see, everything else we have on the application that indicates 10-10-63, wouldn't it? In other words, we have had no dealings with him back in 1962, have we?

Mr. JENNER. Not in the Dallas office.

Mr. STATMAN. No, no; again, I guess you would have to postulate that that should be 10-10-63. In other words, on 10-10-63, they recorded this information from the Fort Worth records.

Mr. JENNER. Taking you back to the previous exhibit, I direct your attention to a date of 10-10-62, appearing——

Mr. STATMAN. No; you are right—okay—they contacted Fort Worth on 10-10-62, and received this information from them.

Mr. JENNER. This aptitude information from them?

Mr. STATMAN. Right. In other words, the test was not administered in the Dallas office, it was administered in Fort Worth. Have I got you confused, finally?

Mr. JENNER. No; you don't have me confused; you are doing splendidly. You are very helpful.

Mr. STATMAN. Now, this document [Cunningham Exhibit No. 3] is a claim document, B-3(a).

Mr. JENNER. Excuse me, may I have this described a little more for the record?

Mr. STATMAN. Well, I want you to note that there is an original date on there indicating a New Orleans address and then a Dallas address.

Mr. JENNER. You are going to explain that—all I'm going to do at the moment is to identify the document for the record.

Mr. STATMAN. It is a B-3(a), Cunningham Exhibit No. 3.

Mr. JENNER. It is a document in typing opposite the printed designation—the name is "L. H. Oswald" and to the right of that in printing is "SS Number," which I take it is his social security number?

Mr. STATMAN. Right.

Mr. JENNER. It is 433-54-3937. In longhand above that line, I have just read, appears P.O. Box 30061.

Mr. STATMAN. All right—now, to go on with that and also in longhand is the Irving address, 2515 West Fifth, Irving.

Mr. JENNER. I see there are some strike-outs.

Mr. STATMAN. Right. Now, the original document was typed giving L. H. Oswald, 757 France Street, New Orleans, La.

Mr. JENNER. Is it French?

Mr. STATMAN. France—it looks like France.

Mr. JENNER. French, F-r-e-n-c-h [spelling].

Mr. STATMAN. It looks like "a" to me.

Mr. JENNER. F-r-a-n-c-e [spelling]. We'll let Mr. Davis look at it.

Mr. DAVIS. I think it is French, F-r-e-n-c-h [spelling]. It's French in the writing.

Mr. STATMAN. I'm talking about the typing now—the typing is "a."

Mr. DAVIS. Well, the typing is "a," but it looks like the writing is French.

Mr. STATMAN. I was just talking about the typing. I'm just discussing the typing with you now.

Mr. JENNER. Okay, it is 757 France Street in typing. Following that is French Street, stricken out, that is in longhand, and above the strike-out is 2515 West Fifth, in longhand, and below that is "Irving, Texas."

Mr. STATMAN. The reason I am making a differentiation between that, is that the typing of it was done in New Orleans because that is where this document was originally issued.

Mr. JENNER. Why was it originally issued in New Orleans?

Mr. STATMAN. Because he was in New Orleans filing an interstate claim against Texas.

Mr. JENNER. The interstate claim being a claim of an applicant who has been residing in a State other than Texas and he is making a claim against the State of Texas.

Mr. STATMAN. Well, it is a claim where a person has earned his wages in one State and is filing in another State against the State in which he has earned his wage credits. So, he has earned his wage credits in Texas. He was filing in New Orleans against the State of Texas. That's where this original document was made.

Mr. JENNER. Does it appear from this document as to when that claim was filed in New Orleans?

Mr. STATMAN. I am just trying to figure out something here—the initial claim in New Orleans was filed on 4-29-63.

Mr. JENNER. That's the 29th day of May, 1963, when he filed the claim in New Orleans?

Mr. STATMAN. Then, in Texas on 5-8-63 it was determined that he was entitled to \$33.00 a week.

Mr. JENNER. On 5-8-63 or 6-8-63—he filed a claim May 29.

Mr. STATMAN. No; 4-29-63.

Mr. JENNER. Oh; 4-29-63—the date of filing the claim was April 29, 1963, and action was taken on that claim by the Texas Employment Commission on—

Mr. STATMAN. They made a monetary determination on it on 5-8-63.

Mr. JENNER. On what date?

Mr. STATMAN. On May 8, 1963. In other words, what they do is check his wage credits, and then ascertain how much weekly amount he is entitled to; that is, the weekly benefit amount, and how much total amounts he is entitled to.

Mr. JENNER. And what was the total?

Mr. STATMAN. The weekly benefit amount was \$33 a week, a total of \$369; in other words, he could draw for about 11 weeks. His BYE that's the Benefit Year Ends on 5-28-64. All that means is that the claim is in force to this date.

Mr. JENNER. He would receive that amount of money per week until that date?

Mr. STATMAN. No; until he received a total of \$369, but he had that whole year to draw that money. Let's say he went to work for 6 months and let's say he drew 10 checks—that would be \$330, and then he went to work for 6 months; well, between the 6 months and this 4-28-64, he would still be entitled to draw, if he were unemployed, \$69 more.

Now, for some reason or other, he was filing in New Orleans—on these dates, and that is indicated by the I-B-2, that means he is filing an interstate correspondence. This information is sent to Texas and Texas posts it on its card. Do you want all these dates that he filed?

Mr. JENNER. Well, they are on the record.

Mr. STATMAN. Yes.

Mr. JENNER. But what I do want to know is—he filed claims when in New Orleans on the dates listed.

Mr. STATMAN. Up until this point.

Mr. JENNER. He filed those up to and including line 11, is that correct?

Mr. STATMAN. Yes.

Mr. JENNER. So, that would mean he filed claims on 11 separate occasions?

Mr. STATMAN. Yes; in New Orleans. That is indicated by the I-B-1 and I-B-2 symbols, indicating that that is an interstate claim. In other words, he is residing in one State and filing against another.

Mr. JENNER. Excuse me, for the record, those 11 claims—the first is on May 7, 1963, and the 11th is on September 17, 1963, am I correct?

Mr. STATMAN. Right. Now, the last two claims, if you will notice—

Mr. JENNER. Those are on lines what?

Mr. STATMAN. Lines 13 and 14, so he filed through line 12.

Mr. JENNER. Through line 12 rather than through line 11?

Mr. STATMAN. Yes.

Mr. JENNER. And line 12, the date is September 24, 1963?

Mr. STATMAN. Now, on the last two dates that he filed a claim—10-3-63 and 10-10-63, the symbol changes to C.C., which indicates "Continued Claim," which in turn indicates that it is an intrastate claim. In other words, he is now filing in Texas against Texas.

Mr. JENNER. Now, if he had not exhausted his interstate claim, that is the amount due him, and he returned to Dallas—

Mr. STATMAN. He didn't exhaust his interstate claim—you know, once you set up a claim, that's all the money you get, regardless of which State you are in. He just happened to return to the State in which he had earned his wage credits, so his claim reverted from an interstate claim to an intrastate only due to geographical location, not due to any monetary consideration.

Mr. JENNER. Then, the explanation is—although the classifications changed from interstate to intrastate, it was the same claim.

Mr. STATMAN. Right—it was the same claim, it's just a matter of changing geographical locations.

Mr. JENNER. Of the claimant?

Mr. STATMAN. Yes.

Mr. JENNER. Back to the State of Texas?

Mr. STATMAN. Back to the State of Texas. You see, he could have started his claim in Texas and moved to New Orleans and that would have gone from an intrastate claim to an interstate claim. I had trouble with that FBI man on that.

Mr. JENNER. You did?

Mr. STATMAN. Well, I mean, it can be confusing, because each State has their own set of regulations, and actually, we have an interstate unit in Austin that pays claims from people outside of Texas who are filing against Texas, and we also have interstate claims the other way. We have people who have earned their wage credits in New York and are living here in Dallas, so, when they file a claim, they are filing an interstate claim against New York. You see, what has happened, this originated—this interstate claim filed against Texas, and when he returned to Texas it became an intrastate.

Mr. JENNER. Does that cover that side of the card?

Mr. STATMAN. That covers everything. So, according to this, it would indicate that he filed, now, you notice he had no signatures here. We have these individuals, when they come to our office, sign their names once, because they sign their individual cards, and we want to compare their each weekly signature with a card here to make sure that the person who is signing this claim for unemployment insurance is the one that filed the card.

Mr. JENNER. Whose signature appears on the inside of the card when folded?

Mr. STATMAN. Right; you see, here we had not his signature because he was in New Orleans.

Mr. JENNER. Now, when you say "here" you are referring to lines 1 through 12, isn't that correct?

Mr. STATMAN. 1 through 13. In other words, in the space for remarks, 1 through 13, his signature does not appear.

Mr. JENNER. If he were here in Texas when those claims were made, his signature would appear on each of those lines?

Mr. STATMAN. No; just one time.

Mr. JENNER. At the top—meaning line 1?

Mr. STATMAN. No; at different offices—some offices make them sign it every time he goes in. Again, it's redundant. Actually, all you want is a true signature to compare the continued claim card he signs each week, to make sure this individual's signature checks. Then, when he came in on 10-10-63 he signed this card in our office, to establish a signature for us to be able to check future documents with.

Mr. JENNER. All right, and to pay him any balance due on his claim, or had it been paid out by that time?

Mr. STATMAN. Well, he drew, actually, I can't tell you how much money he drew, because of a lot of times an individual might file for his unemployment and for some reason or another he might be ineligible so he won't get any money. These records do not indicate the amount of money he has collected. You will have to get that out of Austin—the chief of the insurance claims.

Mr. JENNER. Mr. Davis is an expert at that and anyhow it is his home town. Is that right, Mr. Davis?

Mr. DAVIS. That's right.

Mr. STATMAN. In other words, I could go in and file for my unemployment and they might have phoned me for a job Wednesday and I said, "My wife is working and I have got to stay here with my kids," and I wasn't able and available for work that week. So, even though I filed for a claim that week, I would be ineligible, so just the mere signing of these cards would not indicate the payment to an individual.

Mr. JENNER. You have been extremely helpful.

Mr. STATMAN. I hope so. I hope I didn't confuse you too much.

Mr. JENNER. You didn't confuse us at all.

Mr. STATMAN. Now, do you want to keep all of those records?

Mr. JENNER. Oh, yes; very much so. I offer the three documents in evidence as Cunningham Exhibits Nos. 1, 2, and 3, respectively. [The original copies of the cards marked Cunningham Exhibits Nos. 1, 2, and 3 are in evidence as Cunningham Exhibits Nos. 1-A, 2-A, and 3-A.]

Mr. STATMAN. Okay, I guess that's all right—I don't know. Actually, our records are supposed to be confidential and we are supposed to have a court order before we release them, but I will just leave them with you and if I get in trouble I'll come to see you.

Mr. JENNER. If you get in any trouble about them, we will see that they are returned and we will make copies for you, but, of course, you can see they are hard to duplicate.

Mr. STATMAN. Are you going to be in town for a few days?

Mr. JENNER. I'll be in town tomorrow and I'll be back next week. There will be members of the legal staff here all the time.

Mr. STATMAN. Fine. All right, I'm just going to leave these with you. If something comes up I might have to solicit your aid.

Mr. JENNER. You've got a certified record of the fact you left them here.

Mr. STATMAN. No; I don't mean that. I might should not have released these to you without authorization from Austin, but if that comes up, you look like a pretty good lawyer and you might be able to bring us out of it.

Mr. DAVIS. Yes; if you get locked up, we will spring you out.

Mr. JENNER. Mr. Davis is from the Texas attorney general's office.

Mr. STATMAN. I'm not trying to be negative about this, but you know, when you deal with the State, sometimes if you don't follow the protocol there is difficulty.

Mr. DAVIS. If you have any question on it I would be glad to talk with them and tell them that we have made a formal request of you to leave them with us.

Mr. STATMAN. All right, fine. Is that all?

Mr. JENNER. That's all. Thank you very much. If you want to read this over, you may.

Mr. STATMAN. No; that's all right.

Mr. JENNER. And you waive signature too?

Mr. STATMAN. Right.

Mr. JENNER. All right, thank you very much. You have been very helpful.

Mr. DAVIS. Thank you very much.

Mr. STATMAN. All right, I'm glad I could help.

TESTIMONY OF TOMMY BARGAS

The testimony of Tommy Bargas was taken at 11:35 a.m., on March 30, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Albert E. Jenner, Jr., assistant counsel of the President's Commission. Robert T. Davis, assistant attorney general of Texas, was present.

Mr. JENNER. Mr. Bargas, do you swear that in the deposition I am about to take of you that you will tell the truth, the whole truth, and nothing but the truth?

Mr. BARGAS. Yes, sir.

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

Mr. BARGAS. Tommy Bargas, B-a-r-g-a-s [spelling].

Mr. JENNER. And where do you live?

Mr. BARGAS. 301 East Drew, Fort Worth, Tex.

Mr. JENNER. Mr. Bargas, did you receive recently a letter from Mr. Rankin, the general counsel for the Commission?

Mr. BARGAS. Yes, sir.

Mr. JENNER. Is the letter asking you if you would appear and permit your deposition to be taken, with which was enclosed copies of Executive Order 11130, creating the Commission, and of Senate Joint Resolution 137, authorizing the President to appoint and create the Commission, and also a copy of the rules of procedure of the Commission for the questioning of witnesses by members of the staff of the Commission?

Mr. BARGAS. Yes.