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O'LEARY advised that at least one officer preceded OSWALD as he came out of the basement door into the ramp and garage area, that there were two officers at his side, several officers behind him and that the way was apparently almost completely lined with officers. He stated that RUBY approached from the side at a diagonal direction to that being traveled by OSWALD and the officers holding him in custody and that their attention seemed to be focused ahead of them and along the line of people that they were still to come to. He stated that this apparently kept them from seeing RUBY before it was too late.

O'LEARY advised that since the shooting of OSWALD by RUBY, TOM HOWARD, attorney for RUBY, has stated that RUBY has stated that RUBY had been to the Western Union Office on the morning of November 24, 1963, and had wired \$25 to a girl in Fort Worth. According to HOWARD, RUBY then returned to the Main Street side of the ramp under the Dallas city hall where two officers were on guard.

These officers were apparently keeping unauthorized individuals from entering the basement area via the ramp. According to HOWARD, Officer R. E. VAUGHN walked to a police car which was about to enter the ramp and then while VAUGHN was busy at the police car, RUBY walked down the ramp unchallenged. He had apparently been standing talking to VAUGHN before the police car appeared.

O'LEARY advised that he recalls that SETH KANTOR of United Press International (UPI), Washington Bureau and TONY RIPLEY of the Detroit "NEWS" were in the basement of the courthouse. He also recalled that BOB JACKSON and JOE BEERS of either the Dallas "News" or the Dallas "Times Herald" made pictures of the shooting and TV cameras from NBC and CBS filmed the murder while NBC was broadcasting it simultaneously. CBS broadcast it at a later time according to O'LEARY.

O'LEARY stated that he does not recall where IKE PAPPAS is from although he represents a radio network. He met him while in Dallas and he was sure PAPPAS was not from Dallas as PAPPAS had rented a car while in Dallas.

JEREMIAH O'LEARY, JR., "Washington Evening Star," Washington, D. C., advised that following the Presidential assassination, he had been assigned to proceed to Dallas, Texas, and cover events concerning same. In this regard, he stated he was present in Dallas on November 24, 1963, and was a witness to the murder of LEE HARVEY OSWALD by night club owner JACK LEON RUBY. He related the following events which took place on the day of the murder, November 24, 1963:

He recalled that on the evening of November 23, 1963, a rumor had circulated among the press that the Dallas Chief of Police might transfer OSWALD from the Dallas Municipal Building to the County Jail on the following day without advising the press. In view of this, he proceeded to the Dallas Municipal Building on the morning of November 24, 1963, arriving at 10 a.m. He entered the building from the Commerce Street side, where a police officer was stationed. He was alone and this officer gave him an inquiring look, so he exhibited his press identification card. The officer gave a cursory look at same and permitted him to enter. He then proceeded directly to the third floor, where the Dallas Police Department Homicide Division is located and where OSWALD had been interrogated subsequent to his arrest. Upon leaving the elevator, he noted an officer stationed at this location who nodded recognition, apparently from the previous day, and permitted him access to the floor. At this time, there were approximately fifteen or twenty press and television representatives in the hallway, none of whom he recognized other than IKE PAPPAS, a representative from a radio station. He had met PAPPAS on the previous day and does not know what radio station he represents, but feels that it is probably a local Dallas station.

At 10:15 a.m., the Chief of Police emerged from his office and announced that OSWALD would be moved to the County Jail very shortly. The Chief commented that he could have moved OSWALD on the previous night, but had decided not to because this would be double-crossing the press. Reporters

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asked the Chief whether any threats had been made against OSWALD's life. He replied in the affirmative, but refused to discuss the nature or the source of these threats. In reply to questions concerning protective measures, the Chief said that a commercial armored car would be used to transport OSWALD to the County Jail. The Chief explained that OSWALD would be taken from the Homicide Squad Room to a non-public elevator located approximately twenty paces from this room. He would then be taken directly to the basement where the armored car was waiting to transport him.

O'LEARY stated that at this point, he and PAPPAS determined that they could remain on the third floor to observe OSWALD's exit from the Homicide Squad Room and would have sufficient time to quickly descend the stairs to the basement, arriving there before OSWALD would in the elevator. He and PAPPAS then had arranged to use the latter's car in order to follow the police and OSWALD to the County Jail.

At approximately 11:15 a.m., Captain FRITZ, head of the Homicide Division, Dallas Police Department, emerged from his office with OSWALD, who was flanked by two other detectives, one of whom was handcuffed to OSWALD. At this point, the press representatives were lined up on one side of the corridor leading to the elevator and the police on the other. All of the representatives began shouting unintelligible questions to OSWALD, who was quickly taken to the elevator. O'LEARY could only hear one comment that OSWALD made to the press, which was, "Yes, I want to see the American Civil Liberties Union." He and PAPPAS immediately took the stairway to the basement where a large contingent of police, television and press representatives awaited. He noted that they did not encounter any police officers guarding the stairway or its entrance to the garage. The elevator where OSWALD was to arrive from the third floor was located in a separate security room. Outside of this room there was a twenty foot wide channel leading to the armored car, with police and press representatives milling about freely on both sides. O'LEARY, upon crossing from one side to the other of this corridor, exhibited his press identification very quickly to an officer and was waved on.

At approximately 11:19 a.m., OSWALD emerged from the security room, flanked by the previously mentioned officers, paused briefly and then proceeded toward an unmarked police

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car which had been placed in the garage for the purpose of transporting OSWALD to the garage entrance where the armored car was waiting, due to the fact that it was too large to gain access to the garage.

O'LEARY stated that at this moment, the police car was backed further into the garage toward OSWALD and the operator accelerated the motor, causing considerable noise and confusion. He noted that he, as well as other individuals present, including OSWALD, had momentarily focused their attention upon this car. From the corner of his eye, he noted an individual emerge from the crowd about five yards to his side. This individual, subsequently identified as JACK RUBY, quickly ran up to OSWALD and appeared to throw his body directly against OSWALD, at which time the shot was fired, OSWALD's face first registered surprise and then pain as he collapsed on top of JACK RUBY. At this point, a complete state of bedlam existed, with officers drawing their weapons and shouting to seal off the building and permit no one to leave.

O'LEARY stated that he immediately detached himself from the crowd and took a public elevator up to the third floor in search of a telephone. He noticed that the Chief of Police was in his office preparing correspondence and apparently was unaware of the recent events. He quickly informed the Chief of the shooting and proceeded to the telephone to call his paper.

O'LEARY stated that in his opinion, the Dallas Police Department was very relaxed in their security precautions, based upon the fact that they appeared to be accepting any identification from the press representatives and in his own case, he was permitted access to various areas, apparently from previous recognition. He stated that he does not personally know of any unauthorized person who was permitted to enter the basement area, but due to the number of people and disorganization, it was possible there were some. Due to his concentration on events which were taking place at that time, he can recall recognizing only one other press representative in the basement and that was TONY RIPLEY, who he believed to be with a Detroit paper.

O'LEARY stated that he had no information which would indicate that any person, police officer or Dallas government official conspired with RUBY in committing this murder.

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HENRY MICHAEL RABUN, 8015 Westchester, Apartment C, Dallas, Texas, a newsman for United Press International, related the following:

On the contrary, he believes that RUBY committed this act on the spur of the moment. He based this on the fact that he had observed RUBY on the previous day, November 23, 1963, present in the Municipal Building when OSWALD was being taken to and from the Homicide Division for questioning. At such times, RUBY was in close proximity to OSWALD and would have had ample opportunity to shoot him at that time. O'LEARY stated that in addition, several days subsequent to the murder, he had occasion to talk with TOM HOWARD, Defense Attorney for RUBY. HOWARD informed him that RUBY had arrived at the Municipal Building only moments before OSWALD emerged into the garage. O'LEARY noted that only very few top police officials knew the exact time when OSWALD was to be transported and that if RUBY had arrived a few minutes later, OSWALD would not have been present. HOWARD also informed that RUBY had entered the Municipal Building from the Main Street entrance, directly past two police officers who were conversing and who did not challenge him.

O'LEARY stated that he had not personally conversed with JACK RUBY, but had observed him on various occasions prior to the shooting, circulating among the various press representatives, passing out his business card and inviting them to visit his night club.

O'LEARY stated that he has no information indicating any prior relationship or acquaintance between OSWALD and RUBY.

O'LEARY stated that he had no knowledge of any unauthorized persons being present in the garage at the time of the shooting, nor has he received information concerning any relationship or prior acquaintance between RUBY and OSWALD.

O'LEARY advised that prior to his departure from Dallas, Texas, on November 30, 1963, he had been in contact with FBI Agents on several occasions and furnished considerable information concerning the events of November 24, 1963, as well as other matters relating to the Presidential assassination, which he had obtained both prior and subsequent to that date.

On November 24, 1963, he went to the basement of the building housing the Dallas Police Department, about 7:00 AM. There were about three newsmen already there at this time. He sat in the Jail Office waiting for LEE HARVEY OSWALD to be transferred from the City Jail to the Dallas County Jail. He occasionally went to the third floor during the waiting period to ascertain any new developments. When he first entered the basement, he was not asked to exhibit any credentials by anyone but, on numerous occasions during the day, he was asked to show his credentials to both uniformed and plain-clothes police officers. His credentials were also checked on one occasion on the third floor by a police officer.

About twenty minutes before LEE HARVEY OSWALD was shot, he went upstairs to the third floor and while he was there suddenly everyone went downstairs. He said he did not recall hearing any announcement, but all of a sudden everyone seemed to know it was time to transfer OSWALD. As he came down in the elevator, he was checked by police officers standing in the little hallway in front of the windows in the Jail Booking Office. His credentials were examined at this point and he continued on through this hall or lobby and took up a position in the basement. Since he is of rather short stature, he stood on a railing around the parking area just in front of the swinging door leading to the hallways of the Jail Office. He saw OSWALD being brought from the Jail Office into the basement.

With regard to the actual shooting, he stated he recalled seeing a moving blur to his right and heard the shot, but everything happened so quickly he did not even see the man who had shot OSWALD, because this man was almost instantaneously surrounded by police officers, who bore him to the ground.

November 24, 1963, was the first time he had been in the Dallas Police Department or the City Hall. He

on 12/10/63 at Dallas, Texas File # DL 44-1639

by Special Agent ALLEN H. SMITH & TOM E. CHAPOTON Date dictated 12/10/63
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