

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?

Mr. KELLY. Yes, sir.

Mr. HUBERT. Were you in the basement of the police department on Sunday, November 24th, before Oswald was shot down there?

Mr. KELLY. Yes; I sure was.

Mr. HUBERT. I think you were in the company with Harold Fuqua and Alfreadia Riggs and that's all of those?

Mr. KELLY. Yes, sir.

Mr. HUBERT. I am showing you a document which purports to be a report of an interview with you by FBI Agent Jack Peden, and I am marking it for identification as follows: "Dallas, Tex., April 1, 1964. Exhibit No. 5133, Deposition of Edward Kelly."

Signing my name to it. It consists of one page only, and I ask you if you have read that document?

Mr. KELLY. Yes, sir.

Mr. HUBERT. In order that the record may show that we are both speaking about the same thing, I wonder if you would place your initials on that document. Now, Mr. Kelly, you have put your initials on this document which I have marked 5133, by putting "EK", is that correct?

Mr. KELLY. That's correct.

Mr. HUBERT. Is this document correct, Mr. Kelly?

Mr. KELLY. Yes.

Mr. HUBERT. You have had a chance to read it?

Mr. KELLY. Yes; I have had—I have read it twice. There is nothing wrong about it.

Mr. HUBERT. Anything that should be added to it?

Mr. KELLY. As far as I can remember.

Mr. HUBERT. This conveys all that you know about the matter?

Mr. KELLY. Yes.

Mr. HUBERT. Have you had any interviews with any other members of the President's Commission?

Mr. KELLY. No, sir; besides—I mean, you know, Mr. Peden.

Mr. HUBERT. No; he is an FBI man.

Mr. KELLY. Well, that is the onliest one.

Mr. HUBERT. Where were you when Oswald was shot?

Mr. KELLY. I was up in the—on the first floor on the Commerce exit side.

Mr. HUBERT. You were along with Mr. Pierce and——

Mr. KELLY. Yes, sir.

Mr. HUBERT. And Mr. Servance?

Mr. KELLY. Yes.

Mr. HUBERT. Did you see Alfreadia Riggs and Harold Fuqua there that time, too?

Mr. KELLY. At the same time he was shot?

Mr. HUBERT. Yes.

Mr. KELLY. No, sir.

Mr. HUBERT. Had they been there earlier?

Mr. KELLY. Yes.

Mr. HUBERT. Where did they go, to your knowledge?

Mr. KELLY. I don't know. Didn't know they left.

Mr. HUBERT. But, you knew they left, but you don't know where they went, or how they got there, from your knowledge?

Mr. KELLY. No.

Mr. HUBERT. Thank you very much. I think that is all we need from you.

Mr. KELLY. Okay.

TESTIMONY OF LOUIS MCKINZIE

The testimony of Louis McKinzie was taken at 9 a.m., on March 25, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Leon D. Hubert, Jr., assistant counsel of the President's Commission.