

## TESTIMONY OF WILLIAM W. WHALEY

The testimony of William W. Whaley was taken at 1:50 p.m., on April 8, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. David W. Belin, assistant counsel of the President's Commission.

Mr. BELIN. Would you want to stand and raise your right hand.

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. WHALEY. I do, sir.

Mr. BELIN. Would you state your name, please.

Mr. WHALEY. William W. Whaley.

Mr. BELIN. You live in Dallas, Mr. Whaley?

Mr. WHALEY. Yes, sir.

Mr. BELIN. You previously testified before the Commission in Washington, is that correct?

Mr. WHALEY. Yes, sir.

Mr. BELIN. Now before you came to Washington, did you and I ever meet?

Mr. WHALEY. Your face is familiar, sir. I still can't tell you whether I knew you here, or in Washington, or where?

Mr. BELIN. Let me ask you this.

Mr. WHALEY. You refresh my memory.

Mr. BELIN. I will try to refresh your memory here. When did you come to Washington, approximately?

Mr. WHALEY. Well, it's been about 2 or 3 weeks ago, sir. I don't remember the exact date.

Mr. BELIN. You testified before the President's Commission on the Assassination of President Kennedy in Washington, did you not?

Mr. WHALEY. Yes, sir.

Mr. BELIN. Now, Mr. Ball and I were with you earlier today over the noon hour, is that correct?

Mr. WHALEY. That's correct, sir.

Mr. BELIN. Mr. Ball and I saw you in Washington, is that correct?

Mr. WHALEY. Now I don't know if that is correct or not, but your face is very familiar.

Mr. BELIN. You think you have seen me before?

Mr. WHALEY. I don't know.

Mr. BELIN. It might have been in Washington when you were there?

Mr. WHALEY. Yes, sir; it could have been.

Mr. BELIN. Mr. Whaley, today at noon there were six people including yourself that got in the car to travel that route that you drove a passenger on November 22, is that correct?

Mr. WHALEY. Yes, sir.

Mr. BELIN. One of them is sitting here in this room, Dr. Goldberg, over there. Do you see him?

Mr. WHALEY. Yes, sir.

Mr. BELIN. Then you and I got in the car, and then Secret Service Agent John Joe Howlett. We drove in his car and he was the driver, wasn't he?

Mr. WHALEY. Yes, sir.

Mr. BELIN. Then there was Mr. Joe Ball, Joseph A. Ball, and then a Mr. Davis, this tall light-haired person?

Mr. WHALEY. Yes, sir.

Mr. BELIN. Mr. Davis is from the attorney general's office in Texas.

Now what is the fact as to whether or not we went to the Greyhound Bus Depot here in Dallas?

Mr. WHALEY. Yes, sir.

Mr. BELIN. Did you point out the place where you said you picked up this passenger?

Mr. WHALEY. I did, sir.

Mr. BELIN. We had a stopwatch, didn't we?

Mr. WHALEY. Yes, sir.

Mr. BELIN. Then you directed us to take a certain route, is that correct?

Mr. WHALEY. That's correct.

Mr. BELIN. What was the route from the Greyhound Bus Depot that you directed us?

Mr. WHALEY. On the right from the Greyhound and Lamar to Jackson; right on Jackson and left at Austin and right at Wood.

Mr. BELIN. All right.

Mr. WHALEY. Then left on Houston, which is the approach to the viaduct.

Mr. BELIN. Then what did you do when you got to Houston?

You turned left?

Mr. WHALEY. I said west to Houston.

Mr. BELIN. How far did you go?

Mr. WHALEY. You go on the approach past the Union Terminal and up the ramp which is called the Houston Street viaduct.

Mr. BELIN. Then what?

Mr. WHALEY. You run into Zangs Boulevard.

Mr. BELIN. How far on Zangs?

Mr. WHALEY. To Beckley. Beckley crosses it.

We got to the intersection of Zangs and Beckley.

Mr. BELIN. Did we go about the speed you drove that day?

Mr. WHALEY. Almost. Going across the viaduct is just about the speed, but he slowed down going up Zangs Boulevard. He slowed down a little slower than I was going.

My normal rate of speed, I don't remember the exact speed I was traveling, but I assume it was normal, because that is the way I travel all the time when traffic is clear enough.

Mr. BELIN. Your normal rate of speed would be a little bit faster than the rate that he took?

Mr. WHALEY. Yes, sir. In other words, not enough to make over half a minute difference in the timing.

Mr. BELIN. Was traffic clearer on that particular day of November 22?

Mr. WHALEY. It was extra clear, for some reason. That street was clear except when I hit Beckley. When I hit Beckley, there was cars turning to the left, and I had to stop for the light.

Mr. BELIN. When we got to Beckley at noon today, or shortly thereafter, the traffic light was green, but you told us you had stopped, so we waited through the red light, did we not?

Mr. WHALEY. Yes, sir.

Mr. BELIN. Then he turned on Beckley?

Mr. WHALEY. Yes, sir.

Mr. BELIN. Heading south?

Mr. WHALEY. Yes, sir.

Mr. BELIN. Now when this man that you picked up on November 22 got into your cab, where did he say he wanted to go?

Mr. WHALEY. To the 500 block of North Beckley.

Mr. BELIN. I will take you back to November 22.

You turned south on Beckley and then where did you go as you turned south on Beckley?

Mr. WHALEY. I went right up on Beckley headed toward the 500 block.

Mr. BELIN. Then what happened?

Mr. WHALEY. When I got to Beckley almost to the intersection of Beckley and Neely, he said, "This will do right here," and I pulled up to the curb.

Mr. BELIN. Was that the 500 block of North Beckley?

Mr. WHALEY. No, sir; that was the 700 block.

Mr. BELIN. You let him out not at the 500 block but the 700 block of North Beckley?

Mr. WHALEY. Yes, sir.

Mr. BELIN. Had you crossed Neely Street yet when you let him off?

Mr. WHALEY. No, sir.

Mr. BELIN. About how far north of Neely street did you let the man off?

Mr. WHALEY. About 20 feet.

Mr. BELIN. Then you went down to the police station to identify this man?

Mr. WHALEY. Yes, sir.

Mr. BELIN. You saw a lineup?

Mr. WHALEY. Yes, sir.

Mr. BELIN. Do you remember what number he was in the lineup at all?

Mr. WHALEY. There was four of them, sir, and from the right to the left, he was No. 3.

Mr. BELIN. Starting from the right to the left, from his right or your right?

Mr. WHALEY. From your right, sir, which would have been his left. There were numbers above their heads, sir.

Mr. BELIN. Mr. Whaley, what number did you say the man was in the lineup?

Mr. WHALEY. No. 2.

Mr. BELIN. From the right or from your right?

Mr. WHALEY. From my left.

Mr. BELIN. No. 2?

Mr. WHALEY. They brought out four of them and stood them up there, and he was under No. 2. I mentioned he was the third one that come out. There were four and all handcuffed together.

Mr. BELIN. Did you sign an affidavit for the Dallas Police Department?

Mr. WHALEY. Yes, sir.

Mr. BELIN. I will hand you a document which I am calling Whaley Deposition Exhibit A, and ask you to say if your signature appears on there?

Mr. WHALEY. Yes, sir; that is my signature.

Mr. BELIN. Now I notice in the statement there it says that you traveled Wood Street to Houston Street, turned left and went over the viaduct to Zangs Boulevard. You see that statement there?

Mr. WHALEY. Yes.

Mr. BELIN. "Traveled Zangs to Beckley and turned left and traveled on Beckley until I reached the 500 block of North Beckley. When I got in the 500 block of North Beckley he said this will do and I stopped."

Now is that what you told them on that day?

Mr. WHALEY. Yes, sir; that is what I told them on that day.

Mr. BELIN. Well, was that the fact that you drove until you reached the 500 block, or not?

Mr. WHALEY. No, sir, I didn't drive until I reached the 500 block. I drove until I reached Beckley and Neely. If you would be in my place when they took me down there, when they had to force their way through the reporters to get me in the office, they wrote that up, and I signed it, because I told them that the man said he wanted to go to the 500 block of North Beckley.

Mr. BELIN. All right. Now in here it says, "The No. 3 man who I now know is Lee Harvey Oswald was the man who I carried from the Greyhound Bus Station \* \* \*"

Was this the No. 3 or the No. 2 man?

Mr. WHALEY. I signed that statement before they carried me down to see the lineup. I signed this statement, and then they carried me down to the lineup at 2:30 in the afternoon.

Mr. BELIN. You signed this affidavit before you saw the lineup?

Mr. WHALEY. Well, now, let's get this straight. You are getting me confused.

Mr. BELIN. Now, I will put it this way. There was an FBI reporter, FBI interviewer with you?

Mr. WHALEY. Yes, sir; there was.

Mr. BELIN. And there was an interview with the Dallas Police Department?

Mr. WHALEY. Yes. And Bill Alexander from the district attorney's office was there, also.

Mr. BELIN. All right, now, the last sentence.

Mr. WHALEY. Let me tell you how they fixed this up. They had me in the office saying that. They were writing it out on paper, and they wrote it out on paper, and this officer, Leavelle, I think that is his name, before he finished and before I signed he wanted me to go with him to the lineup, so I went to the lineup, and I come back and he asked me which one it was, which number it was, and I identified the man, and we went back up in the office again, and then they had me sign this. That is as near as I can remember.

My recollection for that afternoon in that office was very disturbed because everytime they would open the door, some flash camera would flash in your face and everybody coming in and out and asking you questions.

Mr. BELIN. You mean reporters?

Mr. WHALEY. I made this statement more to Bill Alexander, because I tried to talk to him more. Everybody was trying to talk to me at once.

Mr. BELIN. When you saw the statement the first time, did you see the statement before you went down to see the lineup?

Mr. WHALEY. No; I didn't see the statement. I don't think I did. I am not for sure.

I think I signed it after I came back. It was on paper. They were writing it up on paper.

Mr. BELIN. They were writing?

Mr. WHALEY. Before I left there, I signed this typewritten, because they had to get a stenographer typed it up. I had to wait.

Mr. BELIN. But was this before or after you saw the lineup?

Mr. WHALEY. After she typed it up. It was after.

Mr. BELIN. It was after?

Mr. WHALEY. That is when I signed it, after.

Mr. BELIN. Now, when you signed it—what I want to know is, before you went down, had they already put on there a statement that the man you saw was the No. 3 man in the lineup?

Mr. WHALEY. I don't remember that. I don't remember whether it said three or two, or what.

Mr. BELIN. Did they have any statements on there before you went down to the lineup?

Mr. WHALEY. I never saw what they had in there. It was all written out by hand. The statement I saw, I think, was this one, and that could be writing. I might not even seen this one yet. I signed my name because they said that is what I said.

Mr. BELIN. Well, Mr. Whaley—

Mr. WHALEY. I know, sir, but I don't think you can understand what I had to put up with that afternoon.

Mr. BELIN. You mean with the press?

Mr. WHALEY. Yes, sir; with everything.

Mr. BELIN. Well, I do understand, sir, and I appreciate that you were under a great deal of pressure at that time, and I want to try and get at the actual facts, and that is why we asked you to come back to testify again, because we wanted to know basically whether or not the man that you drove in the cab got off in the 500 block or the 700 block.

Mr. WHALEY. The man I drove in the cab got off where I told you he got off, this morning.

I picked him up, and I showed you where I picked him up, and the trip runs 95 cents on the meter. He gave me a dollar and got off and he never spoke a word to me, except he wanted to go to 500 North Beckley.

Mr. BELIN. Do you remember a woman coming up to the cab?

Mr. WHALEY. Yes, sir; I remember that.

Mr. BELIN. What happened then?

Mr. WHALEY. The lady, I don't remember whether she was very old, but she was middle-aged. She bent down and stuck in and said, "Can I have this cab?" And he cracked the door open like he was going to get out. I thought he was going to let her have it.

I told her there would be another one, and she said, "Would you please call me one."

Mr. BELIN. Did he say anything to the woman, that you can remember?

Mr. WHALEY. When she wanted to know if she could have the cab, I don't know, but I got a faint hunch he did tell her she could have this one, or something like that. What it was, I was watching my left-hand side. I wanted to pull out when the light changed.

Mr. BELIN. Now when you saw a lineup down at the police station—

Mr. WHALEY. He didn't have on the same clothes. He had on a white T-shirt and black pants, and that is all he had on.

Mr. BELIN. Do you remember now whether the man that you saw there was the No. 2 or the No. 3 man?

Mr. WHALEY. I will admit he was No. 2.

Mr. BELIN. No. 2 from your left, or from your right?

Mr. WHALEY. He was the third man out in the line of four as they walked out in a line. They put the first man out on the right, and the last one on my left, and as near as I can remember, he was No. 2, but it was the man I hauled.

Mr. BELIN. It says here the No. 3.

Mr. WHALEY. Well, I am not trying to mix nobody up. I'm giving it to you the best of my ability.

Mr. BELIN. Your memory right now is that it was the No. 2 man?

Mr. WHALEY. That is the way it is right now. I don't think it will change again.

But on that afternoon, all I saw was the man that I hauled up there, and they asked me which number he was, and I said No. 2. I am almost sure I did, but I couldn't get up to swear to it that I did, sir.

Mr. BELIN. Just one more minute, if you would, please?

Mr. Whaley, earlier in your testimony here you said that Lee Harvey Oswald was No. 3. Do you remember saying that?

Mr. WHALEY. Yes, sir; but I meant that he was the third one out when they walked out with him. I said from my right.

Mr. BELIN. From your right he was No. 3?

Mr. WHALEY. Yes, sir.

Mr. BELIN. What number was over his head?

Mr. WHALEY. Well, they—when they walked over the line and they stopped him, No. 2 was over his head, but he was pulling on both of the other men on each side and arguing with this detective, so he didn't stay under any certain number.

He was moving like that.

Mr. BELIN. Did you ever see him later on television?

Mr. WHALEY. No, sir; I didn't.

Mr. BELIN. You never did see his picture in the paper?

Mr. WHALEY. I saw his picture in the paper the next morning, sir.

Mr. BELIN. That would have been Sunday morning, the 24th?

Mr. WHALEY. I guess it was, if you say it was, sir.

Mr. BELIN. I don't want to—

Mr. WHALEY. I don't want to get you mixed up and get your whole investigation mixed up through my ignorance, but a good defense attorney could take me apart. I get confused. I try to tell you exactly what happened, to the best of my ability, when they brought Oswald out in the lineup of four. He was the third man out. I don't know which way they count them.

Mr. BELIN. We don't want you to be concerned about affecting the investigation one way or the other by what you say. What we want you to say is tell us what you know, to the best of your recollection.

Mr. WHALEY. That is exactly what I am doing, sir.

Mr. BELIN. Let me ask you this. What day of the week did you take this cab passenger, on a Friday or Saturday?

Mr. WHALEY. I would have to see my trip sheet.

Mr. BELIN. You don't remember?

Mr. WHALEY. No, sir.

Mr. BELIN. Was it the day of the motorcade?

Mr. WHALEY. The day of the President's parade, yes, sir.

Mr. BELIN. Now, was it that day that you went down to the police station to see the lineup?

Mr. WHALEY. No, sir.

Mr. BELIN. Was it the next day?

Mr. WHALEY. Yes, sir.

Mr. BELIN. The next day you went down to the Dallas Police Station and saw a lineup of how many people?

Mr. WHALEY. Four people.

Mr. BELIN. These men came out and there were numbers above their heads?

Mr. WHALEY. The numbers were stationary. Looked through a black silk screen at them. In other words, they were very dim, the numbers.

Mr. BELIN. What did you see as the number over the man that you identified as having been in your cab that day?

Mr. WHALEY. No. 2.

Mr. BELIN. Did you see a picture of that man in the paper at any time?

Mr. WHALEY. Saturday morning, sir; following the event on Friday.

Mr. BELIN. You saw his picture in the paper?

Mr. WHALEY. Yes, sir.

Mr. BELIN. Was that the same man that you identified as No. 2 in the lineup?

Mr. WHALEY. Yes, sir.

Mr. BELIN. Did you ever see his picture in the paper again?

Mr. WHALEY. No, sir; I take that back, sir. I saw the picture in the paper when they had, when Ruby killed him at the time between the two detectives.

Mr. BELIN. Was the man in connection with the Ruby matter with the two detectives, did it have his name in the paper as Lee Harvey Oswald? Was his name in the paper then when you saw his picture?

Mr. WHALEY. Well, I don't think they had it that way. I think they just had it Oswald. I am not sure what they had under it. I am not for sure, but I did see the picture.

Mr. BELIN. Was that the same man you carried in your cab on Friday?

Mr. WHALEY. Yes, sir.

Mr. BELIN. Was that the man you identified at the police station?

Mr. WHALEY. Yes, sir.

Mr. BELIN. It is your best recollection, if I understand it, that this was the No. 2 man in the lineup?

Mr. WHALEY. That's right, sir. That was from the left now. No. 2 from my left. I was facing him.

Mr. BELIN. Right. I mean correct. Now, your affidavit which is Whaley's Deposition Exhibit A, the last sentence says, "The No. 3 man who I now know as Lee Harvey Oswald was the man who I carried from the Greyhound bus station to the 500 block of North Beckley." Now you say it was the No. 2 man from your left, is that correct?

Mr. WHALEY. From my left. No. 3 from my right.

Mr. BELIN. What about whether or not you carried him to the 500 block of North Beckley. Did you carry him there?

Mr. WHALEY. No, sir. That is where he asked me. That is where I put on my trip sheet.

Mr. BELIN. You had it on the trip sheet the 500 block of North Beckley?

Mr. WHALEY. Yes, sir.

Mr. BELIN. When did you put it on your trip sheet, before or after you let him out?

Mr. WHALEY. After, sir; a good while after.

Mr. BELIN. Why?

Mr. WHALEY. Well, see, sometimes when you are busy you make three or four trips before you ever write one up.

Mr. BELIN. Why didn't you put it on your trip sheet for 700 instead of 500 North Beckley?

Mr. WHALEY. Because that is what he told me and that is what I remember when I wrote the trip up. I imagine there were hundreds of trip sheets, because people get off before they get where they are going. But I remember the thing that way.

Mr. BELIN. When did you first ascertain or start thinking about it that it was the 700 block of North Beckley where you let him off?

Mr. WHALEY. Well, when the FBI man got in my cab and he wanted to go over the route.

Mr. BELIN. When was this?

Mr. WHALEY. I don't know the exact date, sir, but it was the next week.

Mr. BELIN. In the next week you told the FBI that it was the 700 block?

Mr. WHALEY. No, sir; I don't recall. I know I took him to where I let him out.

Mr. BELIN. You did?

Mr. WHALEY. Yes, sir.

Mr. BELIN. Did you ever tell anyone it was the 700 block of North Beckley?

Mr. WHALEY. No, sir. I left it said just like I had it on my trip sheet. Nobody else asked me about it.

Mr. BELIN. When we went out there today, when we started the stopwatch from the Greyhound bus station to the 700 block of North Beckley, do you know about how many minutes that was on the stop watch?

Mr. WHALEY. A little more than 5 minutes, between 5 and 6 minutes.

Mr. BELIN. Would your trip that day, on November 22, have been longer or shorter, or about the same time as the trip we took today?

Mr. WHALEY. It would be approximately the same time, sir, give or take a few seconds, not minutes. Because the man drove just about as near to my driving as possible. We made every light that I made, and we stopped on the lights that I stopped on.

Mr. BELIN. Let the record show that the stopwatch was 5 minutes and 30 seconds from the commencement of the ride to the end of the ride, and let the record further show that Dr. Goldberg and Mr. Robert Davis from the Texas attorney general's office and I walked back from the point where the Deponent Whaley told us he let the passenger off at the residence at 1026 North Beckley, and that this walk took 5 minutes and 45 seconds.

And let the record further show that after visiting the rooming house at 1026 North Beckley—that is what I call the "long way around route,"—was walked from 1026 North Beckley to the scene of the Tippit shooting, which took 17 minutes and 45 seconds at an average walking pace, and this route would be to take Beckley to 10th Street and then turn on 10th Street toward Patton, and this is not the most direct route. Rather, the most direct route would be to take Beckley to Davis Street and then turn left or east on Davis, walking a short block to Crawford, and taking Crawford to 10th, and then 10th east to Patton, or taking Davis Street directly to Patton, and taking Patton down to East 10th, and that the more direct nature of the later route appears from the map which I believe is Commission's Exhibit No. 371, which is the Dallas street map.

Mr. Whaley, is there anything else that you care to add, or can you add anything else that might be helpful in this investigation?

Mr. WHALEY. No, sir; I can't.

Mr. BELIN. We sure appreciate all your help and taking the time to go over the route today.

Mr. WHALEY. Thank you. I still would like to know where I knew you before.

Mr. BELIN. Sir, I don't know. Now, Mr. Whaley, if you like, you can come back and read this deposition after it is typed, and sign it before you mail it to Washington, or you can waive the signing of it. You have a right to read it and sign it before it goes, or you can waive the reading of it and send it directly to us in Washington.

Mr. WHALEY. Does it make any difference?

Mr. BELIN. It does not make any difference.

Mr. WHALEY. It will all be what you said and what she took down?

Mr. BELIN. What you said?

Mr. WHALEY. Yes, sir; and what I said?

Mr. BELIN. Yes.

Mr. WHALEY. That will be all right. I will waive the signing of it.

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### TESTIMONY OF MRS. EARLENE ROBERTS

The testimony of Mrs. Earlene Roberts was taken at 4:10 p.m., on April 8, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Messrs. Joseph A. Ball and Samuel A. Stern, assistant counsel of the President's Commission. Dr. Alfred Goldberg was present.