

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.

Mr. HUBERT. Now were you on duty in your occupation in Dallas on November 23 and November 24, 1963.

Mr. SMITH. Yes.

Mr. HUBERT. Were you with the remote truck owned and operated by WBAP?

Mr. SMITH. I was.

Mr. HUBERT. Who else was with you in the operations during those days?

Mr. SMITH. Well, there was quite a large crew. The way we are situated, there is a basic crew that stays in the truck. That is "in person," that has to do with the picture, and one has to do with the sound, and that other person that is connected with the sound is Mr. Walker.

Mr. HUBERT. Ira Walker?

Mr. SMITH. Yes. In this particular case, ordinarily there is no cameraman near the structure because they are usually in the premises, but in this case we had a camera on top of the truck.

Mr. HUBERT. Who was manning that camera on November 24?

Mr. SMITH. That was Mr. Richey.

Mr. HUBERT. That is Warren Richey?

Mr. SMITH. Yes, sir.

Mr. HUBERT. Now those two gentlemen came down here with you today and are outside in the anteroom, is that correct?

Mr. SMITH. Yes, sir.

Mr. HUBERT. What was your duty during those days?

Mr. SMITH. Well, call it "riding gain on the video." What it amounts to is, to adjust the picture information, using an oscilloscope and that sort of thing.

Mr. HUBERT. Does that require that you be inside of the truck?

Mr. SMITH. Generally. You make short trips outside the truck. The one case that has to do with this particular thing, the man that is responsible for the video has to deal with the telephone company as to the class of picture that you are sending out and so on. It was during one of these particular trips away from the truck to contact the telephone company that I first saw this person that I believe to be the same man as Jack Ruby.

Mr. HUBERT. Tell us what time that was?

Mr. SMITH. Now here the times are going to have to be fairly accurate. As far as minutes and seconds, we don't watch things that closely, but the first time I saw this person has to be somewhere in the neighborhood of 8:15 a.m.

Mr. HUBERT. Now there must be some reason why you fix that time?

Mr. SMITH. We went to work at 7, and it takes approximately an hour to turn everything on and get it all warmed up to proper operation. Then we go through this thing of what we call "lineup procedure," on all the cameras, which we had done. So for that reason, I placed this time at approximately an hour after 7 a. m.

Mr. HUBERT. But when all that procedure is done, did you leave the truck?

Mr. SMITH. Not yet.

Mr. HUBERT. All right, go ahead.

Mr. SMITH. We had adjusted all these pictures, and in this particular instance, there were only two. We called the telephone company and they looked at our signal, and if they have any complaints or questions about the quality of the picture, they would tell you what it was. There was a complaint about the picture that I didn't agree with, so we generally get together and one of us looks at the other picture and talk it over and see what the thing amounts to. So I had gone around to the telephone company. It is a mobile home little trailer set up where they put the microwave equipment. Now this was on the west side of the city hall building there.

Mr. HUBERT. What street was it on?

Mr. SMITH. Well, what street?

Mr. HUBERT. Your truck was on Commerce Street, wasn't it?

Mr. SMITH. Yes. We were facing east.

Mr. HUBERT. That is a one-way street going east, and you were facing east? You were on the left-hand side of that street?

Mr. SMITH. Yes. And this trailer was around on the west side of this building in the middle of the block.

Mr. HUBERT. In other words, it was on the street which the back of your trucked faced?

Mr. SMITH. Right.

Mr. HUBERT. To go from your truck to that little vehicle you are talking about, you would have to turn left off of your truck, walk down to the corner and then turn right toward Main Street?

Mr. SMITH. That is true.

Mr. HUBERT. Now let me suggest to you that that street is called Harwood Street, and if you will keep that in mind, we can refer to it as Harwood Street. I think it will make it simpler from now on. How far on Harwood Street from the corner of Commerce was that little vehicle of the telephone company parked?

Mr. SMITH. I would estimate it would be almost exactly halfway up the block.

Mr. HUBERT. Do you remember seeing an entrance to the building around there?

Mr. SMITH. It is right in front of the main entrance, the west side.

Mr. HUBERT. The telephone company truck was right in front of the main entrance?

Mr. SMITH. Yes.

Mr. HUBERT. Was it on the same side of the street as the main entrance or the opposite side?

Mr. SMITH. Same side.

Mr. HUBERT. So you walked up to that truck?

Mr. SMITH. Yes.

Mr. HUBERT. And you figure that because of all you have told us, that considering the hour that it would have taken to warm up, considering that you came and started off at approximately 7 and then you got the complaints and you walked over, it must have been in the neighborhood of 8:15?

Mr. SMITH. Yes.

Mr. HUBERT. Did you see this man that we are talking about, or will in a moment, on the way to the telephone vehicle, or on the way back?

Mr. SMITH. It was on the way back.

Mr. HUBERT. How long did you stay at the telephone truck then?

Mr. SMITH. It was several minutes. We had to hook up a scope and he made some adjustments there. I think I would say I was at the truck at least 10 minutes.

Mr. HUBERT. Then you walked back?

Mr. SMITH. These are guesses.

Mr. HUBERT. You walked back to your truck?

Mr. SMITH. Yes, sir.

Mr. HUBERT. When did you first see this individual?

Mr. SMITH. When I got around the corner and almost back to our truck, this person was standing there on the sidewalk almost parallel with our truck. That is in the vicinity of the door of the city hall.

Mr. HUBERT. The door of the city hall, or of the police department building?

Mr. SMITH. Building. I refer to it as the city hall. What is the name of that officially?

Mr. HUBERT. There are two. Actually one is the city hall or the police department opening which is on the Harwood Street side of the automobile exit. The building on the other side of the Commerce Street exit from where your truck was is the municipal building.

Mr. SMITH. It wasn't the municipal building. We didn't go there until later.

Mr. HUBERT. So he was standing about at the staircase entrance to the Dallas Police Department Building on the sidewalk between the building and your truck, right?

Mr. SMITH. Yes.

Mr. HUBERT. How close did you get to him?

Mr. SMITH. Probably 30 feet.

Mr. HUBERT. All right, where was he standing, or what was he doing, rather?

Mr. SMITH. He was standing there looking up at the windows where we had some cables running through. You see, we had camera gear up on this floor

where all the interrogation was taking place and all, and this person was just standing there looking at the cables and inquisitive, maybe.

Mr. HUBERT. Was there a crowd of people around there?

Mr. SMITH. No, sir; not at this time of day.

Mr. HUBERT. How was he dressed, do you know?

Mr. SMITH. Now here this probably conflicts with anything you heard, but I am talking about a particular person, and one that I saw had on a light grey topcoat and a light grey hat, shabby appearance, not neat, you know.

Mr. HUBERT. Did you notice whether he had a tie on?

Mr. SMITH. No, sir. I was looking at him from a quarter.

Mr. HUBERT. Did you get a full view of him?

Mr. SMITH. No, sir; not at this time. It is the type of person that we see often when we go out on an early morning remote. It is the person that is walking the street with no place to go. That is what he impressed me as being. And it kind of fit in that he was just standing looking up at these cables and doing nothing more than that.

Mr. HUBERT. Did you observe him do anything else?

Mr. SMITH. Not at that time.

Mr. HUBERT. Did you hear him say anything?

Mr. SMITH. No.

Mr. HUBERT. Did you see that same person later?

Mr. SMITH. Yes. Now here this is probably a more inaccurate guess than the other as to time, but it was later in the morning. At least an hour or maybe an hour and a half later than that. We were at a break and I was sitting in the back of the truck, and to the best of my knowledge, Walker was in there, but it was during the time when you are not rehearsing and you are not on a standby condition. You are relaxed and you are not familiar with this old truck, but I will try to picture to you that it is an enclosed thing. It is kept rather dark for the picture's sake, and it gets warm in there. And sometime I will open these curtains or turn on the fan and get a little ventilation. This happens even in the wintertime. And I lowered the curtain on my side and there stood this same man there.

Mr. HUBERT. There can be no doubt in your mind that that was the same man you had seen earlier?

Mr. SMITH. That's right. Now this is the same particular person that I am talking about. They are one and the same. Same coat and same hat and same everything. And when I opened the curtain, this man is no less than 2 feet from the truck here, and he is standing there very nonchalantly, you know, and he says, "Have they brought Oswald down yet?"

Mr. HUBERT. Was there a glass window between you and this man?

Mr. SMITH. It wasn't pulled to. It was open.

Mr. HUBERT. It was open?

Mr. SMITH. It is a sliding, double-sliding window.

Mr. HUBERT. Then you had a full-face view of him?

Mr. SMITH. Yes, sir.

Mr. HUBERT. And that you were not in excess of 3 feet from him?

Mr. SMITH. Right.

Mr. HUBERT. Your face and his face were not separated by more than 3 feet at that point?

Mr. SMITH. That is true.

Mr. HUBERT. You heard him say, "Have they brought down Oswald yet?"

Mr. SMITH. "Have they brought Oswald down?" Yes, sir.

Mr. HUBERT. Did anyone answer him?

Mr. SMITH. I did. I don't know how to explain it. You see, my first reaction was one of a joke, you know. Here we were all sitting around here for days waiting for this news story to develop, and a man asks you have they brought Oswald down yet, and to me I am thinking if they had brought him down and taken him to the county building, why would we be here? And I started my answer like, "What do you think?" And then he repeated his question again, "Have they brought him down?" And he didn't call his name the second time, like it was understood.

Mr. HUBERT. In other words, he really asked twice? The first time he used

Oswald's name and the second time he referred to him by the use of the pronoun "him," and the second time you told him, "No"?

Mr. SMITH. I said, "No, sir; they haven't brought him down, or we wouldn't still be sitting here." And he just turned and walked away.

Mr. HUBERT. Did you see him there after that day?

Mr. SMITH. Now I think I did, and I am not sure. But this is the same man. The third time was in a crowd, and I could tell you pretty well what time this was, because KRLD put a camera in front of our truck at approximately 10 a.m. That is another guess. But they had time to turn that camera on and get it warm before all the news broke, so it had to be somewhere in the neighborhood of 10 or maybe before. But after that camera was set up, KRLD had a couple of engineers out there lining up the camera.

Mr. HUBERT. That was on Commerce Street with the camera facing down into the Commerce Street ramp of the building, I take it?

Mr. SMITH. They had this thing facing—you see, our truck wasn't up to the ramp. There was room for a car almost between our truck and the ramp. Now they had this camera in that space right directly in front of our truck there, and they had a man standing on the sidewalk lining up their camera.

And this TV camera, it always draws a crowd, and at this time there was quite a few people just standing around. But this man that I am talking about, I am almost certain, was standing on the other side of the ramp.

Mr. HUBERT. Of the Commerce Street ramp?

Mr. SMITH. Yes; on the sidewalk, in a group of people, just standing there watching the proceedings.

Mr. HUBERT. Do you recall the time at which the police moved all of the people from the police department side of Commerce Street over to the other side?

Mr. SMITH. No; I don't. Someone asked me that before. I don't remember that taking place. You see, I was never told anything about the move. I was inside the truck, so I didn't have any connection with that.

Mr. HUBERT. Now when you saw this man, or think you did, possibly did, the third time, had you come out of your truck?

Mr. SMITH. Yes; I had been down in the basement. We were running some microphone cords, you see. I know this adds up to an awful long story how we move around so much, and it doesn't make sense to you, I am sure, but sometime during the morning Chief of Police Curry had told us that we would not be allowed to go through the double doors that separate the underground parking area from the underground office area. It is a double door there adjacent to the elevator opening, and he had told us that we would not be allowed beyond that door for any reason, but that he would give us a good place to put a camera and a microphone if we wouldn't interfere with his passageway from there on out to the parking lot.

So we had gotten permission to set this camera up right next to that door, and we were the first camera in line there, and we were going to run two microphones in there. That was the plan at that time, in case they should allow an interview. We had hoped that they might, which later didn't work, but in the running of this microphone, this microphone went through the downstairs door into the office area. They didn't go down the ramp or anywhere near the parking area, but in running the microphones and in helping the Walker crew check out the mikes and all coming back to the truck is when I had seen this man standing over there to the left.

Mr. HUBERT. It was to your left as you came out of the Commerce Street ramp?

Mr. SMITH. Yes, sir.

Mr. HUBERT. How close did you get to him then?

Mr. SMITH. It was even further than before. It was all the way; well, the length of our truck is 20 some odd feet, and it was a couple of car lengths more; so I was 40 or 50 feet.

Mr. HUBERT. You mean he was a couple of car lengths beyond the entrance, the Commerce Street exit, rather?

Mr. SMITH. Yes, sir.

Mr. HUBERT. Perhaps I misunderstood you. Did you see him immediately as you came out of the Commerce Street ramp exit, or when you got back to the truck?

Mr. SMITH. Now I didn't come up the ramp. I came up the steps.

Mr. HUBERT. Oh, I see. When you came up the steps, you went to the back of the truck?

Mr. SMITH. Right.

Mr. HUBERT. So the distance between you and him was the length of the truck plus the distance between the front of your truck to the ramp, plus the width of the ramp and some distance beyond that?

Mr. SMITH. That's right.

Mr. HUBERT. Making a total of, you think, roughly 40 feet or so?

Mr. SMITH. Yes.

Mr. HUBERT. And there he was not alone, but with other people, you thought?

Mr. SMITH. Standing in a crowd.

Mr. HUBERT. Did you see that individual any more?

Mr. SMITH. No, sir. Now you see it is hard for me to say that I could identify that man if he were to walk in this room right now, because, as far as I am concerned, I have only seen that face live one time. That is when he came to the window. And seeing somebody in films and all, that is kind of hard to associate.

Mr. HUBERT. Well, now, did you know Jack Ruby at all?

Mr. SMITH. No.

Mr. HUBERT. Now you have come, of course, to know the face and the man called Jack Ruby?

Mr. SMITH. Yes.

Mr. HUBERT. Have you seen the face of Jack Ruby in person, live, face to face as it were?

Mr. SMITH. Not since; no.

Mr. HUBERT. Have you associated the face that you have come to know as Jack Ruby from photographs and pictures and so forth, with the man that we have been talking about for the last few minutes?

Mr. SMITH. Yes.

Mr. HUBERT. Tell us how that came about, and when?

Mr. SMITH. The closest that I ever made the association was when we were shown a mug shot, and when I saw that mug shot, it was a straight-on photograph, and it struck me as being the same face as the one in the window.

Mr. HUBERT. Did you have any spontaneous reaction in that regard?

Mr. SMITH. Well, I was convinced to myself that that was the same man.

Mr. HUBERT. Did you make any observations to anyone to that effect?

Mr. SMITH. No, but Walker did to me.

Mr. HUBERT. At that moment?

Mr. SMITH. A couple of seconds later; yes.

Mr. HUBERT. Was he looking at the mug shot, too?

Mr. SMITH. We were looking at the mug shot on a monitor in the truck. You see, they took the mug shot out of the file upstairs in the City of Dallas Police Department, brought the mug shots out into the corridor and told the TV people they could take stills of it for their own use, and then they would take the mug shot right back to the file, that no one could have it to copy or anything like that.

Mr. HUBERT. So, in other words, you simply had the people on the third floor put your camera unit on the mug shot?

Mr. SMITH. Right.

Mr. HUBERT. And then it came through to your monitor?

Mr. SMITH. That's correct.

Mr. HUBERT. Did you at that moment associate the face that you saw on the mug shots in the monitor with the man that you had seen earlier and which you have described to us?

Mr. SMITH. I did.

Mr. HUBERT. Was there any suggestion to you by Walker, or did you reach that opinion before he said anything?

Mr. SMITH. I had noticed a distinct similarity. Now there is a difference in that, when I saw him, he had on a hat, and that was the only reason that I would not say positively that that is the same man. But there is the only reservation that I have. But I had noticed on my own that there was a tremendous similarity right through here [indicating].

Mr. HUBERT. When the witness said "through here," he was placing one hand at the level of his forehead and the other hand under his chin.

Mr. SMITH. And a few minutes later, after this, Walker commented to me that the person on that mug shot looked to him like the same one that had been up to the truck a couple of times.

Mr. HUBERT. Had he told you prior to that that he had noticed this man come to the truck a couple of times?

Mr. SMITH. Not prior to that.

Mr. HUBERT. So that your observation of this man coming up to the truck a couple of times was independent of that of Walker, and it had not been communicated between you?

Mr. SMITH. That's correct.

Mr. HUBERT. Did you communicate your association between the mug shot of Jack Ruby and the man you had seen, to Mr. Warren Richey?

Mr. SMITH. Not at this time. Several days later we discussed it, and we seemed to be of the same opinion at that time.

Mr. HUBERT. You have never seen Ruby in person since?

Mr. SMITH. No, sir. Let me say this. The person that I am talking about is, I hate to say, dirty, an unkempt person that possibly could have slept with his clothes on, you see. He would be the opposite of what we see in these photographs of a well-dressed, natty person with stylish clothes. I am talking about the opposite type of person from that.

Mr. HUBERT. Now let me ask you this. Aside from your association of the man on the street and the mug shot of Ruby, have you in your mind compared your recollection of the man on the street with other photographs that you have seen of Ruby?

Mr. SMITH. No. I have never seen a photograph of Ruby that gives me that same picture; you know what I mean.

Mr. HUBERT. Well, the answer is really that you have made the comparison, but that you cannot feel as sure that the man on the street was the Jack Ruby that you saw in subsequent pictures?

Mr. SMITH. Yes.

Mr. HUBERT. At least as much as you feel that the man on the street was the Jack Ruby you saw in the mug shot?

Mr. SMITH. Right. Now I am drawing a comparison between the man in the window and the mug shot. Those two struck me as being the same. The pictures that I saw in film are not as familiar to me, you know. That is hard to explain. I don't guess it makes sense, does it?

Mr. HUBERT. Would you venture to say that the man on the street whose face came within 3 feet of yours and the man in the mug shot were, beyond any reasonable doubt, the same person?

Mr. SMITH. The only reason that I would have any doubt was this thing of the hat. Now I couldn't see his hairline and I couldn't see the complete face. With that thing in mind, I would not say that positively is the same man; I can't say that.

Mr. HUBERT. But you did see the complete face when you were within 3 feet of him?

Mr. SMITH. Yes. He had the hat on.

Mr. HUBERT. And the mug shot did not, I take it?

Mr. SMITH. That is true.

Mr. HUBERT. With that reservation, you would have no doubt it is the same person?

Mr. SMITH. That is true.

Mr. HUBERT. Mr. Smith, I have in my hand a copy of a report of an interview of you dated December 4, 1963, made by FBI Agents Haley and Madland which I have marked for identification as follows: "Fort Worth, Tex., April 15, 1964, Exhibit 5317, deposition of John A. Smith," and I signed my name below it. I would like you to read this, and after, I will ask you some questions about it.

(Mr. Smith reads report.)

Mr. SMITH. This thing doesn't refer to him asking the question twice, which I believe I mentioned before, but essentially that is true.

Mr. HUBERT. At the time that you were interviewed by Mr. Haley and Mr. Madland, were there other people present?

Mr. SMITH. Let's see; Mr. Haley, I believe, was the one that came over by himself. Then another—you see, I have been contacted three or four times, and I am not the best on names. We were contacted by two people at one time, and I believe they were from the city police department. I am not sure. I can't even remember when I met Mr. Davis. He was on one of those.

Mr. HUBERT. Do you recall an interview that was had by FBI agents in the studio at which Richey and Walker were present?

Mr. SMITH. Yes.

Mr. HUBERT. Well, addressing yourself to that interview, was it conducted individually or as a group?

Mr. SMITH. When I first got there, he was talking to one of the others.

Mr. HUBERT. He, or were there two people?

Mr. SMITH. Just one. There was one person conducting the interview, and he was talking to—I am not sure—he was, I believe, talking to Jimmy Turner, and I stayed there for several minutes. And this other interview was concluded. Then I was interviewed separately, alone. Then Walker, I believe, came in, and he talked to both of us for several minutes. Then we went out to the garage where the truck is parked and he looked at the physical layout of the truck.

Mr. HUBERT. Well, did you ever have an individual interview with Haley and Madland, the FBI men?

Mr. SMITH. Yes; I had an interview with one FBI man, individually.

Mr. HUBERT. On the same day as the general?

Mr. SMITH. No. This was prior to this day I am talking about, and I believe that first man was Mr. Haley. I believe he was the first one there, and I am not sure about the name. But the first FBI man that contacted me—us, talked to us individually. At least he talked to me individually.

Mr. HUBERT. Have you ever been interviewed by any member of the President's Commission staff prior to this time?

Mr. SMITH. No, sir.

Mr. HUBERT. Have you anything else you want to add?

Mr. SMITH. No, sir; except to say that I hope that we make sense. When all this happened, we weren't paying any attention to time, faces, or anything else. And I do hope that what we do kind of makes sense to you. I am afraid it doesn't.

Mr. HUBERT. It does to me. Thank you very much, indeed.

Mr. SMITH. This whole thing has been kind of a horrible experience, hasn't it?

Mr. HUBERT. Glad you came over.

Mr. SMITH. If we can help in any way, just call us.

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## TESTIMONY OF JESSE M. STRONG

The testimony of Jesse M. Strong was taken at 12:35 p.m., on March 31, 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 J. M. Strong [spelling] S-t-r-o-n-g.

Mr. Strong, my name is Leon Hubert. I'm 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, the Joint Resolution of Congress No. 137, and rules of procedure adopted by the Commission in conformance with that Executive order, I have been authorized to take a sworn deposition from you. I state to you 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.