

TESTIMONY OF MARVIN JOHNSON

The testimony of Marvin Johnson was taken at 4 p.m., on April 6, 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 to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JOHNSON. I do.

Mr. BELIN. Would you please state your name?

Mr. JOHNSON. Marvin Johnson.

Mr. BELIN. Where do you live, Mr. Johnson?

Mr. JOHNSON. Route 3, Box 279, Terrell, Tex.

Mr. BELIN. What is your occupation?

Mr. JOHNSON. Police officer.

Mr. BELIN. For whom?

Mr. JOHNSON. Employed by the city of Dallas.

Mr. BELIN. Were you born and raised in Texas?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. Go to school in Texas?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. How far did you go through high school?

Mr. JOHNSON. I finished the eighth grade.

Mr. BELIN. You finished the eighth grade?

Mr. JOHNSON. Yes.

Mr. BELIN. Then what did you do?

Mr. JOHNSON. Went to work.

Mr. BELIN. By way of general background, what kind of work did you do?

Mr. JOHNSON. I started out working with a dairy, and dairy farm. And went from that to ice route. From there I went to work at North American Aircraft, and then the Army.

Mr. BELIN. When did you go in the Army?

Mr. JOHNSON. Infantry.

Mr. BELIN. When was that?

Mr. JOHNSON. 1944. September 1944.

Mr. BELIN. Then you were discharged in 1946?

Mr. JOHNSON. February 1946; yes, sir.

Mr. BELIN. Honorably discharged?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. Then what did you do?

Mr. JOHNSON. Then I went back to Aircraft.

Mr. BELIN. How long did you work in Aircraft?

Mr. JOHNSON. I worked there 11 months that time, and they had a layoff. I got laid off, and I went back to peddling ice, and peddled ice for about 6 months. Well, one summer. Then that is when I went to Terrell and went in the dairy business for myself.

Mr. BELIN. You went what?

Mr. JOHNSON. I went to Terrell and went in the dairy business for myself.

Mr. BELIN. Yes.

Mr. JOHNSON. Then I had that 5 years, and then came here.

Mr. BELIN. So you have been with the Dallas Police Department since what year?

Mr. JOHNSON. 1953.

Mr. BELIN. How old are you?

Mr. JOHNSON. Forty-three.

Mr. BELIN. What was your position with the Dallas Police Department in November of 1963?

Mr. JOHNSON. Detective, assigned to the homicide and robbery bureau.

Mr. BELIN. Are you still assigned to that bureau today?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. As a detective?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. On November 22, 1963, were you on duty?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. Did you have anything to do with the Presidential motorcade?

Mr. JOHNSON. No, sir.

Mr. BELIN. At approximately what time did you find out about the shooting of the President, to the best of your recollection?

Mr. JOHNSON. Must have been about 12:40, I guess.

Mr. BELIN. What did you do after you found out about it?

Mr. JOHNSON. Returned to the office.

Mr. BELIN. Returned to your office?

Mr. JOHNSON. Yes.

Mr. BELIN. Had you been out on duty in a patrol car away from the office at the time?

Mr. JOHNSON. Yes, sir. We had just made an arrest prior to checking out on a hijacking.

Mr. BELIN. Did you have a chance to eat that day or not? I mean lunch.

Mr. JOHNSON. No, sir; didn't eat lunch.

Mr. BELIN. Well, you got back to the office. Then what did you do?

Mr. JOHNSON. I was instructed by Lieutenant Wells to go to the Texas Book Depository.

Mr. BELIN. To go to the Texas Book Depository?

Mr. JOHNSON. Yes.

Mr. BELIN. About what time did you get there?

Mr. JOHNSON. Around 1 o'clock.

Mr. BELIN. Where did you go when you got there?

Mr. JOHNSON. To the sixth floor.

Mr. BELIN. Any particular reason why you went to the sixth floor?

Mr. JOHNSON. When we first arrived, we asked—we walked into the building and there was a uniform officer on duty there at the door, and we asked him if Captain Fritz was there, and he said yes.

And we asked him where, and he said he went on up to the sixth floor.

So at that time we were interested really in contacting Captain Fritz for any particular assignment he might want to give us, so we went on up to the sixth floor, and he was there, and that is when he assigned L. D. Montgomery, my partner and myself to the scene where the shooting occurred.

Mr. BELIN. When he assigned it to you, did he say anything that this was the scene where the shooting occurred, or did he just assign an area at that time which you later found out to be the scene from which the shooting occurred?

Mr. JOHNSON. We had already been there a few minutes when he told us to stay there and preserve the scene. Actually at the time he told us that, we knew that that was where the shooting had occurred, because that is, the hulls were on the floor. We knew all that already.

Mr. BELIN. In other words, when you got there, or when you talked to Captain Fritz, the hulls, the three hulls had already been found in a particular portion of the sixth floor, is that correct?

Mr. JOHNSON. Yes, sir; I had heard somebody already say. I had already seen them.

Mr. BELIN. You mentioned the No. 3, is that how many there were?

Mr. JOHNSON. Yes.

Mr. BELIN. Do you know or remember what portion of the sixth floor this was?

Mr. JOHNSON. Well, yes; they were underneath a window right near a window.

Mr. BELIN. On what side of the building was the window on, north, east, south, or west?

Mr. JOHNSON. That is east. The window is actually on the south side of the building, and the window is the farthest east.

Mr. BELIN. The window would be the furthest east window on the south side of the building, is that correct?

Mr. JOHNSON. Yes.

Mr. BELIN. Would you call that the southeast corner of that floor?

Mr. JOHNSON. Yes.

Mr. BELIN. How soon after the hulls were found did you go over to see them?

Mr. JOHNSON. I couldn't say.

Mr. BELIN. Were you there when they actually found it?

Mr. JOHNSON. Well, Captain Fritz was already there. There is a possibility—I am pretty sure they already found that when we got up there.

Mr. BELIN. What did Captain Fritz instruct you to do?

Mr. JOHNSON. To remain there and protect the scene.

Mr. BELIN. All right. Handing you what has already been marked "RLS Deposition Exhibit G"—the RLS stands for R. L. Studebaker—I would ask you to state if you know, whether or not these shell cases appear to be in the same position as they were when you saw them there?

Mr. JOHNSON. There is only two that show in that photograph, that I see.

Mr. BELIN. Well, I see one, two right by the window. You see those two?

Mr. JOHNSON. Yes.

Mr. BELIN. Then there is one over here, which would be the west, by a box that is marked from "Scott Foresman & Company." See that there?

Mr. JOHNSON. Yes, I see it. All I can say, at the time these hulls were mentioned, I went over there and looked. I don't remember them being that far out.

Mr. BELIN. What I am asking is your best recollection. Let's take the hulls one by one. There are two hulls that appear to be right next to the bricks?

Mr. JOHNSON. Next to the wall; yes, sir.

Mr. BELIN. Do they appear to be in the approximate position when you first saw them?

Mr. JOHNSON. Yes.

Mr. BELIN. Does the one which is the farthest to the east appear to be as close to the next one lying at the brick wall as it was?

Mr. JOHNSON. Well, of course, I couldn't remember exactly how far. It was my impression that they were all three next to the wall. I could have been wrong.

Mr. BELIN. Your impression, at least the best of your recollection is that this third shell which is in the picture next to the book carton, was closer to the wall?

Mr. JOHNSON. I thought they were all three closer to the wall.

Mr. BELIN. When Captain Fritz told you to preserve the scene, what did you do?

Mr. JOHNSON. Now you got to remember he told L. D. Montgomery, my partner, and I to preserve the scene, and we remained there near that corner. Now over to the right, which would be back toward the west of the window, there was a lunch sack—a brown paper bag—and some remnants of fried chicken, and a pop bottle.

And I stayed closer to that pop bottle while we were waiting for the crime lab to finish their work.

Mr. BELIN. Now there was a sack and a pop bottle. Was there anything else other than the sack and the pop bottle?

Mr. JOHNSON. And the remnants of fried chicken.

Mr. BELIN. The remnants of fried chicken, was that right by that window, or was it by another set of windows?

Mr. JOHNSON. That was by some other window.

Mr. BELIN. Now there are, I believe, on the south side of the building, seven pairs of windows?

Mr. JOHNSON. I didn't count them. I couldn't say.

Mr. BELIN. Would you say it was toward the east, or the west, or the center?

Mr. JOHNSON. Where the sack was?

Mr. BELIN. Yes.

Mr. JOHNSON. It would be toward the west. I believe the next set of windows to my—I am pretty sure it was.

Mr. BELIN. You said it would be in the second pair of windows counting from the east wall?

Mr. JOHNSON. To the west.

Mr. BELIN. Is where you found it, was it between the second and the third set of windows or between the first and the second, or right by the second?

Mr. JOHNSON. Right by the second pair of windows.

Mr. BELIN. Now you stayed over there?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. And your partner, Detective Montgomery, stayed over by the first pair of windows?

Mr. JOHNSON. By the corner.

Mr. BELIN. By the corner window, southwest corner of the sixth floor?

Were you there when Lieutenant Day and Studebaker came in to take pictures?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. Do you know of your own personal knowledge whether anything had been moved prior to the time that they took the first set of pictures up there?

Mr. JOHNSON. No, sir; as far as I know, they hadn't been moved. They weren't supposed to have been, and that was our job to keep them out of there, and nobody came in there, I am pretty sure.

Mr. BELIN. All right. Now, a rifle was found on the sixth floor, was it not?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. When the rifle was found, did you leave your post?

Mr. JOHNSON. No, sir.

Mr. BELIN. What about Detective Montgomery?

Mr. JOHNSON. No, sir.

Mr. BELIN. Did you find anything else up in the southeast corner of the sixth floor? We have talked about the rifle, we have talked about the shells, we have talked about the chicken bones and the lunch sack and the pop bottle by that second pair of windows. Anything else?

Mr. JOHNSON. Yes, sir. We found this brown paper sack or case. It was made out of heavy wrapping paper. Actually, it looked similar to the paper that those books was wrapped in. It was just a long narrow paper bag.

Mr. BELIN. Where was this found?

Mr. JOHNSON. Right in the corner of the building.

Mr. BELIN. On what floor?

Mr. JOHNSON. Sixth floor.

Mr. BELIN. Which corner?

Mr. JOHNSON. Southeast corner.

Mr. BELIN. Do you know who found it?

Mr. JOHNSON. I know that the first I saw of it, L. D. Montgomery, my partner, picked it up off the floor, and it was folded up, and he unfolded it.

Mr. BELIN. When it was folded up, was it folded once or refolded?

Mr. JOHNSON. It was folded and then refolded. It was a fairly small package.

Mr. BELIN. Now do you know where this sack was with relation to the first window, counting from the east portion of the south side of the building?

Mr. JOHNSON. It still would be over toward the east from the windows.

Mr. BELIN. It would be east of the windows?

Mr. JOHNSON. Yes; right at the corner. Of course, those windows are not too far from the east wall, but that sack was right in the corner.

Mr. BELIN. Handing you what has been marked "RLS Deposition Exhibit"—that appears to be G—it is picture No. 26, there are some pipes that appear to be in that picture, is that correct? Some vertical pipes?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. Where would the sack have been found with reference to those vertical pipes? These vertical pipes, I believe, on the south side of the sixth floor near the east corner?

Mr. JOHNSON. That sack would be over near the corner of the building here [pointing].

Mr. BELIN. Would all the sack be east of the pipes, or would part of the sack be sticking out west of the pipes?

Mr. JOHNSON. The way it was folded, it would all have to be over here.

Mr. BELIN. Your testimony then is that all the sack would have been east of the pipes. Is that correct?

Mr. JOHNSON. I would say that the sack was folded up here and it was east of the pipes in the corner. To the best of my memory, that is where my partner picked it up. I was standing there when he picked it up.

Mr. BELIN. You were standing there when he picked it up?

Mr. JOHNSON. Yes, because the Crime Lab was already finished where I was, and I had already walked off to where he was.

Mr. BELIN. Now there was a book carton located, one standing by itself in that picture—it would be located northeast of the pipes. Is that correct?

Mr. JOHNSON. Yes.

Mr. BELIN. Did the sack appear to be as long as that book carton was?

Mr. JOHNSON. I didn't compare it to that book carton.

Mr. BELIN. Let me ask you this. Do you remember book cartons there to the north of where the sack was found?

Mr. JOHNSON. Yes, sir. Actually, these cartons were stacked all the way around this thing.

I don't know, this book carton right here, unless that is the one that is stacked there, if I had a picture showing this whole scene—you see, there was some other cartons stacked in front of this window. Now I don't know whether this is the one that was behind them or not. This might be just one sitting out over there out of the way.

Mr. BELIN. We don't have a picture here that shows all of the cartons, at least I don't have it right here at the time we are taking this deposition, that shows all of the cartons, but let me—

Mr. JOHNSON. Just from memory, I would say that that sack would be a little longer than those book cartons.

Mr. BELIN. All right, what is the fact as to whether or not the penned rectangle on RLS Deposition Exhibit G—does any portion of that rectangle represent the place where the paper was found, assuming that is the southeast corner?

Mr. JOHNSON. It looks like somebody penned that in to show the sack was laying there. That would show it unfolded.

Mr. BELIN. Well, what you would say then is that the penned portion is actually longer than the sack before it was unfolded, is that what you are saying?

Mr. JOHNSON. Yes. It shows to be here, if you are taking this as actual size.

Mr. BELIN. Right. Of course, this is photographed at an angle and sometimes this can be inaccurate insofar as perspective. But would this penned in be the approximate same distance from the south wall that you saw the sack?

Mr. JOHNSON. Well, I couldn't say exact distance. All I know is my partner picked that up right out of that corner, and how far it was from the wall in either direction, I don't know.

Mr. BELIN. Would it be somewhere in the location of where the penned in rectangle is on RLS Deposition Exhibit G?

Mr. JOHNSON. Yes; it would be in this corner, in the southeast corner of the building, and there were some pipes on that side. It would be in that corner—in the southeast corner of that building.

Mr. BELIN. All right, is there anything else you can remember about that sack?

Mr. JOHNSON. No; other than like I said, my partner picked it up and we unfolded it and it appeared to be about the same shape as a rifle case would be. In other words, we made the remark that that is what he probably brought it in.

That is why, the reason we saved it.

Mr. BELIN. Did you find anything else up in the sixth floor that you feel might be relevant insofar as the investigation of the assassination is concerned?

Mr. JOHNSON. No; I don't remember anything right off. Anything else that was preserved as evidence?

Mr. BELIN. Yes.

Mr. JOHNSON. Other than I know we kept the lunch sack and the Dr. Pepper bottle.

Mr. BELIN. You did keep the lunch sack?

Mr. JOHNSON. Sir?

Mr. BELIN. You did keep the lunch sack?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. Where is it?

Mr. JOHNSON. We turned it into the crime lab.

Mr. BELIN. You mean your police department crime lab?

Mr. JOHNSON. Yes, sir.

Mr. BELIN. Did you ever dust it for prints or not, or do you know?

Mr. JOHNSON. Well, now, the lunch sack itself, sir?

Mr. BELIN. Yes.

Mr. JOHNSON. I don't know whether they did or not. Now that sack we are talking about, it was dusted right there at the scene.

Mr. BELIN. That is the long paper sack you found in the southeast corner? I mean as far as the lunch sack is concerned?

Mr. JOHNSON. No, the lunch sack, I don't know. We turned it in, but I never did hear after that what he did with it. I am pretty sure they did use it for something.

Mr. BELIN. Anything else you can think of that is relevant in any way whatsoever to the investigation of the assassination?

Mr. JOHNSON. No; I don't remember anything else.

Mr. BELIN. Well, we surely want to thank you for your cooperation, Mr. Johnson.

You have the right, if you desire, to read the transcription of your testimony here and then sign the deposition, or you can waive the signing and have the court reporter send it to us directly in Washington. Do you care to read it, or do you want to waive the signing of it?

Mr. JOHNSON. I'd better read it.

Mr. BELIN. All right, you will be contacted when it is ready.

TESTIMONY OF SEYMOUR WEITZMAN

The testimony of Seymour Weitzman was taken at 2:15 p.m., on April 1, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Joseph A. Ball, assistant counsel of the President's Commission.

Mr. BALL. Mr. Weitzman, I'm Joe Ball and this is Lillian Johnson, the court reporter. Will you please stand and raise your right hand?

Mr. WEITZMAN. Yes, sir.

Mr. BALL. Do you solemnly swear the testimony you will give before this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WEITZMAN. I do.

Mr. BALL. Will you state your name?

Mr. WEITZMAN. Seymour Weitzman.

Mr. BALL. What is your occupation?

Mr. WEITZMAN. Deputy constable, Dallas County.

Mr. BALL. What is the location of your place of business?

Mr. WEITZMAN. Precinct 1 which is the old courthouse, third floor, room 351.

Mr. BALL. Where were you born?

Mr. WEITZMAN. Dallas, Tex.

Mr. BALL. Were you educated here in this State?

Mr. WEITZMAN. Partially here and Indiana.

Mr. BALL. How far did you go through school?

Mr. WEITZMAN. I went through college, graduated in engineering, 1945.