

Mr. HUBERT. All right, sir; there is one statement I have noticed in the FBI report identified as Exhibit No. 1, on page 2, that I would like, if you would, to clarify, because it is not really clear to me. It is the third sentence in the last paragraph on the second page reading as follows, to wit: "He—that is you—stated on November 25 he issued instructions to his subordinates and to Chief Curry and the police department to make no comments concerning these matters. Insofar as he knows, these instructions have been followed." I would just like to get a clarification of what you had in mind. It is not clear to me.

Mr. CRULL. This may be inaccurate in my timing. This came immediately after the shooting of Oswald and the delivery of Ruby to the county jail. A problem for the district attorney's office, and for the Commission, and at that time the press had announced that President Johnson had announced that he would name such a Commission. He had actually named Chief Justice Warren to head it. I am not certain.

And my instructions were that no police officer make any comment, that no evidence be released by any police officer, that it would all be turned over to the district attorney for his control, and I talked to the district attorney by telephone and told him my instructions. This was on Monday. Later, whether it was the same day or the following day, the district attorney told the chief of police that he preferred that that responsibility go to the—what is now known as the Warren Commission. I don't believe any member of the police department, but with one exception, has yet violated the instructions on statements.

Mr. HUBERT. Mr. Crull, as you know, there has been at least one statement to the effect that Chief Curry was "taking the wrap for higher-ups who insisted that Oswald be transferred in daylight hours in order to accommodate the press and other news media."

Do you know anything about that at all, sir?

Mr. CRULL. So far as I am concerned, the higher ups would have to be either the city manager or the mayor. So far as the city manager is concerned, Chief Curry was given no instructions whatsoever as to the transfer, and I feel quite confident that Mayor Cabell didn't.

For two reasons. One, he says he didn't, and the other, that under the charter, the city manager's responsibility for the chief of police and the mayor doesn't give direct orders. I think the statement is completely untrue.

Mr. HUBERT. Do you know of anything that would indicate that Mayor Cabell or any of the members of the council did exercise any kind of pressure whatsoever on Chief Curry?

Mr. CRULL. I know of nothing, and I feel certain that it didn't occur.

Mr. HUBERT. And you did not at all?

Mr. CRULL. That's correct.

Mr. HUBERT. All right, sir; is there anything else you would like to add?

Mr. CRULL. No; I guess not. Nearly all my knowledge is of course hearsay. I have no direct knowledge.

Mr. HUBERT. All right, sir; then let me close the deposition with the usual question. Am I correct in stating that nothing has been discussed between us at any time since we first met, which was today, that has not become subsequently a part of this deposition by being reported?

Mr. CRULL. That's correct.

Mr. HUBERT. I certainly thank you, sir.

Mr. CRULL. Thank you.

Mr. HUBERT. Glad you came by.

TESTIMONY OF J. W. FRITZ

The testimony of J. W. Fritz was taken at 9 a.m., on July 14, 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. Sam Kelley, assistant attorney general of Texas, was present.

Mr. HUBERT. This is the deposition of Capt. J. W. Fritz. Captain Fritz, 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, and the joint resolution of Congress, No. 137, and the rules of procedure adopted by the President's Commission in conformance with that Executive order and the joint resolution, I have been authorized to take a sworn deposition from you.

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

In particular as to you, Captain Fritz, 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.

Captain Fritz, I understand that you are appearing here today by virtue of a request made by Mr. J. Lee Rankin, general counsel of the staff of the President's Commission, to Chief Curry asking that certain members of the police department, including yourself, be present here.

In fact, under the rules adopted by the Commission, every witness is entitled to a 3-day written notice before his deposition can be taken, which you have not had, at least directly from the Commission.

On the other hand, the rules also provide that you may waive that 3-day written notice, and I ask you now whether you are willing to have your deposition taken now and therefore waive the notice?

Captain FRITZ. I could tell you what happened over there. Is there any question that I need advice on before I answer these questions? As far as I am personally concerned, I don't know of anything that I need any advice on, but if you think that it is proper that I have advice or counsel, I would be glad to do what you think is necessary.

Mr. HUBERT. I don't think so, sir. Of course it is difficult for me to determine that question. Let me put it this way.

Captain FRITZ. I don't know of anything that I am hesitant to talk about, or anything that I wouldn't care about telling you.

Mr. HUBERT. If there is any time in the course of the deposition that you would rather have advice on before you proceed, just say so and we will stop at that point and let you have advice.

Captain FRITZ. I can't think of anything that I need advice on, but if you know something I don't know, just tell me.

Mr. HUBERT. I don't know. I don't believe there is either, but it is hard for me to tell whether you do or not.

Captain FRITZ. I know nothing about this entire case that the truth won't fit better than anything else. I don't know of anything to be hesitant about, unless there is something I haven't heard of.

Mr. HUBERT. To come back to the question, are you willing to waive the 3-day written notice that normally you are entitled to?

Captain FRITZ. Yes, sir; I am willing. If there is nothing other than just the facts of what happened over here at the time of the assassination, I don't care for telling you anything about that.

Mr. HUBERT. That is all we are going to talk about.

Captain FRITZ. All right, then.

Mr. HUBERT. All right, will you raise your right hand? Do you solemnly swear that the testimony you are about to give in this matter will be the truth, the whole truth, and nothing but the truth, so help you God?

Captain FRITZ. I do.

Mr. HUBERT. Captain Fritz, you are—

Captain FRITZ. You have my previous testimony before the Commission?

Mr. HUBERT. I don't believe I do, but I was going to state this, that you have appeared before the Commission and given testimony there, and I think your qualifications and your position and various statistics concerning yourself were included in that. Therefore, I don't believe it is necessary for us to include any of that material here.

You are a captain of the Dallas police force in charge of the homicide division?

Captain FRITZ. Yes. Homicide and robbery.

Mr. HUBERT. And have been for how many years? Many years?

Captain FRITZ. Many years; yes, sir.

Mr. HUBERT. There are a couple of matters that I would like to ask if you know. It may be that you do not know at all. Can you tell us either from your own knowledge or from what would be normal under the circumstances, what food was afforded to Oswald from the time he was arrested on through, if you know?

Captain FRITZ. What food was furnished him?

Mr. HUBERT. Yes.

Captain FRITZ. Of course the food in the jail, I wouldn't know anything about. I don't have anything to do with the food in the jail.

I didn't remember in the beginning until someone reminded me that we fed him what he would eat while he was there at the office while we were talking to him.

Mr. HUBERT. That was Friday on November 22 in the afternoon?

Captain FRITZ. Yes, sir; in the afternoon. He didn't want a great deal. He didn't eat very much, but we brought him what he would eat and drink. I believe he drank coffee a couple of times. I didn't remember those things until the officers reminded me in the office. We do that for almost all prisoners.

Mr. HUBERT. Did he have supper at the usual hour that day?

Captain FRITZ. I am not sure about that.

Mr. HUBERT. Do you know anything else about the other meals that he may have had during the Saturday and Sunday?

Captain FRITZ. Saturday and Sunday, I don't know. I wouldn't know about any food other than the things that were brought into the office.

Mr. HUBERT. In other words, that would be strictly up to the jail personnel?

Captain FRITZ. Yes, sir; that's right. They take care of the food in the jail.

Mr. HUBERT. He was returned, I think, and the records would show that, to the jail at mealtimes? In other words, the interrogation was stopped?

Captain FRITZ. I am not sure. I am not even sure about what time their mealtimes are in the jail, and they might not have been. They could have been or could not, but I do know that after being reminded of it by the officers, he was given anything he wanted to eat or drink while he was there in my office in the way of milk or coffee or anything of that nature.

Mr. HUBERT. We also note that an attorney, Mr. H. Louis Nichols, connected with the Dallas Bar Association, came to see Oswald at some time. Do you know anything about that as to when he came?

Captain FRITZ. I heard of that, of course, but he didn't come to my office. He went to the chief's office.

Mr. HUBERT. In any case, the interview between Oswald and Mr. Nichols did not take place when the prisoner was in your custody?

Captain FRITZ. No, sir.

Mr. HUBERT. I understand also that at all times when the prisoner was in your custody, he was on what is called a "Tempo" in the police department? That is to say, a release from the jail custody to the division custody, and also showed the return of the prisoner?

Captain FRITZ. Well, I would have to look at the record to tell whether that is true, but you know he was brought to my office when he was arrested. It is entirely possible he had never been to jail when he was in my office first, so he naturally wouldn't be under a Tempo, and he was there for some time before he went to jail.

Mr. HUBERT. But after he——

Captain FRITZ. Then every time we bring him out, he would be on a Tempo; yes, sir.

Mr. HUBERT. There was an assembly of the press held late at night of the 22d or possibly early morning of the 23d to which Oswald was brought. Chief Curry and Henry Wade were there, and there were a number of press personnel there. It was held in the assembly room. Did you go to that?

Captain FRITZ. No.

Mr. HUBERT. Do you know anything about it at all?

Captain FRITZ. I knew about it. I know that the chief told me to have him

carried to the assembly room, to the showup room, and I directed some of my officers to take him down there, but I didn't attend the discussion.

Mr. HUBERT. Do you know Jack Ruby at all, or did you know?

Captain FRITZ. Did I know him before; no, sir, I did not. I never knew him before, to the best of my knowledge. That is the first time I ever saw him, when he was arrested. In fact, when the shooting happened, I thought some officer had lost his reasoning and shot that man, because of so many officers being down there.

And I asked one of the officers quickly if that was an officer that shot him, and he said it was "Jack Ruby." And I said, "Who is Jack Ruby? And he said, "He owns a club downtown."

Mr. HUBERT. What officer was that?

Captain FRITZ. I don't know, some of my officers.

Mr. HUBERT. Of course you have seen pictures?

Captain FRITZ. Several of the officers knew him, but I didn't know him.

Mr. HUBERT. You have seen pictures of Ruby and perhaps you have seen him in person since?

Captain FRITZ. Oh, yes; I have questioned him since then.

Mr. HUBERT. Can you search your memory and tell us whether you saw that same person in and about the police department, particularly the third floor, on the 22d and 23d?

Captain FRITZ. No, sir; I did not. I was very busy at that time. It is possible I could have seen him. If I did, I wouldn't have known him, because there was 200 or 300 people I didn't know.

There was a mob scene, a terrible thing, and I would have uniformed officers help me to get from my office to the chief's office, to the elevator, and back, to get through the crowd, so he could have been in that crowd and I wouldn't know it. I have heard since, he was in the crowd, and he probably was. I wouldn't have known. I would have thought he was another one of those men from the same crowd.

Mr. HUBERT. Did you have anything to do with the planning of the exact transfer of Oswald to the county jail?

Captain FRITZ. I can't say that there was a meeting of any kind planning the transfer, but if there was, I wasn't there. At the time of the transfer, when the chief told me that an armored money truck had been provided to transfer him, I know it was a surprise to me, because I had never heard of that. I had never heard of that before, and I told the chief I didn't think it was a good thing to try to move him in a money wagon, because we don't know the driver or anything about the wagon, and it would be clumsy and awkward, and I didn't think it was a good idea at all.

I had nothing to do with the setting up of the plan, until my talk with the chief just before the transfer, nor with the setting up of the security in the basement. None of that comes under my heading.

Mr. HUBERT. When did you become aware that it would be the responsibility of the Dallas Police Department rather than the sheriff's office to transfer Oswald?

Captain FRITZ. The day before the transfer.

Mr. HUBERT. You mean on Saturday?

Captain FRITZ. That would have been on Saturday, I believe. I don't want to be too positive about an hour or time, but in one of my conversations with the chief, I asked him if the sheriff intended to transfer him or if we would transfer him, and he told me that he had been talking to the sheriff and we would transfer him.

Mr. HUBERT. You are pretty sure that would have been on Saturday and not Sunday morning?

Captain FRITZ. No, sir; it wouldn't have been on Sunday morning. It would have been before Sunday morning, because some reference was made about the time of transfer.

Mr. HUBERT. What reference was made about the time of transfer?

Captain FRITZ. Well, in one of my conversations with the chief, you will see from my testimony, the chief asked me about transferring him at 4 o'clock the

day before, and I told him I didn't think we could be through with our questioning at that time.

At that time he asked me about 10 o'clock the next morning, and I told him we thought we could be ready by 10 o'clock the next morning. We went, I believe, an hour overtime with the interrogation, but we tried to finish up by 10 o'clock the next morning.

Mr. HUBERT. Is there anything that makes you certain that the decision that the Dallas Police Department would be responsible for the transfer rather than the sheriff's office, was made on Saturday rather than Sunday?

Captain FRITZ. On Saturday rather than Sunday, I am sure that it was, because I had talked to the sheriff one time myself during one of those previous days, and I made some remark to him, something about the transfer, and he told me to bring him on when we were ready; so I can't tell you exactly what conversation that was, but it was pretty well understood we were to do the transferring.

Mr. HUBERT. That was a departure from the usual system?

Captain FRITZ. We transferred a great many of the prisoners in major cases. It is not a usual thing. We don't do it every day, but we often do it in major cases. It isn't the sheriff's duty to transfer the prisoner. It is usually done by a constable.

Mr. HUBERT. You get a constable under the authority of the sheriff?

Captain FRITZ. No, sir; under the authority of the constable. That is the usual procedure. But it is not unusual in major cases where we think that certain precautions should be used, for us to make the transfer. In fact, I transferred Ruby.

Mr. HUBERT. Why is it that you do it rather than the sheriff?

Captain FRITZ. It is just a matter of safety. It wouldn't make a bit of difference with us who transferred him, just so that he was transferred safely and carefully. We don't care. The sheriff sometimes transfers them. If I call him; when I think a man is a little bit unruly, the sheriff often handles the transfer.

I started to tell you, after they are filed on, they become the sheriff's prisoner I couldn't tell you about the rules of transfer, why the constable transfers the other prisoners instead of the sheriff, but that is the usual thing.

Mr. HUBERT. Would it have been possible for you to have made the investigation and the interrogation of Oswald that was made on Saturday and Sunday morning at the county jail rather than in the homicide office?

Captain FRITZ. No, sir; that wouldn't have been good at all.

Mr. HUBERT. Can you tell us why?

Captain FRITZ. Well, there are many reasons. First our records wouldn't be there, would be one thing, and we wouldn't have the witnesses at the county jail for the lineups and would be out of contact with the office for incoming information. The city hall would be quite a distance from us. There are certain other things that might interfere with questioning at the county jail. It was bad enough where we were.

Mr. HUBERT. As a matter of fact, where you were was a pretty bad situation for it?

Captain FRITZ. Ordinarily it wouldn't be such a bad situation. It was a bad situation because of all that news media that had turned into a mob.

Mr. HUBERT. That is what I was getting at, whether or not any consideration was given to moving Oswald to the county jail actually to get away from the crowd and conduct the investigation under the conditions that wouldn't involve the crowd?

Captain FRITZ. No, sir; I don't think that would have been good at all. That would be completely away from the office and the records and the some 15 or 20 officers that were required to conduct the investigation, and we would have to move our entire organization to the county jail, which would have been impossible.

Mr. HUBERT. Now did you tell Chief Curry that you were concerned about the mass of people on the third floor?

Captain FRITZ. No. I am not sure that I spoke to him about this. I did speak to some of the officers about giving us some help in the hall, because the

people were crowding us. They did assign two uniform men to my door. I didn't have to ask for that. Some of the chiefs did that. They could no doubt see what I could see. They assigned two men to my door, and kept the door locked, and we only admitted the officers and people who should come in. Then they supplied some other officers to move the people down the hall so we could get back, because we had to go back and forth to the chief's office or to the elevator.

Mr. HUBERT. Were you aware on Sunday the 24th that there was quite a crowd of people in the basement, which was a part of the transfer route that was being planned?

Captain FRITZ. I hadn't been down there in the basement. I had been, as I told you before, real busy in my office, and we had been continuing our questioning in company with some Federal officers from the Secret Service, and FBI, and at one time the marshal was over there, and some of the postal authorities, trying to finish up our investigation as fast as we could, and I hadn't been down in the basement. But I had been down there either the early morning or the night before, and I had seen all the big lights set up in the basement and in the basement door, so when the chief told me about the transfer, I told him we ought to get rid of the lights and get the people out of the door that would interfere with our getting to the car for the transfer. After I was late getting started the chief came back to my office and asked if we were ready to transfer him, I told him "When the security downstairs was ready, we were ready." And he said, "The lights have been moved back and the people have been moved back in the basement, back of the rail, and the other people have been moved across the street." Which would have given us ample room to get into the car and get rolling with him. Once we had gotten into the car, we would have been all right.

Mr. HUBERT. Were you kept advised as to the plan of transfer on Sunday morning?

Captain FRITZ. On what part of the plan, please?

Mr. HUBERT. The route and the vehicles.

Captain FRITZ. No, sir; I was not until the chief came to my office. I suggested we move him in an unmarked car instead of that money wagon, and the chief agreed with me, but as far as setting up the protection in the basement and getting the money wagon, I had nothing to do with that. I don't know where that arrangement was made.

Mr. HUBERT. Your suggestion in regard to the crowd in the basement was really with reference to the lights and so forth?

Captain FRITZ. The lights and the people, of course. Those people were in our way every time we moved that man from my office to the jail and back. We had to push him and pull him through the crowd.

Mr. HUBERT. Did you ever make a suggestion that the people, the news media in the basement just be removed altogether so that there would be nobody there?

Captain FRITZ. I didn't handle that. I had nothing to do with the arrangement in the basement. I did ask that they be moved out of our way, and I believe there was a number of officers down there to do that.

I want to say this in fairness to the chief. As we started to leave, he told me that the people were moved across the street, and the other people were back of the railing, and I think he thought they were. I think someone must have changed his order down there. We first called down and they told us everything was all right. One of my officers called on the telephone, before we went down to the jail. I kept my officers back in the jail until I asked two officers outside the jail if the security was good, and they said it was all right. But when we walked out, they climbed over my car and we met the crowd and the officers coming forward.

Mr. HUBERT. Was that before the shooting?

Captain FRITZ. Almost simultaneous. We had already gotten out of the jail door when the shooting happened. We were only a few feet out into the basement.

Mr. HUBERT. As I understand it then, after you came out of the jail door and walked down the corridor to the car, there was a general surge?

Captain FRITZ. Yes.

Mr. HUBERT. Six or five feet?

Captain FRITZ. Probably as far as far as from here to that door.

Mr. HUBERT. That was about 8 or 9 feet?

Captain FRITZ. Well, I don't think, any more than that, probably. We probably have the measurements.

Mr. HUBERT. The fact is that as soon as you began to come out, the whole crowd surged forward?

Captain FRITZ. I had turned toward my car to reach for the door to open the rear door, and I just told the two officers to put him right here in the rear of the car when I heard the shot. Mr. Dhority was sitting at the wheel. He was backing my car back, and he was being hindered in backing the car by people getting around and behind it—both officers and other people. And as I started to reach for the door, the shot was fired.

Mr. HUBERT. As I understand it then, when you came down there, you met a condition which you had not anticipated in this sense. That it was your impression that although the news media would be down there, they would be back of that rail?

Captain FRITZ. Had they been back there, everything would have been all right.

Mr. HUBERT. It is your impression that there would be nobody on the jail side of the rail and nobody on the main ramp, Main Street ramp?

Captain FRITZ. That is right; we thought we had clearance there.

Mr. HUBERT. Now you say that when you came outside you caused Oswald and the two guards with him, Mr. Leavelle and Mr. Graves, to halt in the jail office and you went out and called out as to whether it was clear?

Captain FRITZ. A lieutenant was standing there in uniform, and I asked him, and he told me that the security was OK. A detective also gave the same answer.

Mr. HUBERT. That would be Captain Talbert?

Captain FRITZ. No; it wasn't Captain Talbert. I thought it was Captain Talbert at first but it was Lieutenant Wiggins from the jail office.

Mr. HUBERT. You said there was another officer that you asked?

Captain FRITZ. Two officers answered me. A detective answered with this lieutenant.

Mr. HUBERT. The answer was that it was all right?

Captain FRITZ. That it was all right. I presume they had been told it was all right, because of the way they answered.

Mr. HUBERT. Did you have a conversation just prior to the move about the security?

Captain FRITZ. With the chief; yes, sir.

Mr. HUBERT. Do you remember what he said and what you said about it?

Captain FRITZ. Yes. As I told you, I told him—he asked me were we ready for the transfer. Chief Stevenson and several were there. And Mr. Holmes from the Postal Inspection Office; and I believe one of the Secret Service men; and one of the FBI officers; and several of my officers.

And I told him we were ready to transfer him any time the security was ready in the basement, and he said everything is all right.

Mr. HUBERT. Did he say he would check further, or he just told you?

Captain FRITZ. He just told me. He didn't tell me how he checked.

Mr. HUBERT. But he didn't go and check again?

Captain FRITZ. I don't know. I can't answer that because he left my office. He told me that he and Chief Stevenson would meet me at the county jail.

Mr. HUBERT. Who made the decision as to the actual moment of moving?

Captain FRITZ. Of course, the chief asked me if we were ready. We got ready, because I had told him the night before we would try to be ready at 10 o'clock.

Mr. HUBERT. So you gave the signal to go?

Captain FRITZ. To these officers; yes.

Mr. HUBERT. I think there was one officer ahead of you when you all went down in the elevator?

Captain FRITZ. Lieutenant Swain went out ahead of me, and I was behind Lieutenant Swain, and then my officers and Oswald back of me, one officer on each side, and one behind him.

Mr. HUBERT. Did that group come down from the third floor?

Captain FRITZ. We all came down the inside jail elevator to the jail office, and through the jail office and around the back of the jail office. This brought the prisoner out of a side door that would put us near our car.

Had we gone out of the other door, we would have had to go through a hallway.

Mr. HUBERT. What was your concern about the news media being on the main ramp and not behind the rail?

Captain FRITZ. Well, they interfered with our movement upstairs each time we took Oswald to and from the jail, they would holler at him and ask questions and say things to him that would have a tendency to, I thought, aggravate him. I think part of it he seemed to enjoy, and part of it he seemed to be irritated about.

Mr. HUBERT. Was your concern about the news media?

Captain FRITZ. My concern was to do all I could to prevent a killing or an escape.

Mr. HUBERT. Was your concern about the news media not being on the outside of the rail, or was it concerned with fear of Oswald's safety, or simply that these people were in the way?

Captain FRITZ. Both. They were in the way, and anyone that hindered us or held us up could cause something to happen there.

We wouldn't have been taking all those precautions if we hadn't been afraid something might happen.

I had even thought of the possibility of someone trying to take the prisoner. That was the reason we handcuffed him to an officer.

In a case as serious as that, we certainly didn't want to lose him after a thing as serious as having had the President shot.

Mr. HUBERT. What I had in mind was, whether your concern was that the position and closeness and mass of the news media there presented a threat insofar as single-man action was concerned?

Captain FRITZ. We didn't know many of those people. We knew very few. We knew the local people. Many people were there from foreign countries, and some of them looked unkempt. We didn't know anything about who they were.

For that reason, we wouldn't want them up there with us at all if we could avoid it, plus the fact that the camera lights were blinding, and if you couldn't see where you were going or what you were doing, anything could happen.

We didn't think we would have lights in our eyes, but we were blinded by lights. Just about the time we left the jail office, the lights came on, and were blinding.

We got along all right with the press here in Dallas. They do what we ask. These people didn't act that way. These people were excited and acted more like a mob.

Mr. HUBERT. Did you indicate to any other officer or the chief that there were some people there that you didn't know who were unkempt and that you were concerned about who they were?

Captain FRITZ. We talked about it among ourselves; the officers. We didn't have much time for talking. Those were busy times.

We gathered all the evidence the first afternoon and the next day, and we had ample evidence to try that man the next morning if it had been necessary to try him, so the officers were busy and we were all busy, and we didn't have time for that crowd or time to make a good appraisal of them.

But I am just giving you a rough idea of how they looked. They didn't look like our local people.

Mr. HUBERT. Did you convey that information to any superior officer of yours?

Captain FRITZ. I don't suppose that I did. We remarked about them, but I wouldn't remember what the remarks were or who they were to.

It was well known to all officers. You didn't have to tell anyone on the third floor. They could see from the front office as well as they could from my office because of the large crowd located outside my office and in the entire hallway.

Mr. HUBERT. I understand that a suggestion had been made that Oswald be moved at night, possibly Friday night or Saturday night.

Captain FRITZ. Who made the suggestion? By whom, please, sir?

Mr. HUBERT. I don't know. I think it was passed on to you, and I understand that you recommended against it.

Captain FRITZ. A call at home—no, sir; I didn't exactly recommend against it. If you would ask me now, I really don't favor nighttime moves, because I can't see any further at night than I can in the daytime, and if a man shoots a man, you can see him just as far in daylight as at night, and with proper security, you should be able to move anyone through town without waiting for nightfall.

We don't go to court at night, and we take prisoners back and forth to court all the time during the daylight, so I wouldn't see any particular need to wait for nighttime.

I did have a call out to my home from a uniformed captain who told me they had had a threat which sounded very much like a trick, the FBI got a call, I believe, near the same time saying we had better transfer him, that 200 or 300 men are going to take him away from us.

I certainly wouldn't send a man out with two or three officers. Two or three hundred men could be just as bad at night as during the day.

I told him he had better talk to the chief, because he was making some preparations. And I found out later that he did. He called the chief, but I don't think he could reach him, and he decided not to transfer him, I was told.

That call came after my call from the chief asking me about the 10 o'clock transfer.

Mr. HUBERT. There have been some reports that have reached us that at the very moment of transfer, that is to say, when you were coming out, and until the shooting, that the various police officers who were lining the wall had their sidearms drawn and in their hands. Did you see anything like that?

Captain FRITZ. I didn't see anything like that as I came out. I think probably what they are telling you about, is that some of the officers drew their sidearms after the shot was fired.

Mr. HUBERT. Was there any—

Captain FRITZ. I didn't see anyone with a pistol in their hand as we came out. If we had seen that, we probably would have gone back to the jail, because we wouldn't have known what an officer was doing with a gun drawn. He had no need to have a gun out at that time.

Mr. HUBERT. Did you see any shotguns visible or riot guns?

Captain FRITZ. No, sir; I didn't. We had shotguns and rifles in my car for this transfer. I had already put them on the floor of the car where we could pick them up easily.

Mr. HUBERT. Were they visible?

Captain FRITZ. No, sir; they weren't visible. There was an officer with them.

Mr. HUBERT. Captain, I believe that is all I have. Is there anything else you can say?

Captain FRITZ. I don't know of anything other than one thing that the chief mentioned to me. He said something about someone recommended someone taking him off on the first floor of the elevator.

Mr. HUBERT. I don't think there has been any discussion this morning between us that has not been made a part of this deposition?

Captain FRITZ. I don't believe so. I think all of this is in my testimony in Washington. I feel sure that it is.

Anything else that you want to ask me about, feel free to do so.

Mr. HUBERT. Thank you very much, Captain. That is all there is to it.

TESTIMONY OF SGT. ROLAND A. COX

The testimony of Sgt. Roland A. Cox was taken at 8:15 p.m., on July 13, 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. Sam Kelley, assistant attorney general of Texas, was present.