

Mr. HUBERT. Thank you very much. We appreciate your cooperation.

Mr. SLAUGHTER. That's all right—I hope this was some help.

Mr. HUBERT. Thank you again.

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### TESTIMONY OF VERNON S. SMART

The testimony of Vernon S. Smart was taken at 12:15 p.m., on March 25, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Burt W. Griffin, assistant counsel of the President's Commission.

Mr. GRIFFIN. Lieutenant Smart, my name is Burt Griffin, and I am one of the attorneys on the advisory staff of the General Counsel of the President's Commission Investigating the Assassination of President Kennedy. This Commission has been set up by virtue of an Executive order issued by President Johnson and joint resolution of Congress. The Executive order is No. 11130 and the congressional resolution is No. 137. We have promulgated a set of rules of procedure, the Commission has, and under these rules of procedure, I have been given authority to take your sworn deposition. Part of our rules of standard procedure is to explain to you in advance what the general nature of the Commission's inquiry is. I will state in a general fashion that we are trying to ascertain and evaluate and report back to the President on the facts, and all of the facts, that relate to the assassination of President Kennedy and the murder of Lee Oswald. Our particular concern in calling you has more to do with the assassination or murder of Lee Oswald than it has to do with the assassination of the President; however, we want to have all of the information that you have which you think is pertinent to the matter that the Commission is involved in. Now, we have addressed a letter, that is, the General Counsel has addressed a letter, to Chief Curry requesting that you be made available to appear here. Under the rules of the Commission, you are entitled to a personal 3-day notice before you testify. You can waive this notice. I will ask you right now if you want the 3-day notice or whether you are willing to waive the notice?

Mr. SMART. No; I will waive it.

Mr. GRIFFIN. Also, you are entitled to have an attorney here, and some of the witnesses do have attorneys and others of them don't, and I take it that, by the fact that you are appearing here alone, that you do not desire an attorney; however, if you do desire to have an attorney present representing you, I wish you would say so at this time, and don't feel that it would be any embarrassment to any of us or we would be concerned about it.

Mr. SMART. No; I don't feel like I need one right now.

Mr. GRIFFIN. Well, let me tell you.

Mr. SMART. Not for this; no.

Mr. GRIFFIN. We have no authority to prosecute anybody.

Mr. SMART. Yes.

Mr. GRIFFIN. This is a factfinding matter, and I think more than very many people fully appreciate that this investigation is intimately connected with the security of the country.

Mr. SMART. Right.

Mr. GRIFFIN. And, of course, most particularly the security of the President, and it is terribly important from a standpoint of protection and making sure that things don't happen in the future—

Mr. SMART. I understand.

Mr. GRIFFIN. That we get everything. We have collected a lot of information in this area, and I can only tell you that what you think might be unimportant or would be more interested in withholding for fear of embarrassing somebody could be terribly important to us when all of the pieces are put together.

Mr. SMART. That is right.

Mr. GRIFFIN. Now, let me ask you if you have any questions about what we are doing here?

Mr. SMART. No; I think I understand.

Mr. GRIFFIN. Let me swear you in, then. If you will, will you raise your right hand? Do you solemnly swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

Mr. SMART. I do.

Mr. GRIFFIN. Lieutenant Smart, when were you born?

Mr. SMART. July 10, 1912.

Mr. GRIFFIN. And where do you live now?

Mr. SMART. Dallas.

Mr. GRIFFIN. What is your address?

Mr. SMART. 2120 Ballycastle Street.

Mr. GRIFFIN. All right. And you are employed with the Dallas Police Department?

Mr. SMART. Yes, sir.

Mr. GRIFFIN. And you are a lieutenant?

Mr. SMART. Yes, sir.

Mr. GRIFFIN. How long have you been with the police department?

Mr. SMART. Twenty-nine years.

Mr. GRIFFIN. Have you been interviewed by any member of this staff? I am not talking about FBI agents, but any members of the President's Commission staff—

Mr. SMART. No, sir.

Mr. GRIFFIN. Other than me?

Mr. SMART. No, sir.

Mr. GRIFFIN. And have I interviewed you before taking your deposition here?

Mr. SMART. No, sir.

Mr. GRIFFIN. All right. I am going to mark here for identification purposes a copy of an interview that was held with you by Special Agents Bookhout and Myers, [spelling] M-y-e-r-s, and that is Bookhout [spelling], B-o-o-k-h-o-u-t, of the Federal Bureau of Investigation on November 25, 1963. I am going to mark that, "Dallas, Texas, Lieutenant Smart, 3-25-64, Exhibit 5021." I am going to hand it to you and ask you if you have had a chance to read that over?

Mr. SMART. Yes, sir.

Mr. GRIFFIN. Now, are there any additions or corrections that you would care to make in that?

Mr. SMART. No. I told it to them just as I saw and heard it.

Mr. GRIFFIN. Now, did you file a report of your own activities with the police department?

Mr. SMART. Yes, sir.

Mr. GRIFFIN. I wonder if you would be good enough to provide us with a copy of that. You think, after this interview is over, you could get a copy of it and provide it to us?

Mr. SMART. Could I?

Mr. GRIFFIN. Yes.

Mr. SMART. You say could I?

Mr. GRIFFIN. Yes.

Mr. SMART. I think so. I don't have it in my possession.

Mr. GRIFFIN. We have asked everybody else, and there is no problem on that.

Mr. SMART. Yes, I am sure they will.

Mr. GRIFFIN. Let me ask you this. Were you on duty on November 22?

Mr. SMART. Yes, sir.

Mr. GRIFFIN. Where were you stationed?

Mr. SMART. Wait a minute. November 22?

Mr. GRIFFIN. The day that the President was shot.

Mr. SMART. No, sir.

Mr. GRIFFIN. Were you on duty on November 23?

Mr. SMART. Yes, sir.

Mr. GRIFFIN. And what time did you come to work that day?

Mr. SMART. 7 a.m.

Mr. GRIFFIN. Now, you are in charge of the auto theft division, is that right?

Mr. SMART. Yes, sir.

Mr. GRIFFIN. Is there any officer who is above you in the auto theft division?

Mr. SMART. At that time?

Mr. GRIFFIN. Yes.

Mr. SMART. No. You say are there or was there?

Mr. GRIFFIN. Was there at that time?

Mr. SMART. No, sir.

Mr. GRIFFIN. Now, what was the relationship of Captain Nichols?

Mr. SMART. He was off duty that day.

Mr. GRIFFIN. I see. But he is also an officer in it?

Mr. SMART. He is in charge of it.

Mr. GRIFFIN. He is——

Mr. SMART. He is the captain.

Mr. GRIFFIN. He is in charge of the whole division?

Mr. SMART. The whole bureau.

Mr. GRIFFIN. I see.

Mr. SMART. In his absence, I am in charge.

Mr. GRIFFIN. I see. Now, what time did you leave on the 23d, leave work?

Mr. SMART. It was late in the afternoon. I don't remember the time.

Mr. GRIFFIN. On the 23d, did you give any assistance in connection with the investigation of the murder of the President, did you lend any assistance to that——

Mr. SMART. No, sir.

Mr. GRIFFIN. To that investigation?

Mr. SMART. No, sir.

Mr. GRIFFIN. Did you lend any assistance in connection with preserving security in the building or press relations or anything like that?

Mr. SMART. Yes, sir.

Mr. GRIFFIN. Can you tell us—I am talking about the 23d.

Mr. SMART. Twenty-third?

Mr. GRIFFIN. Can you tell us what you did on the 23d in that regard?

Mr. SMART. I was told by Chief Stevenson to have all of the men in my bureau to stand by to assist in the transfer of Oswald.

Mr. GRIFFIN. Now, when were you told this by Chief Stevenson?

Mr. SMART. It must have been—I can't say for sure—in the neighborhood of 8 or 9 o'clock in the morning.

Mr. GRIFFIN. On Saturday morning?

Mr. SMART. Yes, sir.

Mr. GRIFFIN. That is the day before the transfer.

Mr. SMART. Said he didn't know what time they were going to move him but to have all of the men stand by available.

Mr. GRIFFIN. Did you then pass the word throughout your division?

Mr. SMART. Yes, sir.

Mr. GRIFFIN. Did you prepare any written memorandum of this?

Mr. SMART. No, sir.

Mr. GRIFFIN. Would there be anything in writing to indicate what sort of instructions were given or that there were instructions given?

Mr. SMART. All verbal.

Mr. GRIFFIN. Do you remember talking with any particular men about this in your department?

Mr. SMART. I talked to each one of them, told them to stand by and I would tell them when to report to the basement.

Mr. GRIFFIN. I see. Now, of course, nothing happened, he wasn't moved that day, Oswald was not moved on Saturday?

Mr. SMART. Wait a minute. I am all crossed up.

Mr. GRIFFIN. I thought you were.

Mr. SMART. I am talking about the day he was moved.

Mr. GRIFFIN. Okay.

Mr. SMART. I am all crossed up.

Mr. GRIFFIN. Okay. That is why I asked you.

Mr. SMART. Sunday, wasn't it?

Mr. GRIFFIN. That is why I asked you.

Mr. SMART. Sunday.

Mr. GRIFFIN. Okay.

Mr. SMART. I am speaking of Sunday, the day they moved him, now.

Mr. GRIFFIN. All right.

Mr. SMART. Saturday, I didn't do anything.

Mr. GRIFFIN. Now, before you came to work on Sunday, had you heard anything, even by way of rumor, with respect to the fact that Oswald might be moved that day?

Mr. SMART. That was when?

Mr. GRIFFIN. Came to work—before you arrived at work on Sunday morning.

Mr. SMART. No, sir; I didn't hear anything.

Mr. GRIFFIN. All right. Now, where was Stevenson when he talked to you about having your men ready?

Mr. SMART. In his office.

Mr. GRIFFIN. And were you personally there or did you receive this by telephone?

Mr. SMART. I received it from him.

Mr. GRIFFIN. And did you have any discussion with him at that time—

Mr. SMART. No, sir.

Mr. GRIFFIN. About the moving?

Mr. SMART. No, sir; he said have the men stand by and he would notify me when to have them report to the basement.

Mr. GRIFFIN. About how long was this before Oswald was actually moved, would you estimate?

Mr. SMART. I couldn't say for sure, but I think I must have talked to him between—it must have been around 9 o'clock in the morning or maybe earlier. I am not sure. I didn't make a note of the time.

Mr. GRIFFIN. And were there other department heads or bureau heads in there at the time that you got this information?

Mr. SMART. In and out.

Mr. GRIFFIN. Do you have any information as to whether Stevenson made a general request to all bureaus to have their men stand by or was this just specifically directed toward you?

Mr. SMART. I think it was general.

Mr. GRIFFIN. That is, do you have any confirmation of that, have you talked to other bureau heads, for example, to find out?

Mr. SMART. Captain Jones.

Mr. GRIFFIN. What bureau is he connected with?

Mr. SMART. Forgery.

Mr. GRIFFIN. What about the other bureau heads there? Did you talk to them?

Mr. SMART. Captain Martin, we discussed it among ourselves about having our men stand by.

Mr. GRIFFIN. Now, when did you discuss it with those gentlemen?

Mr. SMART. Shortly after I talked with Stevenson.

Mr. GRIFFIN. I see.

Mr. SMART. It was general knowledge around that all of the men were supposed to stand by. You know how those things get out.

Mr. GRIFFIN. I see. I see. Now, when was the next time that you got any information about the movement of Lee Oswald?

Mr. SMART. In the neighborhood of 11 o'clock, it could have been before or after a little bit, Chief Stevenson told me to have my men report to the basement.

Mr. GRIFFIN. Now, what did you do when you took your men down to the basement?

Mr. SMART. I instructed the men to go down to the basement and I went with them.

Mr. GRIFFIN. Did you personally place these men—

Mr. SMART. No, sir.

Mr. GRIFFIN. In any positions?

Mr. SMART. No, sir.

Mr. GRIFFIN. Do you remember if—

Mr. SMART. I turned them over to Captain Jones, he was handling that, and I told him, if I could help him, to let me know, that I would be down there, and he placed them.

Mr. GRIFFIN. What did you do at that point?

Mr. SMART. At that time, they were attempting to back this armored truck in, and I walked up the ramp, and they were having difficulty getting it in on account of the height of it and so forth, and Chief Batchelor was present, if I am not mistaken, he went down with us or in the group, and he and I decided with the driver that we couldn't get it all of the way down, and parked it about a third of the way down, I guess.

Mr. GRIFFIN. Are you a uniformed officer?

Mr. SMART. Beg your pardon.

Mr. GRIFFIN. Do you wear a uniform?

Mr. SMART. No, sir.

Mr. GRIFFIN. I want to get here a diagram that we have been using. I am going to ask you to mark on this diagram. This is a diagram of the basement. Here is the jail office.

Mr. SMART. Uh-huh.

Mr. GRIFFIN. The ramp up to Commerce Street, the ramp down from Main Street, and the garage area. Now, can you mark on this map or chart—

Mr. SMART. This ramp goes on out like this, doesn't it?

Mr. GRIFFIN. Yes.

Mr. SMART. This is really a solid wall.

Mr. GRIFFIN. Let me explain what this is here. This is the basement wall, this far black line is the basement wall, which underneath the ground goes all of the way out to the sidewalk, beyond the sidewalk.

Mr. SMART. Uh-huh.

Mr. GRIFFIN. However, at the street level—

Mr. SMART. This would all be sidewalk?

Mr. GRIFFIN. This would all be sidewalk.

Mr. SMART. I see.

Mr. GRIFFIN. Now, will you show us on this diagram where you were standing just before Lee Oswald was shot?

Mr. SMART. Well, I would say about here.

Mr. GRIFFIN. Would you mark it with an "X" if you would?

Mr. SMART. All right. Roughly.

Mr. GRIFFIN. Would you do something? Would you put your initials beside it or something to indicate that that is you? Okay. Now, did you see Sam Pierce's car go out of the driveway?

Mr. SMART. No; I didn't.

Mr. GRIFFIN. Which direction or what were you doing at the time that Pierce's car would have gone out about a minute ago?

Mr. SMART. I don't know when his car went out. I heard them talking about it. It was supposed to have gone out this way, wasn't it?

Mr. GRIFFIN. Yes; now, when you were standing by the armored car, were you looking up to Commerce Street?

Mr. SMART. At the time of the shooting?

Mr. GRIFFIN. No; not at the time of the shooting.

Mr. SMART. Well, I was looking every way that I could, this side of the truck, this side of the truck, trying to see down here from time to time, but I couldn't see much for the television lights.

Mr. GRIFFIN. Now, how long—

Mr. SMART. I was mainly interested in the security angle from across the street, so forth. That was my thought.

Mr. GRIFFIN. How long had you remained—how long had you been here by the side of this armored truck prior to the time that you heard any shots in the basement?

Mr. SMART. Oh, long enough that, when the truck backed down, Batchelor and I found some bottles in it, anything that might be used as a weapon that was

loose in the truck. I don't know how long that would have been, practically all of the time that I was in the basement.

Mr. GRIFFIN. Were you standing beside the truck?

Mr. SMART. No; I was up here.

Mr. GRIFFIN. Do you want to mark up there where the truck was? Why don't you mark a square where the truck was?

Mr. SMART. This is strictly guesswork because I didn't measure in feet or anything.

Mr. GRIFFIN. This is all right. Just a rough idea. And you were standing at the place where you were standing beside the truck?

Mr. SMART. I had been in the truck, around the truck, I had taken some bottles over here and set them on a ledge out of the way and I had walked back—of course, this doesn't represent too many feet—approximately halfway from the truck down to the end of the ramp, and at the time that I heard the shot, I was looking out this way.

Mr. GRIFFIN. I see. What did you do at the time that you heard the shot?

Mr. SMART. What did I do at the time?

Mr. GRIFFIN. Yes.

Mr. SMART. I immediately rushed down to where the scuffle was going on.

Mr. GRIFFIN. Now, did you at any time go into the jail office?

Mr. SMART. No, sir.

Mr. GRIFFIN. I understand that you talked to "Blackie" Harrison right after the scuffle.

Mr. SMART. Yes, uh-huh, as soon as I got to the scene.

Mr. GRIFFIN. Was Ruby still there?

Mr. SMART. Yes; I asked "Blackie" who he was.

Mr. GRIFFIN. Did you talk with "Blackie" after that that day?

Mr. SMART. Later in the day?

Mr. GRIFFIN. Yes, sir.

Mr. SMART. I don't recall it if I did.

Mr. GRIFFIN. Between the time that you talked with Harrison and the time that you were informed that you should go to Ruby's car and search the car, what did you do?

Mr. SMART. I was told by Chief Stevenson to check all of—to put guards on the elevators and on the doors on the first floor.

(Discussion off of the record.)

Mr. GRIFFIN. And did you do that?

Mr. SMART. I did that, and I went back to my office, resumed my usual routine.

Mr. GRIFFIN. That is on the third floor?

Mr. SMART. Right.

Mr. GRIFFIN. How long did you remain up there on the third floor before you were asked to do something in connection with Ruby's car?

Mr. SMART. I couldn't say for sure. It was some time, though, elapsed, quite some time elapsed, and Chief Stevenson would call me on the phone and gave me the license number of his car and told me where it was parked, asked me—told me there was a sum of money in it, to go over and remove it.

Mr. GRIFFIN. You got out there, and I take it from your statement that you found that somebody else had already been to the car?

Mr. SMART. No, sir.

Mr. GRIFFIN. You were the first one to the car?

Mr. SMART. I don't think I said that anyone else had been to it.

Mr. GRIFFIN. I will correct the record, because his statement doesn't reflect it, what I said. All right. When you got to the car, was the car locked or unlocked?

Mr. SMART. The doors were unlocked.

Mr. GRIFFIN. Now, did you have a key to the car at that time?

Mr. SMART. No, sir.

Mr. GRIFFIN. Had you been told at that time whether or not there was a key to the car—

Mr. SMART. No, sir.

Mr. GRIFFIN. Or whether you needed one?

Mr. SMART. No, sir; I hadn't been told. I just assumed that the keys were in the car, but nobody told me that.

Mr. GRIFFIN. Now, when you got there——

Mr. SMART. Being on a parking lot, you know, naturally, I didn't think.

Mr. GRIFFIN. Was there a dog in that car?

Mr. SMART. Yes, sir.

Mr. GRIFFIN. Where was the dog when you got to the car?

Mr. SMART. The dog had crawled under a newspaper in the front seat.

Mr. GRIFFIN. And what did you do with the dog when you got in?

Mr. SMART. We had the squad come by and get it and take it to the animal shelter.

Mr. GRIFFIN. Was there anybody else that accompanied you out to that automobile?

Mr. SMART. Lieutenant Swain.

Mr. GRIFFIN. And that is all?

Mr. SMART. Well, we called the uniformed squad there a little bit later and had the car put in the pound. It seems to me like there was one more detective. I don't remember. I believe it was Detective Watson. I am not sure.

Mr. GRIFFIN. What was the first thing you searched?

Mr. SMART. The glove compartment.

Mr. GRIFFIN. And I understand that you found his wallet in the glove compartment?

Mr. SMART. Right.

Mr. GRIFFIN. And a key to fit the trunk?

Mr. SMART. Right.

Mr. GRIFFIN. Now, did you ever find out whether Ruby had a wallet on his person?

Mr. SMART. No, sir; I never did.

Mr. GRIFFIN. Did you ever make any inquiry?

Mr. SMART. No, sir.

Mr. GRIFFIN. Now, did you talk with Ruby about any of the equipment which you found in the automobile?

Mr. SMART. No, sir.

Mr. GRIFFIN. About the property which you found in the automobile?

Mr. SMART. No, sir.

Mr. GRIFFIN. Did Lieutenant Swain?

Mr. SMART. No, sir; not in my presence.

Mr. GRIFFIN. Or that you know of?

Mr. SMART. Not that I know of.

Mr. GRIFFIN. In the normal procedure, who would be the person who would question him about that property?

Mr. SMART. Well, I would think it would be Captain Fritz.

Mr. GRIFFIN. I see. Did you examine this billfold?

Mr. SMART. Yes, sir.

Mr. GRIFFIN. Can you tell us what you recall being in that billfold?

Mr. SMART. His driver's license and several cards of identification like you would normally carry in a billfold, but I don't remember each one, what they were or anything. Different cards with his name on it.

Mr. GRIFFIN. Social security card?

Mr. SMART. I believe his social security card was there. I am not sure. There was just stuff—cards and papers.

Mr. GRIFFIN. I see. Do you think you would be able to identify that wallet and contents?

Mr. SMART. I think so.

Mr. GRIFFIN. Do you remember anything else in there besides identification cards in the wallet?

Mr. SMART. No, sir.

Mr. GRIFFIN. Was there any money in the wallet?

Mr. SMART. No, sir.

Mr. GRIFFIN. Now, what else did you find in the glove compartment?

Mr. SMART. A key.

Mr. GRIFFIN. A single key?

Mr. SMART. A single key.

Mr. GRIFFIN. Was this—where was this?

Mr. SMART. Just laying in the floor of the glove compartment.

Mr. GRIFFIN. Was it under some papers or anything like that?

Mr. SMART. No, sir; wasn't much stuff in the glove compartment.

Mr. GRIFFIN. Was there anything else in the glove compartment besides the key and the wallet?

Mr. SMART. I remember looking, but I remember there was nothing of importance that would have any bearing on anything. There was something there, not much, though.

Mr. GRIFFIN. Was the key on top and exposed?

Mr. SMART. No. The billfold was on top and the key was laying over on the side.

Mr. GRIFFIN. I see.

Mr. SMART. Just a lone key, a General Motors key.

Mr. GRIFFIN. I see. Did it appear there had been any effort to conceal it?

Mr. SMART. No, sir.

Mr. GRIFFIN. Now, after you searched the glove compartment, what did you do? What did you search after the glove compartment?

Mr. SMART. Well, I sat down in the front seat to try this key, and I put my hand down on these papers, and that is when I felt the dog. The dog raised up. It didn't fit the ignition keys, I mean the ignition switch, so I knew it was a General Motors key, and I owned an Oldsmobile, and it looked like it might be a trunk key, and I tried it, and it worked.

Mr. GRIFFIN. Now, up to this point, you hadn't searched the interior of the car, nothing but the glove compartment?

Mr. SMART. No, sir; nothing but just look over.

Mr. GRIFFIN. Now, when you took this key, you were able to open the trunk, weren't you?

Mr. SMART. Yes, sir.

Mr. GRIFFIN. What did you see when you opened that trunk?

Mr. SMART. Well, some paper bags and some bank sacks, maybe one bank sack, and just full of junk, almost full of junk, except there was a set of keys laying right down in the open.

Mr. GRIFFIN. Now, was this a set of keys?

Mr. SMART. Well, it was a bunch of keys.

Mr. GRIFFIN. Were they on a ring?

Mr. SMART. A ring or something to hold them together; I don't remember.

Mr. GRIFFIN. How many keys would you say were on this?

Mr. SMART. Oh, roughly four or five.

Mr. GRIFFIN. Now, were there any keys that looked like they might be keys to a house or door?

Mr. SMART. Yes, sir.

Mr. GRIFFIN. And how many keys on there appeared that they would be automobile keys?

Mr. SMART. I don't remember now. I can tell that the other key, you know, they were shaped a little different, one of them was the ignition key, and I tried it, and it worked.

Mr. GRIFFIN. Now, if you were to see these keys, do you think that you would recognize them?

Mr. SMART. Yes, sir; I think so.

Mr. GRIFFIN. Where did you see the keys in the car, in the trunk of the car?

Mr. SMART. Laying right in the floorboard of the trunk.

Mr. GRIFFIN. Near the front?

Mr. SMART. Near the front.

Mr. GRIFFIN. Exposed to view?

Mr. SMART. Right.

Mr. GRIFFIN. Where were they in relationship to the paper sacks and the money bags?

Mr. SMART. To the right. The paper bags were more in the back. He had two or three boxes of pictures of girls, and things like that, that we just



thumbed through, maybe stacks of them that high, a lot of cards to his club. That was mostly what the stuff was in the trunk.

Mr. GRIFFIN. Now, if these keys were placed where you found them and one had been driving that car, would the motion—were they placed in such a way that the motion of the car or bumps and whatnot would move these about?

Mr. SMART. I would think they would probably have scooted under papers or something, would have been my guess, possibly.

Mr. GRIFFIN. Now, is there anything that you saw or that you have learned that would indicate to you how long those keys might have been in the back of that trunk prior to the time that you opened it?

Mr. SMART. You want my thought?

Mr. GRIFFIN. Yes; I do.

Mr. SMART. My thought, when I found things like they were, that Jack Ruby had purposely put his billfold in the glove compartment and purposely put his keys in the trunk compartment and locked it up and purposely left his trunk key in the glove compartment so he could get to it. That was my thought. I wondered why he left his billfold with all of his identification in it in his glove compartment.

Mr. GRIFFIN. I would like to have your opinion as a trained investigator, anything else that led you to believe this or why, other than simply the placement that we have just discussed, that would have led you to think that he had done what you mentioned?

Mr. SMART. Because, when he left the car on the lot, there was no attendant there, I guess was the main reason. He parked it in an odd place and up on an incline deal on the lot.

Mr. GRIFFIN. How was it an odd place?

Mr. SMART. Well, the lot is kind of uneven, and it was pretty close out to the center of the lot. It was where an old building had been torn down and left some concrete in one place, you know, like this.

Mr. GRIFFIN. Yes; would you—I am going to interrupt this just one second here while I get this exhibit marked, and I am going to ask you, while I mark this exhibit, would you draw on this piece of paper the intersection there, the intersection of Commerce, Main and Pearl, and then would you draw the parking lot where Ruby's car was found?

Mr. SMART. These are two parking lots. They are all together but separately operated.

Mr. GRIFFIN. Would you put the two streets in there so we would know which is Main and which is Pearl? Now, which is Commerce?

Mr. SMART. This is south.

Mr. GRIFFIN. All right, now. Let me ask you. Start over again here on another sheet of paper. I want to get more detail on here.

Mr. SMART. Oh, I see.

Mr. GRIFFIN. It would probably be easiest if you would draw the block, Commerce, Harwood, Pearl and Main, and indicate the location of the police department, the Western Union office and the parking lots on the corner of Main and Pearl, and then show us which parking lot Jack's car was in.

Mr. SMART. I am not a very good artist, now.

Mr. GRIFFIN. That is okay. It that the parking lot?

Mr. SMART. Uh-huh.

Mr. GRIFFIN. All right.

Mr. SMART. Roughly about there.

Mr. GRIFFIN. All right. Now, we will go on the record. Now, you have drawn a diagram here, which I am going to mark, "Dallas, Texas, Lieutenant Smart, 3-25-64, Exhibit 5023," and that appears to be a diagram of the intersection of Main and Pearl with the Western Union marked and parking lot designated on the northwest corner of Main and Pearl and an automobile marked out there. Is that pencil mark of an automobile your best estimate of where you found Ruby's car?

Mr. SMART. That is approximately about where the car was parked.

Mr. GRIFFIN. Were there any other cars in the parking lot at that time?

Mr. SMART. At that time, the parking lot had opened officially; there were a few more cars; I don't recall where they were—and an attendant there.

Mr. GRIFFIN. I see. Were there any other cars parked next to Ruby's car?

Mr. SMART. No.

Mr. GRIFFIN. Other than—did you mention the location of these keys and the billfold to anybody?

Mr. SMART. Yes, sir.

Mr. GRIFFIN. Who did you mention that to?

Mr. SMART. Homicide detectives.

Mr. GRIFFIN. Do you remember any particular one?

Mr. SMART. There was two of them. I think it was Montgomery and his partner. I am not sure. There is some new men in there that I don't know too well. We brought all of that stuff in there, showed Captain Fritz what we had. He said, "Turn it over to them."

Mr. GRIFFIN. Did you write any report in connection with this search to the police department?

Mr. SMART. No, sir.

Mr. GRIFFIN. So there is no written report in the police department of what you just told me?

Mr. SMART. No, sir.

Mr. GRIFFIN. Would it be customary for anybody in the police department to have written a report of what you told them?

Mr. SMART. It could be. I gave all of my information to the homicide boys, because they were handling the case, turned the money over to them, the keys, and turned everything over to them.

Mr. GRIFFIN. Would you do this favor to me? Inquire of Captain Fritz, inquire and find out, if there is a report of what you told them, and, if so, give us a copy of it so we could have it for our file?

Mr. SMART. Sure.

Mr. GRIFFIN. Now, did you also find in the automobile some radio scripts or something that had to do—well, do you recall finding anything that appeared to be radio scripts or political propaganda materials?

Mr. SMART. No, sir; I tell you, Mr. Griffin. I was instructed to go over there and get the money—it seemed like that is what he was worried about, his money—and bring it over and put it in the property room or have it put into the property room, and when I ran into the billfold and the keys, I thought they should be over there, too, and I told the homicide officers they should go back and make a thorough check of the trunk and also that there might be some pertinent information that they wanted, and I understood that they did. What they found, now, I don't know. I think that the FBI went, too, but I never did go back and search anything else.

Mr. GRIFFIN. So you removed the billfold and the keys and the money?

Mr. SMART. Yes, sir; and a sack of miscellaneous stuff and the papers that were in the front seat pertaining to the assassination. I thought that might have some bearing. He had about four or five current—

Mr. GRIFFIN. Newspapers?

Mr. SMART. With the spreads on the front, newspapers.

Mr. GRIFFIN. Did they appear to be complete copies of a newspaper or were articles cut out?

Mr. SMART. Complete copies—

Mr. GRIFFIN. Do you remember—

Mr. SMART. Which they were placed in the property room.

Mr. GRIFFIN. I see; now, did you file an inventory on that?

Mr. SMART. No, sir.

Mr. GRIFFIN. Who did you turn that property over to?

Mr. SMART. To these two homicide officers. All I did was count the money and initial it, so I would know myself, Swain and I did, so that we would be protected on the amount of money. I understand that they listed all of the stuff and inventoried it and so on and so forth.

Mr. GRIFFIN. Did you testify at the Ruby trial?

Mr. SMART. No, sir.

Mr. GRIFFIN. Do you have any personal knowledge that Captain Fritz ac-

tually became aware of how you had found this billfold and the location of the keys?

Mr. SMART. Do I know what?

Mr. GRIFFIN. Do you know whether Captain Fritz ever actually became aware of where you had actually found the keys and the billfold?

Mr. SMART. We carried the stuff to his office and Swain told him that we had the money and his billfold and some things taken out of the car.

Mr. GRIFFIN. Uh-huh.

Mr. SMART. I heard him tell Captain Fritz that; yes.

Mr. GRIFFIN. So it is possible——

Mr. SMART. So he told these two fellows to take over.

Mr. GRIFFIN. So, if there were no actual written report of this ever made——

Mr. SMART. If there is, I imagine Montgomery—I believe it is Montgomery—I could be mistaken—but it is those two guys. I could find out their names.

Mr. GRIFFIN. Okay, okay; all right; did you talk with Ruby at any time?

Mr. SMART. No, sir.

Mr. GRIFFIN. Now, when you got back to the homicide office, saw Fritz, had Fritz talked with Ruby by then?

Mr. SMART. I couldn't tell you.

Mr. GRIFFIN. When you got back to the homicide office, had you been told by anybody how Ruby got into the basement?

Mr. SMART. No, sir.

Mr. GRIFFIN. Or did you hear any rumor about it?

Mr. SMART. Oh, I heard rumors; yes.

Mr. GRIFFIN. Did you—when was the first time that you heard that Ruby had told somebody how he got into the basement?

Mr. SMART. I am not sure where I heard it, but I heard it—some of the boys talking, said that they heard that he said that he walked by some officers down the ramp.

Mr. GRIFFIN. Do you remember which——

Mr. SMART. They were talking to Sam Pierce.

Mr. GRIFFIN. Yes; and do you remember which of the men you heard——

Mr. SMART. No, sir.

Mr. GRIFFIN. Making this statement? How would they—would you have heard this on the 24th, on the day that Ruby shot Oswald, or was it sometime later?

Mr. SMART. I don't remember, Mr. Griffin, now.

Mr. GRIFFIN. You remember that there were a number of rumors that began circulating right at the beginning, one that he came down the ramp, one that he pushed a TV camera in, another one was that he used a press pass, another one is that he got out of a police car?

Mr. SMART. Yes.

Mr. GRIFFIN. Now, had you heard, are you able to remember whether you have heard, any or all of these rumors on Sunday when you were there?

Mr. SMART. No, sir; I can't. I just heard them somewhere around there, heard somebody—they weren't talking even to me, I don't think. Just discussing it or something.

Mr. GRIFFIN. Let me take this off of the record.

(Discussion off of the record.)

Mr. GRIFFIN. Let's go on the record here. I am also going to mark for identification as Exhibit 5024 a letter that you wrote to Chief Curry on November 27 with respect to what you heard down there in the basement.

Mr. SMART. Uh-huh.

Mr. GRIFFIN. I am going to mark it, "Dallas, Tex., Lieutenant Smart, 3-25-64, Exhibit 5024." Now, I want you to look at Exhibit 5021 and Exhibit 5024, and will you tell me if you have read those over?

Mr. SMART. Yes, sir; I have read those.

Mr. GRIFFIN. And you have already stated, I believe, as to each one of those that there is nothing that you would add or subtract from that or correct?

Mr. SMART. No, sir. If I knew something that would help you, I would tell you.

Mr. GRIFFIN. Would you sign each of those in some place where it is conspicuous and date it?

Mr. SMART. Just the front sheet?

Mr. GRIFFIN. That is right, just the place where I have got it marked. Now, would you also look at Exhibit 5022? That is the diagram of the basement. You put some markings on that. Would you sign that? Would you also take this Exhibit 5023, which you prepared? It is a diagram of the intersection of Main and Pearl Expressway. Okay. I am much obliged, lieutenant.

Mr. SMART. Okay, Mr. Griffin. I wish I could help you.

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## TESTIMONY OF JOHN ALLISON SMITH

The testimony of John Allison Smith was taken at 2 p.m., on April 15, 1964, at the Post Office Building, Fort Worth, Tex., by Mr. Leon D. Hubert, Jr., assistant counsel of the President's Commission.

Mr. HUBERT. 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 President Johnson's Executive Order 11130, dated November 29, 1963, the Joint Resolution of Congress No. 137, and the rules of procedure adopted by the Commission, in conformance with that Executive order and that joint resolution, I have been authorized to take a sworn deposition from you, Mr. Smith.

I state to you now that the general nature of the Commission's inquiry is to ascertain, evaluate, and report upon the facts relative to the assassination of President Kennedy and the subsequent violent death of Lee Harvey Oswald.

In particular, as to you, Mr. Smith, 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, and particularly as to whether or not an individual by the name of Jack Ruby was seen by you on Commerce Street near the Dallas Police Department Building on November 24, 1963.

Now, Mr. Smith, I think that you are appearing here today as a result of a letter addressed to you from Mr. J. Lee Rankin, the General Counsel for the Commission, is that correct?

Mr. SMITH. Yes, sir.

Mr. HUBERT. Is it true that that letter was received by you more than 3 days ago from today?

Mr. SMITH. It was received last Friday.

Mr. HUBERT. And today, of course, is Wednesday?

Mr. SMITH. Yes.

Mr. HUBERT. All right, do you mind taking the oath?

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

Mr. SMITH. I do.

Mr. HUBERT. State your name.

Mr. SMITH. John Allison Smith.

Mr. HUBERT. How old are you, Mr. Smith?

Mr. SMITH. This being 1964, I am 42 at present.

Mr. HUBERT. Where do you reside?

Mr. SMITH. 22 Shadowbrook Lane in Hurst, Tex.

Mr. HUBERT. H-u-r-s-t?

Mr. SMITH. Yes, sir.

Mr. HUBERT. What is your occupation?

Mr. SMITH. I am classified as a TV technician.

Mr. HUBERT. Did you have the same occupation on November 22, 23, and 24, 1963?

Mr. SMITH. Yes, I did.

Mr. HUBERT. How long have you been employed by WBAP-TV?

Mr. SMITH. Since November the 22d, 1945.