

don't remember the date. I wish I could, but I didn't make any particular note of it. Like I say, at the time, I just didn't take note of it.

Mr. HUBERT. Well, now, do you mean to say to me that you did not regard those two statements made to you by Ruby as being important in a trial of this man for first-degree murder?

Mr. ARCHER. No, sir; I didn't say that I didn't regard them as important. I just say at the time that these statements were made it was in my mind that it was not necessarily a gathering of facts to try the man.

Mr. HUBERT. Well, I gather from your testimony that you didn't convey this information to anybody at all until you were asked to do so in an interview with Mr. Alexander, which, from your testimony, I judge to be approximately the middle of January or afterwards, which is to say, 2 months after the event.

Now, I ask you if you did not think that that information was extremely valuable information in a pending prosecution for first-degree murder?

Mr. ARCHER. I didn't, at the time, give it a thought in the way of prosecution, because in my own mind I didn't feel that a lot of the statements would be admissible. I don't know what would be admissible and what wouldn't.

Mr. HUBERT. It never occurred to you that it was your duty to tell your superior officer, or somebody that you had heard that this man said, "I meant to kill him"?

Mr. ARCHER. No, sir; it didn't. Had they inquired about it, I certainly would have told them.

Mr. HUBERT. All right, have you anything else to say, sir.

Mr. ARCHER. No, sir; not unless there is something more you would like to ask me. If I can relate, or tell you anything, I would be happy to.

Mr. HUBERT. Now you have not been interviewed by any member of the Commission or by me, before, have you? That is to say, a member of the President's Commission, on the assassination?

Mr. ARCHER. Not the President's Commission. I have been interviewed by the Federal Bureau of Investigation, which you know about.

Mr. HUBERT. But no interview by me or any other member of the Commission staff?

Mr. ARCHER. Yes, sir.

Mr. HUBERT. This deposition is the first time you have said anything to any member of the Commission staff?

Mr. ARCHER. Yes, sir; so far as I know.

Mr. HUBERT. All right. That's all. Thank you, sir.

TESTIMONY OF BARNARD S. CLARDY

The testimony of Barnard S. Clardy was taken at 2:45 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 Detective Barnard (spelling) B-a-r-n-a-r-d?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. Middle initial S. Clardy. Auto Theft Bureau, Criminal Investigation Division, Police Department of Dallas. Mr. Clardy, 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, the joint resolution of Congress Number 137, and the rules of procedure 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, Detective Clardy.

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 subsequent violent death of Lee Harvey Oswald. In particular as to you, Detective Clardy, 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. Now, Detective Clardy, you appear here today by virtue of a general request made by the general counsel of 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, but those rules also provide that a witness may waive the notice. Now, do you waive this 3-day notice?

Mr. CLARDY. Yes.

Mr. HUBERT. Very well. Now, will you stand and be sworn, please. 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. CLARDY. I do.

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

Mr. CLARDY. Barnard S. Clardy.

Mr. HUBERT. Your age?

Mr. CLARDY. Thirty-seven.

Mr. HUBERT. Your residence?

Mr. CLARDY. 936 Ferncliff Trail.

Mr. HUBERT. And your occupation?

Mr. CLARDY. Police Detective.

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

Mr. CLARDY. Since November 5, 1950.

Mr. HUBERT. How long have you been connected with the criminal investigation bureau?

Mr. CLARDY. Since December the 5th, 1955.

Mr. HUBERT. Now, is—who is head of the auto theft bureau?

Mr. CLARDY. Captain Nichols.

Mr. HUBERT. Captain Nichols, and the entire criminal investigation division, of which the auto theft division is a part is headed by Chief Stevenson, is that right, sir?

Mr. CLARDY. Chief Stevenson; yes, sir.

Mr. HUBERT. Now, Detective Clardy, I'm going to mark three documents as I will indicate, after which I wish to ask you some questions concerning those documents. At first, a document consisting of three pages being, apparently, a copy of a letter dated November 27, 1963, addressed to Chief Curry, the original of which was apparently signed by you, B. S. Clardy? I am marking the first page of that document "Dallas, Tex., March 24, 1964, Exhibit No. 5061. Deposition of Detective B. S. Clardy."

Under which I am signing my name, and I am placing my initials in the right-hand lower corner of the second and third pages of that document. The second document purports to be a report from the FBI concerning an interview with you on November 25, 1963. I am marking that document in the lower right-hand corner as follows: "Dallas, Tex., March 24, 1964. Exhibit No. 5062, Deposition of B. S. Clardy," and I am signing my name and putting my initials on the second page in the lower right-hand corner.

The third document consists of three pages, and purports to be a report of an interview of you on December 3d, by Agents Quigley and Dallman of the FBI. On the first page I am marking as follows, to wit: "Dallas, Tex., March 24, 1964. Exhibit No. 5063. Deposition of B. S. Clardy." Signing my name on the first page, placing my initials on the second and third pages in the lower right-hand corner on each of those pages.

Now, Detective Clardy, I hand you these three documents and—identified as 5061 and 5062 and 5063, and ask you if you have had an opportunity to read those today?

Mr. CLARDY. Yes, sir; I have.

Mr. HUBERT. Do those documents represent substantially the truth of all you know concerning the matter under inquiry this morning—this afternoon?

Mr. CLARDY. Yes, sir; they do. The only thing that I find that I erred on was in the time.

Mr. HUBERT. Well, now—

Mr. CLARDY. On my statement, that the approximate time where I went down was approximately 11 instead of 10, and the approximate time that we brought Mr. Jack Ruby from the jail to Captain Fritz' office was approximately 3:30, instead of 2:30.

Mr. HUBERT. Those corrections you wish to make on the document marked 5061?

Mr. CLARDY. 5061.

Mr. HUBERT. As I understood it, there were two time corrections that you think should be made, is that correct?

Mr. CLARDY. On that document alone, sir. And this was approximately closer to 11 a.m., on this other document.

Mr. HUBERT. Let's see. You wish to make a correction as to the time with reference to Clardy Exhibit No. 5061, to wit, your letter to Chief Curry on November 27th and—

Mr. CLARDY. And on that also. It was approximately 3:30 instead of 2:30.

Mr. HUBERT. Two corrections here.

Mr. CLARDY. Yes, sir; two corrections on that.

Mr. HUBERT. And in the second paragraph of that letter where you name the time as 10 a.m.—

Mr. CLARDY. Approximately; yes.

Mr. HUBERT. As the time at which Lieutenant Smart advised you and other officers to report to the jail office. You now say the time should have been what?

Mr. CLARDY. Should have been 11 a.m.

Mr. HUBERT. Should have been 11 a.m. Do you have another time correction to make?

Mr. CLARDY. Time on the last paragraph there was the time that we brought the prisoner out, Mr. Ruby, to Captain Fritz' office.

Mr. HUBERT. It reads now as "2:30 p.m."?

Mr. CLARDY. It reads 2:30. It should have been approximately 3:30 p.m.

Mr. HUBERT. Should have been 3:30 instead of 2:30. Both of those corrections being as to Clardy Exhibit No. 5061. Did I understand that you might have a correction as to Clardy Exhibit No. 5062?

Mr. CLARDY. Clardy Exhibit No. 5062. This. The second paragraph should have been approximately 11 a.m., instead of 10 a.m.

Mr. HUBERT. Now, your best recollection is that the time that Lieutenant Smart advised you and other officers to go to the city jail office was 11 o'clock rather than 10 o'clock?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. Have you anything you can tell us that would explain that error in time that you made?

Mr. CLARDY. No, sir; I don't.

Mr. HUBERT. You see, the point I am making is, that on November 27, you stated 10 a.m., apparently in your letter. Then—well, prior to that, on November 25, when you were interviewed by the FBI you told them at 10 o'clock, and do you think that it is simply a mistake in time, or—

Mr. CLARDY. Well, it is a mistake in time on me—on the—on my first report I was under the impression that I told them 11 a.m., which—now, whether I did or not, I don't know, sir, on my first interview.

Mr. HUBERT. Let me call your attention to the fact that on Document 5063, which is the interview on December 3, you also mentioned 10 a.m., apparently. All I am trying to do, Detective Clardy, is to find out why it is that you think it is 11 o'clock now, whereas before on three separate occasions you thought it was 10.

Mr. CLARDY. Sir, I thought I told the agent that I talked to that it was possibly closer to 11 than it was to 10, when I talked to him. To be—just precisely [sic] what time I went down there, I am just judging.

Mr. HUBERT. In any case, your present recollection is definitely—

Mr. CLARDY. That it would have been closer to 11 than it was to 10.

Mr. HUBERT. All right.

Mr. CLARDY. I am definitely sure in my own mind that it was sometime after 10:30.

Mr. HUBERT. Is there anything that causes you to fix that precisely?

Mr. CLARDY. After just thinking, and all the other officers up in the bureau sure that it was closer to 11 than it was to 10, I don't know whether I looked at my watch or whether—on a previous deal, or where I got the 10 o'clock in my mind.

Mr. HUBERT. Well, it is apparent then that you did have 10 o'clock in your mind until when speaking to others you became convinced that you must be wrong and the 11 o'clock is closer to it, is that correct?

Mr. CLARDY. Yes, sir; I am sure it was that. I wasn't any—wasn't in the basement more than 30 minutes.

Mr. HUBERT. Did anyone speak to you and ask you to correct your statement from 10 o'clock to 11 o'clock?

Mr. CLARDY. No, sir.

Mr. HUBERT. You are doing that on your own volition?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. It is because you have become convinced that you are wrong?

Mr. CLARDY. I was wrong on the time, sir.

Mr. HUBERT. You were wrong?

Mr. CLARDY. That 10 o'clock is definitely wrong on time.

Mr. HUBERT. And you are, right now telling us that you are quite certain that it was?

Mr. CLARDY. That it was closer to 11 o'clock than it was to 10.

Mr. HUBERT. That it was closer to 11 than 10. And that the previous statement about 10 o'clock is simply wrong?

Mr. CLARDY. Simply wrong; yes, sir.

Mr. HUBERT. No one has asked you to change?

Mr. CLARDY. No, sir. That wrong time was my fault, and nobody else's.

Mr. HUBERT. Did anyone speak to you about the wrong time?

Mr. CLARDY. No, sir.

Mr. HUBERT. Haven't done so to this time?

Mr. CLARDY. No, sir.

Mr. HUBERT. Now, I understand that you were off duty on November 22?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. And that you did not participate in reference to the investigation concerning the President's death on November 23?

Mr. CLARDY. No, sir.

Mr. HUBERT. Do you know Jack Ruby?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. How long had you known him, and in what way?

Mr. CLARDY. I had known him approximately in the neighborhood of 8 or 9 years.

Mr. HUBERT. In what way? How did you come in contact with him?

Mr. CLARDY. To the best of my recollection I met him when I went into his place of business that he owned on South Ervay in connection with work, when I was working as a patrolman. I say I met him. I didn't meet him at that time. I knew him, knew who he was. I—first time I was ever introduced to him, shook hands with him, was at—after I went into criminal investigation. Possibly in the early part of 1956. I was looking for someone in connection with an auto theft in the vicinity of one of the places that he owned and he had an interest in the Vegas Club. I'm not sure who I was with, or who introduced—

Mr. HUBERT. Could you speak a little louder, please?

Mr. CLARDY. I am not sure who I was with, or who introduced me to him at that time. Then approximately—maybe 6 or 8 months before this come up he stopped me downtown one day and started telling me about a traffic ticket he got. Other than that, I had seen him at a distance and had spoke to him. I had seen him quite frequently when I was working late nights where the B and B Club is, that is on Oak Lawn, close to Lemmon. There is one place of business between the Vegas Club and the B and B, and we would go in there quite frequently when we were working late nights, and I have seen him in there on several occasions.

Mr. HUBERT. Was your acquaintance with him such that you would recognize him immediately upon seeing him?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. Would you recognize him in that way, whether he had a hat on, or a hat off?

Mr. CLARDY. I know the man well enough if I caught a glimpse of him I should recognize him; yes, sir.

Mr. HUBERT. All right. Now, I am going to mark a chart of the basement area of the Dallas Police Department, as follows, to wit: "Dallas, Texas, March 24, 1964, Exhibit 5064. Deposition of B. S. Clardy," under which I am signing my name. For the purposes of identification, however, before I move to that, I want to ask you concerning documents 5061, 5062, and 5063, previously identified, which I now hand you again.

Mr. CLARDY. Yes, sir.

Mr. HUBERT. Ask you if there are any other corrections you wish to make—

Mr. CLARDY. No, sir.

Mr. HUBERT. With reference to the documents?

Mr. CLARDY. No, sir.

Mr. HUBERT. Does the information contained in those documents represent the truth, so far as you know?

Mr. CLARDY. Yes, sir; I do.

Mr. HUBERT. Any modifications or changes or deletions that you would like to make?

Mr. CLARDY. I don't believe there is, sir.

Mr. HUBERT. Anything omitted, that you know of?

Mr. CLARDY. Sir, the only thing that is not in there that I know anything about is possibly some of these people that come in and talk to him after we took him upstairs, which nobody that made any of these investigations asked me about.

Mr. HUBERT. All right. I will get to that later, but with the exception of these omissions that you just mentioned, and to which I will come back at a later time, these documents represent the truth? There is no deletion and nothing more to add other than that other matter we have been talking about?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. I'll ask you to put your name under my signature where it appears, and your initials under my initials where they appear on each of the documents. Right there.

Mr. CLARDY. Right under here?

Mr. HUBERT. Yes. Just—now, we'll be using this chart later on, which has been marked 5064, and I have signed it, and I will ask you, for the purposes of identification, to put your signature under mine on that one, too. Now, these documents have been corrected, I understand, that it was simply closer to 10 o'clock than to 11 that you received—

Mr. CLARDY. Closer to 11 than 10.

Mr. HUBERT. I beg your pardon. Closer to 11 than to 10 when you received certain instructions from Lieutenant Smart, is that correct?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. Were these instructions the first connection that you had with the movement of Oswald?

Mr. CLARDY. We had been told earlier that morning, approximately—come on duty at 7 o'clock, and was—and was told to stay in the office. Now, that—

Mr. HUBERT. In other words, your normal tour began at 7, but you were told to stay in the office?

Mr. CLARDY. Was told to stay in the office, that we would have to move the prisoner.

Mr. HUBERT. Who told you that?

Mr. CLARDY. Lieutenant Smart.

Mr. HUBERT. Did he tell you anything about how the prisoner was going to be moved, or at what time?

Mr. CLARDY. I was under the impression that he didn't know what time or how, hisself, at the time.

Mr. HUBERT. What caused you to form that impression?

Mr. CLARDY. I think we went to get a cup of coffee, and I asked him, and he said, "I don't know."

Mr. HUBERT. In other words, the impression that he didn't know what the plans were, actually came from the statement that he himself actually told you to the effect that he didn't know?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. All right, then what happened after?

Mr. CLARDY. Sometime shortly before 11, they told us to report to the basement.

Mr. HUBERT. Smart did?

Mr. CLARDY. Lieutenant Smart.

Mr. HUBERT. Lieutenant Smart.

Mr. CLARDY. Lieutenant Smart, myself, and Detective McMillon, Detective Archer and Detective Watson, and Detective Dawson out of our bureau.

Mr. HUBERT. You moved as a group?

Mr. CLARDY. Uh-huh, all down on the same elevator, and there was some other detectives from the juvenile bureau, I am sure, was on the same elevator. Detective Lowery, Detective "Blackie" Harrison, and possibly some others. Those, I'm sure.

Mr. HUBERT. What instructions were given to you?

Mr. CLARDY. Went to the basement. Lieutenant Smart-----

Mr. HUBERT. Speak a little louder.

Mr. CLARDY. Lieutenant Smart is the one, the only one who had any orders as to what he wanted us to do. Said, "Line up along the wall here on each side." and help keep the people back out of the way.

Mr. HUBERT. Did you do that?

Mr. CLARDY. Well, I tried to, sir. Don't look like we done much good.

Mr. HUBERT. I did not mean that to be facetious. I was simply following the line of thought. Then you followed his instructions to line the-----

Mr. CLARDY. Yes, sir.

Mr. HUBERT. Now, I want you to take a look at this mockup here and show us where you stood, if you did stay in one place, from the time that you got down in the basement area until the shot was fired.

Mr. CLARDY. Let me get lined out here.

Mr. HUBERT. All right.

Mr. CLARDY. I was on this corner to---just to the right of it, most of the time.

Mr. HUBERT. Let's see. That would be here, isn't it? [Indicating.]

Mr. CLARDY. Yes, sir.

Mr. HUBERT. Now, you have marked---you have indicated on the mockup here a position which I am now marking by a circle.

Mr. CLARDY. I was just down from the corner.

Mr. HUBERT. This way?

Mr. CLARDY. Yes.

Mr. HUBERT. Now, I'll-----

Mr. CLARDY. In other words, I was close enough to the corner that I could see around both ways. One occasion. I went and talked to Detective McMillon.

Mr. HUBERT. In other words, you took this position, and went over there and came back, and this is where you were at the time of the shooting?

Mr. CLARDY. At the actual shooting, I had moved approximately 3 steps to my right. As they backed this car out, apparently, some reporters tried to come across here [indicating]. And I had stepped up that way, not over---not that far up, sir. I only took 2 or 3 steps. I would say maybe probably as far as from me to you. I had stepped to my right.

Mr. HUBERT. All right, now, I have marked on Exhibit 5064, as a result of what you have stated while looking at the mockup, 2 positions concerning you. One of which I have marked, encircled, "Position of B. S. Clardy prior to shooting," and second one, which is, you say, is approximately 3 feet further towards the Commerce Street entrance.

Mr. CLARDY. Yes, sir.

Mr. HUBERT. Which was your position at the time of the shot?

Mr. CLARDY. At no time-----

Mr. HUBERT. It that correct?

Mr. CLARDY. Yes, sir; might add something a little further, that at no time other than when I walked across to Detective McMillon do I recall being over 3 feet from that corner in any direction.

Mr. HUBERT. When did you first get to that corner, approximately?

Mr. CLARDY. That would have been approximately 11 o'clock, maybe 10:55. It would have been pretty close.

Mr. HUBERT. So, that from the—from between 10:55 and 11 o'clock you stayed in the position which is marked on Exhibit 5064, that being the position of B. S. Clardy prior to the shooting. You stayed in that position all—within 3 feet of it the whole—during the whole time until Oswald was shot, except on one occasion when you said you went over to talk to Detective McMillon?

Mr. CLARDY. That's right.

Mr. HUBERT. How far did you move, and in what direction did you go?

Mr. CLARDY. Certainly—well, sir; he was across the aisle on the other side.

Mr. HUBERT. Now, would you mark on the map approximately the position of McMillon when you walked over to him?

Mr. CLARDY. Approximately—I walked over to him approximately in here [indicating].

Mr. HUBERT. I am marking a circle, now, and I am putting on there, "Position of McMillon when Clardy walked over," right?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. Then, did you go back to your original position?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. I understand you to say that you stayed there except at the moment of the shooting you were about 3 feet in the direction of Commerce Street from that original basic position?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. Can you tell us why you moved 3 feet towards Commerce Street, as you say you did?

Mr. CLARDY. The best of my recollection, as they backed the car out, that there was some of the press tried to come in front of the car, and I had to step to my right to watch them, and I stepped to my right and Captain Fritz had come into my view and stepped down to the right and turned slightly to my right, and approximately at that time, I hadn't seen Oswald myself, but approximately at the time I stepped to my right I saw a blur of fast movement and I tried to turn, and heard the shot.

Mr. HUBERT. Did you recognize Ruby then?

Mr. CLARDY. I had not seen him to recognize him; no, sir. Just all—I was turned, moved to the right, and all I could see was a fast blur of movement.

Mr. HUBERT. At any time during this time that you were standing in your original position as marked on the map, or at any time when you went over to see McMillon, or at any time for that matter, whatsoever, did you see Jack Ruby in the crowd?

Mr. CLARDY. No, sir; I did not; and approximately 2 or 3 minutes before the shooting I had looked over the crowd in the basement. Why, I don't know.

Mr. HUBERT. You did, in fact, look over there?

Mr. CLARDY. I had looked up to the right. Lieutenant Smart, and—I think—I am not for sure—Chief Batchelor was with him at the armored truck, and I did look on over the crowd on back around. Now, this could have been more than 3 minutes before the shooting occurred.

Mr. HUBERT. Were the conditions such that if Ruby had been standing in that crowd you could have singled him out and seen him?

Mr. CLARDY. As many people as there was in there at the time, sir, he could have very easily been behind somebody where I couldn't have seen him.

Mr. HUBERT. Just how many people were in that area where Ruby apparently was? I don't mean an accurate count. Of course, you didn't count them.

Mr. CLARDY. In the area where I presume that he come from, 12 to 15, on over behind the rail there was quite a few people, whether he come across the rail, whether he come down the ramp, like he told us, I don't know.

Mr. HUBERT. But, the Main Street ramp itself going toward Main Street, you figured there were about 15 people?

Mr. CLARDY. From along here [indicating].

Mr. HUBERT. Don't say "along here," because that won't show up.

Mr. CLARDY. So that we'll understand what I mean here, take this. There was people back over in here [indicating].

Mr. HUBERT. Let's call that area "B," and you are talking about area B, and you say there was a considerable amount of people?

Mr. CLARDY. Considerable amount of people back in there and from along here [indicating], across and along in here [indicating], there was—

Mr. HUBERT. Now, I am drawing a semicircle, is that approximately correct?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. And I am calling that "line X to Y."

Mr. CLARDY. I'd say there was a minimum of 15 people from here across here [indicating].

Mr. HUBERT. Minimum of 15 people in the front row, or some in the back?

Mr. CLARDY. There were some in the back.

Mr. HUBERT. So, you think there were about 15 people strung along this line that we have marked "X to Y," being a curving line, in—and that there was some back of them, and up the Main Street ramp?

Mr. CLARDY. At the time, I didn't see anybody back up in here anywhere.

Mr. HUBERT. That is to say, you didn't see anybody—

Mr. CLARDY. I didn't see anybody back as far as this [indicating].

Mr. HUBERT. Now, the second line which you have described, "as far as this," is—I'm going to mark that line and put it, for purposes of identification I'm marking it as a line designated by "1" and "2." Both numerals being encircled. I should like you to consider the area which is bounded by these two lines, "XY," and "1, 2," and the rail and at the wall is area A. Tell me how many people you think were in area A?

Mr. CLARDY. In this area here? I—

Mr. HUBERT. In area A, which has been designated by you as being encompassed between line "X" and "1," that being a curving line. Line "1,"—point "1" in a point to point "2" in a circle, the rail and the wall—

Mr. CLARDY. I'd say there was approximately four or five people up and down here [indicating].

Mr. HUBERT. You are describing with the pencil—

Mr. CLARDY. Where the circle is down across here [indicating].

Mr. HUBERT. You are describing with the pencil about four or five people along the rail lining of the basement side of the rail, is that correct?

Mr. CLARDY. Yes, sir—no, sir; on the ramp side.

Mr. HUBERT. Ramp side, parking area side?

Mr. CLARDY. Yes, sir; on the ramp side. Not the parking area side. On the—this being the ramp here [indicating].

Mr. HUBERT. Yes.

Mr. CLARDY. Coming off from Main.

Mr. HUBERT. I see what you mean, on the ramp side?

Mr. CLARDY. On the ramp side. There was a couple of uniformed officers in this area. I am not sure.

Mr. HUBERT. McMillon was one of them, wasn't he?

Mr. CLARDY. No, sir.

Mr. HUBERT. Oh, it was. You put his position, also, did you see W. J. Harrison in that group?

Mr. CLARDY. W. J.? That is a detective in the juvenile bureau?

Mr. HUBERT. Well, I don't know. I can't testify. I am not—well, that's all right.

Mr. CLARDY. Sir, there was a detective, I am pretty sure the one you are talking about. I don't know him real well?

Mr. HUBERT. That's all right.

Mr. CLARDY. I don't know whether it was Harrison that was along in here [indicating].

Mr. HUBERT. Now, would you make a circle and state where you think "Blackie" Harrison was at the time of the shooting?

Mr. CLARDY. Time I saw Detective Harrison, to the best of my knowledge, he was along in there [indicating].

Mr. HUBERT. I am marking that circle by putting "Position of 'Blackie' Harrison at time of shooting," is that correct or at the time you saw him?

Mr. CLARDY. At the time I checked, looked over the basement, which would have been approximately 3 minutes, 2 or 3 minutes before the shooting.

Mr. HUBERT. You saw him 2 or 3 minutes prior to the shooting. Now, I'll ask you to check that again, that circle that I have designated by the legend, "position of 'Blackie' Harrison at the time Clardy saw him 2 or 3 minutes prior to the shooting." Is that approximately the position of Mr. Harrison at the time designated?

Mr. CLARDY. Correct.

Mr. HUBERT. That was the time you looked over the crowd?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. In that area, again, can you tell us about how many people were concentrated?

Mr. CLARDY. Including a couple of uniformed officers in that area, there was possibly six or seven people in that area at that time.

Mr. HUBERT. At the time you looked over at the crowd then you could see that if he stays behind this crowd of people looking up the Main Street ramp—

Mr. CLARDY. Yes, sir.

Mr. HUBERT. Did you see anybody come down at all?

Mr. CLARDY. No, sir.

Mr. HUBERT. Did you see any movement there?

Mr. CLARDY. No, sir. I saw the—I say "movement"—I saw the car that Lieutenant Pierce drove out that ramp, and at the time that the car approached the top of the ramp there was nobody in that area.

Mr. HUBERT. Did you see the car at the top of the ramp?

Mr. CLARDY. Sir, the car now as it went out—let me get this straight here.

Mr. HUBERT. Don't use the map now, if you can do it without it.

Mr. CLARDY. Let me get it straight here. I watched the car drive out until he drove approximately half, or maybe three-fourths of the way up, and at that time, clear back down to here [indicating] there was nobody in between.

Mr. HUBERT. All right.

Mr. CLARDY. Now, as to what—watching it drive on up to the top of the ramp, no, sir.

Mr. HUBERT. You did not see it drive to the top?

Mr. CLARDY. No, sir.

Mr. HUBERT. But, roughly between half and three-fourths of the way up the ramp? Were you looking in that direction after the car had passed out of the ramp?

Mr. CLARDY. No, sir.

Mr. HUBERT. Well, do you think this, if anybody had come running down there you would have seen them?

Mr. CLARDY. Sir, it is quite possible that somebody could have come running down there and I wouldn't have seen them.

Mr. HUBERT. You did not, in any case, see anybody?

Mr. CLARDY. I did not see anybody. Now, I was facing more over in—oh, almost straight across the ramp after I looked over the—

Mr. HUBERT. Over the crowd?

Mr. CLARDY. Over the crowd.

Mr. HUBERT. And you looked over the crowd prior to the time the car passed?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. You did not look over the crowd then—after that?

Mr. CLARDY. No.

Mr. HUBERT. Do you think it is possible from your position that anybody could have come down that ramp and you would not have seen them?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. What makes you think that, sir?

Mr. CLARDY. Well, I wasn't just in particular watching toward the direction—at the time that Lieutenant Pierce come out, there was a lot of these people moving around, and I was trying to keep an eye on them. At the time

the other car was brought out—being brought out, there was a lot of those people over in this area in here moving around [indicating].

Mr. HUBERT. Now, I think you have already testified that as to the actual shooting itself, you just saw a movement?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. Off to your left?

Mr. CLARDY. Just a blur of movement.

Mr. HUBERT. When did you first identify Ruby?

Mr. CLARDY. After he had been taken inside the jail office.

Mr. HUBERT. Did you speak to him then?

Mr. CLARDY. As I went inside the main jail office they had the cuffs on him, and Detective McMillon said, "Well, let's take him on upstairs." And said, "Barney, take my gun."

I took Detective McMillon's gun out of his holster, and at the time I did, Jack Ruby said, "I'm Jack Ruby. Don't you know me? Don't you know me?" Said, "Yes, I know you, Jack," something to that effect. I am not sure, because I was sick to my stomach of what had happened, and then seeing him and wondering in my own mind how in the world a man had ever got in there. I took Detective McMillon's gun and mine and put it in one of the lockers in the jail office there, which is provided for that purpose. And along with Detective McMillon, Detective "Blackie" Harrison, and Detective Archer, and there was some other detectives on the elevator with us, and I'm not sure who, and we took Ruby directly to the fifth floor.

Mr. HUBERT. Did he make any comments during that trip?

Mr. CLARDY. Sir, I was on the—I was the last one that got to the elevator. If he was—made any comment on the way up I didn't hear him.

Mr. HUBERT. Well, in your statement to the FBI agent which has been identified as No. 5063, you stated he did mention other things. That you had heard Ruby mention that he had intended to get off three shots, do you recall that?

Mr. CLARDY. That was after we got upstairs.

Mr. HUBERT. Well, tell us about that.

Mr. CLARDY. I am not sure who asked him the question. I believe it was Detective Archer, and asked him in some way, "Did you intend to"— or, "Did you think you could kill the man with one shot?" And he said, "I intended to get off three shots." Said, "I didn't think that I could be stopped before I got off three shots." But, that, I—

Mr. HUBERT. Did you ask Ruby, or did anyone ask Ruby in your presence how he had gotten into the basement?

Mr. CLARDY. I asked Ruby.

Mr. HUBERT. You did by yourself?

Mr. CLARDY. I asked him myself, and I am sure there were several others who did.

Mr. HUBERT. That was when you were up on the fifth floor?

Mr. CLARDY. Yes, sir; shortly after he got—

Mr. HUBERT. Shortly after?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. What did you ask him, and what did he reply? What did you ask him first?

Mr. CLARDY. I asked him how he got into the basement and how long he had been there. I don't know whether that is the exact words I asked him in or not, and he said that Lieutenant Pierce, or he called him Rio Pierce—I believe said Rio Pierce, Lt. Rio Pierce drove out in the car and the officer stepped out from the ramp momentarily to talk to Lieutenant Pierce, or said something to him, and I come in behind him right on down the ramp, and says, "When I got approximately halfway down the ramp I heard somebody holler, 'Hey, you,' but I don't know whether he was hollering at me or not, but I just ducked my head and kept coming."

Mr. HUBERT. Did he say anything further?

Mr. CLARDY. Further stated, said, "If I had planned this I couldn't have had my timing better." Said, "It was one chance in a million." Or something to that effect. Said, "If I had planned this, I couldn't have had my timing any better."

Mr. HUBERT. Did he make any statement to you as to why he had done it?

Mr. CLARDY. He said—no, somebody—I was going to ask him, and I am sure some other officer asked him as to why. He said, "Somebody had to do it. You all couldn't."

Mr. HUBERT. Is that the only explanation he offered?

Mr. CLARDY. Well, later on we talked to him a little further and he went into this long story about how much he thought of President Kennedy, and how he was remorseful. Didn't want Mrs. Kennedy to have to come to testify on a trial, and—

Mr. HUBERT. Did he say anything here to indicate that he had any accomplices in his act?

Mr. CLARDY. No, sir.

Mr. HUBERT. Did he mention to you that he had been to the Western Union that morning?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. Did he say anything about where his car was?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. Did he say anything about there being a dog in it?

Mr. CLARDY. Sir, I recall that he said there was some money in the car. I—I don't recall him saying it in my presence, about the dog being in it. I do recall that he talked later about some dogs that he had that he thought so much of.

Mr. HUBERT. All right, now, a bit earlier when I asked you whether or not there were any omissions from the documents, Exhibits Nos. 5061, 5062, and 5063, you indicated there was an omission concerning what had been said to you by some people who had talked to you. I think that is what the omission—it was something along that line. Do you recall what that was now?

Mr. CLARDY. Well, I think some of the stuff that we have gone into there that you have asked me as to some of the things that were said, or on down the line that I don't—I don't recall any of the FBI agents asking me who come up there and talked to him, whether they did or not, I don't know.

Mr. HUBERT. Well, can you tell me what you had in mind a little while ago in the deposition when you said, "Yes, this is all right, but there has been omitted something," and I told you at that time, "Well, we'll come back to it a bit later," and now, I am coming back to it. I was wondering just what you had in mind when you stated that there had been an omission?

Mr. CLARDY. I don't believe it is in that report that Secret Service agent, Mr. Sorrels, came up shortly after we arrived and talked to Mr. Ruby.

Mr. HUBERT. I think that—

Mr. CLARDY. Whether that is in there or not—

Mr. HUBERT. Is that what you had in mind?

Mr. CLARDY. That and the FBI agent, Mr. Hall, then came up and talked to Ruby off and on until the time that he was taken to Captain Fritz' office.

Mr. HUBERT. How long a period was that?

Mr. CLARDY. Sir, he was up there probably within 15 to 20 minutes after we had taken Mr. Ruby upstairs. Agent Hall was, and he talked to Mr. Ruby at considerable length until he had several telephone calls. I don't know who they were from or what they was about, but, that he was called to the telephone several times while he was up there.

Mr. HUBERT. And Mr. Sorrels was present also?

Mr. CLARDY. Mr. Sorrels had left before Mr. Hall come up there. Sorrels had talked briefly to Mr. Ruby. I say, "briefly," he—approximately 10 minutes.

Mr. HUBERT. Let's see if I can get the time sequence. Within 15 minutes after Ruby was brought to the top—to the fifth floor, Mr. Hall came?

Mr. CLARDY. Uh-huh.

Mr. HUBERT. And interviewed him, with some interruptions by telephone calls, for approximately what, now, an hour and a half?

Mr. CLARDY. I'd say Mr. Hall was up there 3½ hours.

Mr. HUBERT. Three and a half hours.

Mr. CLARDY. Yes.

Mr. HUBERT. Now, in the 15 minutes or so before Mr. Hall came, Mr. Sorrels came?

Mr. CLARDY. Mr. Sorrels came.

Mr. HUBERT. And stayed about 10 minutes?

Mr. CLARDY. Mr. Sorrels came up just very briefly. Very shortly after.

Mr. HUBERT. Is that what you meant when you mentioned a little while ago that there was some omissions from your statement?

Mr. CLARDY. That is what I had reference to; yes, sir.

Mr. HUBERT. Did you have reference to any other omissions?

Mr. CLARDY. No, sir.

Mr. HUBERT. Then, let's put it this way. You have already stated that what is in these records, these three exhibits, 5061, 5062, and 5063, are true and correct; that you did not want to modify or change anything that you had previously said. That it was some omissions, and now, do I understand you to say that the omissions that you previously spoke of is what you just testified to?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. Are there any other omissions that you know of?

Mr. CLARDY. None that I know of.

Mr. HUBERT. So, that by taking Exhibits 5061, 5062, and 5063, together with your deposition today, is it fair to state that there is on record everything you know about the assassination of Oswald?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. Now, other than the interview that you had with me earlier today, have you been interviewed by any member of the Commission staff?

Mr. CLARDY. No, sir.

Mr. HUBERT. Now, the interview you had with me was prior to lunch, is that correct?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. Can you state now whether there are any inconsistencies between your deposition and what we discussed at the interview to which I have just referred?

Mr. CLARDY. Nothing other than the—you were referring to those previous statements?

Mr. HUBERT. No; I am referring to any inconsistencies between what you testified today and the interview we had this morning?

Mr. CLARDY. No, sir.

Mr. HUBERT. Now, have you provided, or had—or did you provide in that interview this morning any material as to which you have not testified to in this deposition?

Mr. CLARDY. No, sir.

Mr. HUBERT. Is there anything else at all that you would like to state that has not been said in one way or another by you?

Mr. CLARDY. Sir, the only thing that I could add in any way, that I can think of, would be that the—Mr. Ruby appeared to be normal on that day.

Mr. HUBERT. Then do you think you knew him well enough to be able to judge whether he was normal or not?

Mr. CLARDY. From his expressions or the way he talked led me to believe that the man was normal, that he knew what he was doing.

Mr. HUBERT. Well, other than that observation then?

Mr. CLARDY. It wouldn't be anything that I could think of that I would add.

Mr. HUBERT. All right; if you do think of anything, I want to ask you to please feel free to come forward and state it, because quite frankly, a person will forget something, and if you do remember anything, don't hesitate to come forward with it, even though you might say to yourself, "Well, I have already said there is nothing more, and now I am coming back to add something." I ask you not to feel that way, but on the other hand, to feel free to come forward, because the Commission wants to know all the facts, and we want to get the facts, even though you may not recollect them until after this deposition is over. I trust you will do that?

Mr. CLARDY. Yes, sir.

Mr. HUBERT. All right, then, thank you very much. I want to thank you personally and on behalf of the Commission for your assistance. Thank you, sir.