

Mr. TURNER. You are correct.

Mr. HUBERT. Now, going back to that position number "10" on the line, "C," "D". You have placed position number "10" almost in the middle of the ramp. Was he closer to one side or to the other?

Mr. TURNER. He seemed to be closer and—this is hard to say, because it was almost a casual glance, that he was closer to the rail side than he was to the other side.

Mr. HUBERT. You did not see him come over the rail?

Mr. TURNER. No, sir; I did not. I did not come in contact with the man until he was in the position—he was nearly in the center of it when I came in contact, and the man—the hat was the most obvious facial—I mean just glancing at a man you take something that you can pick a man out by and remember his name by it. That is the way I remember people is something they ordinarily wear, and he had the hat on, but I thought he was a—much larger than—by just glancing at him.

Mr. HUBERT. We'll come back to the other point. Is there any doubt in your mind that the man that you saw, however you would identify him at point number "10," was the man that you later saw step forward and shoot Oswald?

Mr. TURNER. No, sir; and without a doubt in my mind, sir.

Mr. HUBERT. Off the record.
(Discussion off the record.)

Mr. HUBERT. Have you anything else you would like to say?

Mr. TURNER. No, I want to say that I hope I have been some help to you.

Mr. HUBERT. Now, let me ask you this: Other than myself, have you been interviewed by any other member of the Commission staff?

Mr. TURNER. Not on the Commission staff, sir.

Mr. HUBERT. Now, there was a little preliminary interview between you and me this morning before your deposition went onto the record.

Mr. TURNER. That's right, sir.

Mr. HUBERT. Can you perceive any inconsistencies between our colloquy in the interview prior to the beginning of the actual taking of this deposition and the matters covered in the deposition?

Mr. TURNER. No, sir; none at all.

Mr. HUBERT. Now, did you tell me anything during the interview which we have not covered in the deposition?

Mr. TURNER. You mean before?

Mr. HUBERT. Yes.

Mr. TURNER. No, we discussed everything.

Mr. HUBERT. We got it all in the deposition?

Mr. TURNER. That's right.

Mr. HUBERT. I certainly thank you very much, sir.

TESTIMONY OF HAROLD R. FUQUA

The testimony of Harold R. Fuqua was taken at 3:55 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. Leon D. Hubert, Jr., assistant counsel of the President's Commission.

Mr. HUBERT. This is a deposition of Harold Fuqua [spelling] F-u-q-u-a. Mr. Fuqua, my name is Leon Hubert. I am a member of the advisory staff of the General Counsel of the President's Commission. Under the provisions of the Executive Order 11130, dated November 29, 1963, Joint Resolution of Congress No. 137, and the rules of procedure adopted by the Commission in conformance with that Executive order and joint resolution, I have been authorized to take a sworn deposition from you. I state to you now that the general nature of the Commission's inquiry is to ascertain, evaluate, and report upon the facts relating to the assassination of President Kennedy and the subsequent violent death of Lee Harvey Oswald. In particular, as to you,

Mr. Fuqua, the nature of the inquiry today is to determine what facts you know about the death of Oswald and any other pertinent facts you may know about the general inquiry.

Now, I think, Mr. Fuqua, that you have appeared here today by—as a result of an informal request made to the Dallas Public Works Department for whom you work, and I wish to advise you that under the rules of the Commission you would normally be entitled to a 3-day written notice before the taking of this deposition, but the rules of the Commission also provide that a witness may waive that 3-day notice if he wishes to do so, and I ask you now if you are willing to have your deposition taken now and therefore willing to waive the 3-day written notice?

Mr. FUQUA. I'm ready now, sir.

Mr. HUBERT. All right. Will you stand and 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. FUQUA. I do.

Mr. HUBERT. Will you state your full name?

Mr. FUQUA. Harold Rogers Fuqua.

Mr. HUBERT. And your age?

Mr. FUQUA. Thirty.

Mr. HUBERT. And where do you live, sir?

Mr. FUQUA. 4338 Penelope, Dallas.

Mr. HUBERT. What is your occupation?

Mr. FUQUA. Parking attendant, basement of city hall.

Mr. HUBERT. What?

Mr. FUQUA. Parking attendant in the basement of the city hall.

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

Mr. FUQUA. By the city of Dallas?

Mr. HUBERT. Yes.

Mr. FUQUA. About 6 years.

Mr. HUBERT. Now, were you on duty on the morning of November 24, 1963?

Mr. FUQUA. Yes, sir.

Mr. HUBERT. When you say you were on duty, that means you were on duty in the parking area of the basement?

Mr. FUQUA. Right.

Mr. HUBERT. That basement is partially under the city hall, and partially under the police building, is that correct?

Mr. FUQUA. No, sir; it is under the municipal part of it. The parking basement, because it is right beside the jail part.

Mr. HUBERT. In other words, the parking area in the basement is really under the municipal building?

Mr. FUQUA. That is the way I would think of it.

Mr. HUBERT. And, what—it is all connected up by the two ramps?

Mr. FUQUA. Right.

Mr. HUBERT. That go up to Main Street and Commerce Street?

Mr. FUQUA. Right.

Mr. HUBERT. Also a sort of a corridor that goes into the jail office, isn't that correct?

Mr. FUQUA. Yes, sir.

Mr. HUBERT. Your duties, normally, are just to assist in parking of cars down there?

Mr. FUQUA. Right, and make sure that the right people—in other words, we have people that come down each day to maybe want to park and go get a prisoner out of jail or pay their water bill. We don't permit that.

Mr. HUBERT. In other words, that parking area is used for employees of the city and the municipal building, as well as for police automobiles?

Mr. FUQUA. Right.

Mr. HUBERT. Just not a public parking lot?

Mr. FUQUA. Right.

Mr. HUBERT. And that is your job, to keep them from parking down there?

Mr. FUQUA. Yes; and to assist, too.

Mr. HUBERT. And to assist getting cars out when people come for them?

Mr. FUQUA. Right.

Mr. HUBERT. Now, on the morning of November 24, do you recall being put out of the basement area, I guess you might call it, along with Alfreadia Riggs and others?

Mr. FUQUA. Yes, sir.

Mr. HUBERT. Tell us what happened.

Mr. FUQUA. You said tell you what happened?

Mr. HUBERT. Yes; tell us what happened.

Mr. FUQUA. All right, we were standing along and watching on, and then we went back and sit down over there, you know, at the telephone down where the elevator goes up into the municipal building.

Mr. HUBERT. That is the service elevator?

Mr. FUQUA. Right, and captain and sergeant came over and said—well, said, "I hate to run you off your job"—said, "—but we'd rather for nobody but news reporters and police officers be down here." At that time they were making a search through the basement there.

Mr. HUBERT. What time was that about?

Mr. FUQUA. About 9:30, somewhere about like that.

Mr. HUBERT. Then what happened next?

Mr. FUQUA. We all loaded on the elevator and went up to the first floor.

Mr. HUBERT. Did you go up with Mr. Pierce or did you come up a little later?

Mr. FUQUA. Seemed to me that we all went up together, or maybe I went up—I don't know. I know that he made a trip down back. It might have been that I didn't go up with Mr. Pierce. I don't—

Mr. HUBERT. And came up a little later?

Mr. FUQUA. Right.

Mr. HUBERT. Was it much later?

Mr. FUQUA. Not too much later, because the time the captain told me he had rather for us to go.

Mr. HUBERT. All right, you went up to the first floor of the municipal building then?

Mr. FUQUA. Yes.

Mr. HUBERT. And that would have been about 9:30, or a quarter of 10:00?

Mr. FUQUA. About 9:30, something like that.

Mr. HUBERT. What happened after that?

Mr. FUQUA. We all were watching the action that was going on out on Commerce Street side and there was a lot of people standing out on the sidewalk with a—those officers were trying to keep them on the far side of the street, on the south side of the street rather than the north side, and when anybody would pass along there to try to maybe enter the building, they would ask them for some type—would appear to me that they would ask—were asking for some type of credentials or something.

Mr. HUBERT. How long did you stay there watching them?

Mr. FUQUA. I guess must have been stayed there—seemed like to me 30 minutes or more stayed there watching them.

Mr. HUBERT. Did you leave?

Mr. FUQUA. Yes, sir.

Mr. HUBERT. Where did you go?

Mr. FUQUA. Riggs and I left together and said, "Let's see if we can't go down and watch it on television," see, so, we went out to the alleyway onto Main Street and walked back, came up the street and went around there by the ramp there, and came on around and came in from the Harwood side, and went down through the basement to the locker room to watch it on television. There was one fellow down there, he said that he didn't think it would be on television, probably reruns would be on television, so, we came back up, and just about the time we came back up into the basement, that is—I guess that is when we heard the shot and the scrambling. We went on, and we went into the records building, which is right down from the jail office there.

Mr. HUBERT. When you came down in the basement, you don't mean you came into the ramps, or the parking area?

Mr. FUQUA. No.

Mr. HUBERT. You were there by the records room then?

Mr. FUQUA. Yes; on around right from the Harwood side.

Mr. HUBERT. How did you get out of the municipal building, sir?

Mr. FUQUA. You mean after the——

Mr. HUBERT. No; when you and Riggs left. First of all, what time was it, about, when you left the municipal building to go out and around——

Mr. FUQUA. Seemed to me that it must have been 10 or after.

Mr. HUBERT. Do you think it was as late as 11?

Mr. FUQUA. No; I don't think it was that late.

Mr. HUBERT. Let me put it another way. When you left Servance and Pierce and the others, at the Commerce Street entrance and you and Riggs decided to go and watch on television and you left for the municipal building, how long was it before the shooting.

Mr. FUQUA. Oh, it wasn't over 10 or 15 minutes at the most. I doubt if it was that long, because we walked slowly along the street there and where these two officers were on the Main Street side, and just walked on around slowly, around the Harwood side, and looked down the ramp, and by the time we found out it wasn't—that it wasn't going to be on television and came back——

Mr. HUBERT. And that is about the time the shot was fired?

Mr. FUQUA. Right.

Mr. HUBERT. How long were you in the locker room?

Mr. FUQUA. I think, sir, we were long enough—I think Riggs bought a can of chili and beans or something he bought.

Mr. HUBERT. And he had a chance to eat it?

Mr. FUQUA. He just walked on back up the stairs. We was laughing, we got to wondering what he did with the can when he got back up, because I guess just before he finished it, well, that is what happened.

Mr. HUBERT. Do you know a man by the name of Jack Ruby?

Mr. FUQUA. No.

Mr. HUBERT. You have seen pictures of him in the papers, of course?

Mr. FUQUA. Right.

Mr. HUBERT. When you were walking along Main Street there and past the Main Street ramp, did you see him along Main Street or anywhere in the crowd?

Mr. FUQUA. No, sir. I don't remember him.

Mr. HUBERT. You would have passed there, you think, about 10 minutes before the shooting?

Mr. FUQUA. Something about like that, about 10 minutes before the shooting.

Mr. HUBERT. Now, what door did you use to get out of the municipal building?

Mr. FUQUA. Well, see, the elevator coming—you know, the service elevator, it has got a front and rear door, and we punched it and went through the elevator.

Mr. HUBERT. When you punched it it opened the rear door?

Mr. FUQUA. That's what happened, right.

Mr. HUBERT. So, it made like a little hallway with the elevator being the hall, that is with the two doors of the elevator opened?

Mr. FUQUA. Right. You go straight through, because whenever the elevator is on the first floor lots of people want to use the elevator, they say, "Let me go through the back door."

Mr. HUBERT. In other words, you got into the elevator door and the municipal building side of the elevator was open?

Mr. FUQUA. Yes.

Mr. HUBERT. And you punched the door on the other side of the elevator which opened that door so that you could get to the corridor leading to the alleyway?

Mr. FUQUA. All the controls are on one side.

Mr. HUBERT. But, in any case, you remember that the back door to the elevator, that is, to say, the elevator door on the alleyway side was closed, and you had to punch a button to open it up?

Mr. FUQUA. Right.

Mr. HUBERT. And then how did you get out of the back door that leads to the alleyway?

Mr. FUQUA. Riggs opened up that door.

Mr. HUBERT. Where did he get a key from? Do you remember?

Mr. FUQUA. Key—see, the key usually hangs up in the elevator there. It is a string of keys on a stick.

Mr. HUBERT. Did he take them with him—put it this way; did he have to use the key to open that door?

Mr. FUQUA. Yes; he would have to use a key.

Mr. HUBERT. Did he lock it back up again?

Mr. FUQUA. Yes; he locked it.

Mr. HUBERT. How do you know?

Mr. FUQUA. You see, lots of times I do work, and I believe I remember him shaking it, you know, shake it to see if it is locked, because it is strict to keep it closed on weekends.

Mr. HUBERT. What did you have to do to close it after you had gone through the door and were standing in the alleyway area? How do you lock it then?

Mr. FUQUA. I don't know whether you exactly—whether you can fix it so it will lock when you pull it.

Mr. HUBERT. Or do you have to turn the key?

Mr. FUQUA. Right. I don't know.

Mr. HUBERT. But, you say you do remember him shaking the door?

Mr. FUQUA. Right.

Mr. HUBERT. After you all had passed through the door?

Mr. FUQUA. Right.

Mr. HUBERT. You didn't try the door yourself?

Mr. FUQUA. No.

Mr. HUBERT. But, from what you were able to see, he was shaking it as a person would do just testing to see if a door is closed?

Mr. FUQUA. Yes.

Mr. HUBERT. And it seemed now to be closed?

Mr. FUQUA. Yes.

Mr. HUBERT. Now, I am showing you a document which purports to be a report of an interview with you by FBI Agent Jack Peden, and I'm marking it for identification as follows: "Dallas, Tex., April 1, 1964, Exhibit 5134, Deposition of Harold Fuqua," and signing my name to it. The document consists of two pages, and I'm putting my initials on the lower right-hand corner of the second page. Now, in order that the record may show that we are both speaking of the same document when you testify in a moment about this document, I would like you to place your signature near mine on the first page, and your initials near mine on the second page, please.

Mr. FUQUA. Now, say this again, now.

Mr. HUBERT. On that first page—

Mr. FUQUA. Just put my first—my signature here?

Mr. HUBERT. Yes; just your signature. I note that you are putting your signature above and to the right of the inscription I have put on there, that is all right. Would you put your initials on the second page, please.

Now have you read that document consisting of two pages and identified as 5134?

Mr. FUQUA. I have read it outside.

Mr. HUBERT. Is that correct?

Mr. FUQUA. Yes, sir; everything that I know that is on here is correct.

Mr. HUBERT. Are you willing to state to us now that between the statement and your deposition which you have just given that you have said all that you know about this matter altogether?

Mr. FUQUA. Yes, sir.

Mr. HUBERT. And that if the Commission takes that statement, Exhibit 5134, and your deposition that they will have everything you know about this whole matter?

Mr. FUQUA. Yes, sir.

Mr. HUBERT. All right, sir. Have you been interviewed by any member of the Commission, to your knowledge, prior to this?

Mr. FUQUA. No, sir.

Mr. HUBERT. Was there an interview between you and me prior to this?

Mr. FUQUA. Were you the one that called me on the telephone?

Mr. HUBERT. No, sir. Someone called you on the telephone?

Mr. FUQUA. Yes, sir; I guess. Called me on the telephone and told me when to be down here.

Mr. HUBERT. Yes; but that telephone call, whoever it was with, was solely for the purpose of fixing the time of this appointment.

Mr. FUQUA. Right.

Mr. HUBERT. No discussion of any matters.

Mr. FUQUA. No, sir.

Mr. HUBERT. And you and I have not discussed the matter before your deposition began?

Mr. FUQUA. No.

Mr. HUBERT. All right, sir, I think that is all then.

I thank you very much.

TESTIMONY OF EDWARD KELLY

The testimony of Edward Kelly was taken at 2:45 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. Leon D. Hubert, Jr., assistant counsel of the President's Commission.

Mr. HUBERT. This is a deposition of Edward Kelly.

Mr. Kelly, my name is Leon Hubert. I am a member of the advisory staff of the general counsel of the President's Commission. Under the provisions of Executive Order 11130, dated November 29, 1963, a Joint Resolution of Congress No. 137, and rules of procedure adopted by the Commission in conformance with the Executive order and the joint resolution, I have been authorized to take the sworn deposition from you. I state to you now that the general nature of the Commission's inquiry is to ascertain, evaluate and report upon the facts relating to the assassination of President Kennedy and the subsequent violent death of Lee Harvey Oswald. In particular as to you, Mr. Kelly, the nature of the inquiry today is to determine what facts you know about the death of Oswald and any other pertinent facts you may know about the general inquiry. Now, Mr. Kelly, you have appeared here today as a result of a request made informally of you to come. I want to advise you that under the rules adopted by the President's Commission you are entitled, if you wish, to have a 3-day written notice before this deposition can be taken. On the other hand the Commission has also provided that if a witness doesn't desire to have the 3-day notice and is willing to testify immediately and without having the notice, and is willing to waive that notice that he may do so.

Are you willing to waive the notice and testify now?

Mr. KELLY. About what?

Mr. HUBERT. About the general inquiry and about the document that I have just shown you?

Mr. KELLY. Oh, yes; I'd rather testify now.

Mr. HUBERT. You'd rather testify. Will you stand so that I may give you the oath?

Will you raise your right hand? Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KELLY. I do.

Mr. HUBERT. Will you please state your name?

Mr. KELLY. Edward Kelly.

Mr. HUBERT. Your age?

Mr. KELLY. Twenty-one.

Mr. HUBERT. Your residence? Where you live?

Mr. KELLY. 1315 Sanger Avenue.

Mr. HUBERT. 1315 what?

Mr. KELLY. Sanger.

Mr. HUBERT. What is your occupation?

Mr. KELLY. Porter at city hall.

Mr. HUBERT. How long have you been occupied like that?

Mr. KELLY. May 2d, I'll be there 1 year.

Mr. HUBERT. May 2d, of 1964, will be 1 year?