

Mr. BELIN. Were there any exceptions to this, that you could remember, or was this almost invariably the case?

Mr. GRAVES. Well, that was the case in everything that I heard him say. He didn't hunt for words, didn't hesitate at all.

Mr. BELIN. Detective Graves, is there anything else you can think of that might be relevant to this area of inquiry which involves anything to do with Lee Harvey Oswald or the investigation of the assassination, or the shooting of Officer Tippit, that we haven't discussed here?

Mr. GRAVES. At this point, I don't recall anything else.

Mr. BELIN. Well, we certainly appreciate your cooperation, doubly so, because we know you have been down here once before, and I want to tell you that you have a right, if you would like, to read the transcript of this deposition and sign it and make any corrections that you wish, or you can just have the reporter ship it to us directly in Washington, and waive the signing, whatever you want to do? Do you have any preference at all?

Mr. GRAVES. Well, if I don't sign it, it won't make any difference anyway.

Mr. BELIN. You can waive it if you would like to.

Mr. GRAVES. I will waive it. It don't make any difference to me.

Mr. BELIN. All right.

Mr. GRAVES. In the interest of time and everything.

Mr. BELIN. Thanks a lot.

TESTIMONY OF JAMES R. LEAVELLE

The testimony of James R. Leavelle was taken at 9:30 a.m., on April 7, 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. Robert T. Davis, assistant attorney general, was present.

Mr. BALL. Mr. Leavelle, will you stand and raise your right hand?

[Witness complying.]

Mr. BALL. Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEAVELLE. I do.

Mr. BALL. Will you state your name, please?

Mr. LEAVELLE. James R. Leavelle.

Mr. BALL. And your address?

Mr. LEAVELLE. 7703 R-1-1-a [spelling], Dallas, Tex.

Mr. BALL. And, what is your occupation?

Mr. LEAVELLE. Detective, Dallas Police Department.

Mr. BALL. How long have you been on the department?

Mr. LEAVELLE. Fourteen years.

Mr. BALL. How long have you been in the homicide squad?

Mr. LEAVELLE. A little over 5 years.

Mr. BALL. Tell me about where you were born and your education; what you have done most of your life.

Mr. LEAVELLE. Well, I was born and raised mostly in Red River County in east Texas and went into service. After leaving the service, coming out of the service I worked for different companies here in Dallas until I joined the department in 1950.

Mr. BALL. The purpose of our inquiry here is to find out facts concerning the assassination of President Kennedy. That's the general purpose of it.

Mr. LEAVELLE. Yes.

Mr. BALL. You took part in the investigation, did you not, as a member of the Dallas Police Department?

Mr. LEAVELLE. A minor part you might say. I didn't have much to do with Oswald, myself.

Mr. BALL. Well, you talked to some of the witnesses, didn't you?

Mr. LEAVELLE. Yes.

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

Mr. LEAVELLE. Yes; I was.

Mr. BALL. What time did you go to work?

Mr. LEAVELLE. I was working 8 to 4 I believe, that month and I had—when I heard of the assassination, I had just come into the homicide office with a Negro boy I had arrested for robbery.

Mr. BALL. Whereabouts did you go then after that?

Mr. LEAVELLE. We, along with Charlie Brown, went to the building, the Texas Book Depository, and talked with the inspector there. I asked him if the building had been secured and he said it was and Captain Fritz was in the building.

Mr. BALL. Was that Inspector Sawyer?

Mr. LEAVELLE. Yes; he said they were sending all witnesses to the sheriff's office and I might go over and check and see what was needed, so I went to the sheriff's office and found them in a general uproar more or less. They had several witnesses around and they wanted to take affidavits from them; however, none of them had started. So, when I walked in, they knew I was a homicide man and would be indirectly responsible for some of the investigation, so I talked with Allen Sweatt, chief deputy, and started to set up the procedure for the taking of the affidavits from the witnesses when several of the—four, five or six of the burglary and theft detectives walked in and told me that they were sent down there to do whatever was needed to be done and asked me what was needed, so I told them to work with Mr. Sweatt and take those affidavits and they could do that as well as I and I would go back to the Depository and see what might further be needed over there. I went to the Depository and had been there just a short time talking to some of the officers on duty there. I don't remember who they were at this time and at that time I heard a radio broadcast of the shooting in Oak Cliff which involved Officer Tippit and I called my office and found that there was no one to answer the call in Oak Cliff and since everything was under control there, I felt like some of us should be in Oak Cliff, so I borrowed a car from Detective Red Edwards of burglary—

(At this point, Mr. Robert T. Davis enters.)

Mr. BALL. Go ahead, Mr. Leavelle.

Mr. LEAVELLE. I borrowed an automobile from Detective Red Edwards, A. L. Edwards, and proceeded to the Oak Cliff area. I went to the scene of the shooting. They had removed Tippit's body at that time and I talked with the sergeant and the officer.

Mr. BALL. What were their names?

Mr. LEAVELLE. I believe Sergeant Bud Owens was the sergeant there and one of the uniformed officers was—I may be in error on this, but I believe it was Poe.

Mr. BALL. J. M. Poe?

Mr. LEAVELLE. Yes; P-o-e [spelling].

Mr. BALL. At that time someone told you some empty .38 caliber hulls had been picked up. Did Poe tell you that?

Mr. LEAVELLE. Yes; I believe he did.

Mr. BALL. Did he give you the hulls?

Mr. LEAVELLE. No; he did not give them to me. I think my instructions to him were to turn them over to the crime lab.

Mr. BALL. Did he show them to you?

Mr. LEAVELLE. I don't think so; he may have but I do not recall. He may have. He did say that there was an eyewitness to it but he didn't know her name at the time. So, while I was talking to him was when the call came out they seen the suspect go into the Texas Theatre, so I proceeded to the Texas Theatre, but due to the heavy traffic, I didn't get there until after the arrest was made and they had left, so I returned to the scene and talked with the officer some more and I believe that he also told me that a man in a carlot down there had seen Oswald running from the scene.

Mr. BALL. Who told you?

Mr. LEAVELLE. Poe, I believe. Now, I could be in error on that but someone told me anyway, so—

Mr. BALL. You went back to the police station and took some affidavits from witnesses, didn't you?

Mr. LEAVELLE. That's right, I went on to the station at that time and took affidavits from—talked with some of the witnesses that they had brought in there because at the time I didn't realize there was any connection between Oswald and the shooting of Tippit or the one that they had arrested in the Texas Theatre for the killing of Tippit and the Presidential assassination. I thought it was two different things altogether. So, I proceeded back to the office to work on that end of it, checking with the captain, and they was tied up with the Presidential assassination, and not until we got there did I realize some few minutes later on, when talking to some of the people of the Texas Book Depository, did we realize Oswald could very well be the same one who assassinated the President.

Mr. BALL. Well, did Captain Fritz instruct you to go out and pick up the witness and come down to a showup, bring her down to a showup?

Mr. LEAVELLE. Yes; this Helen Markham, the witness, was in such a state of shock she had been unable to view the lineup.

Mr. BALL. Where did you see her the first time?

Mr. LEAVELLE. She was in the emergency room, in the hospital emergency room, first aid room, whatever you call it in the basement of the city hall, and I went over and talked with her and kind of got her calmed down where she thought she could stand to view the lineup, and when she told me that she felt like she was able to stand it, why, I called the captain and told him that we were ready for the showup, at which time some of the other officers brought Oswald down. I took here into the showup room myself and stood with her while she viewed the lineup.

Mr. BALL. Were you and Helen Markham the only two in what you call the showup room?

Mr. LEAVELLE. No, Captain Fritz and Chief Curry was in there also and possibly one or two others; I do not recall.

Mr. BALL. How about your partner, C. W. Brown?

Mr. LEAVELLE. I do not know whether he was there or not.

Mr. BALL. Any other witnesses?

Mr. LEAVELLE. Now Mr. Graves may have been in there.

Mr. BALL. Were there any other witnesses in there?

Mr. LEAVELLE. No.

Mr. BALL. Who picked the men for the showup?

Mr. LEAVELLE. I do not know.

Mr. BALL. Did you?

Mr. LEAVELLE. No; I had nothing to do with that.

Mr. BALL. Do you know who the men were in the showup?

Mr. LEAVELLE. That particular showup they had gotten two of the officers, I believe, that work in the vice squad.

Mr. BALL. I have the names of the people in the showup; No. 1 was Bill Perry; is he a Dallas Police Department officer?

Mr. LEAVELLE. Yes.

Mr. BALL. No. 3 R. L. Clark—

Mr. LEAVELLE. He is an officer also.

Mr. BALL. Vice squad?

Mr. LEAVELLE. Yes.

Mr. BALL. Don Ables is a jail clerk?

Mr. LEAVELLE. Yes.

Mr. BALL. Do you know who picked these men?

Mr. LEAVELLE. No; I do not know who decided that they be in the showup. Of course, I am sure whoever did was using them, thinking of the security angle of it more than anything else, rather than getting prisoners down there.

Mr. BALL. Is it unusual to use officers in the showup?

Mr. LEAVELLE. Yes; we don't normally do it.

Mr. BALL. You usually have other prisoners in the showup?

Mr. LEAVELLE. Yes, trustees serving time, or—

Mr. BALL. What is your memory as to how these men were dressed?

Mr. LEAVELLE. I think all of them had on just shirts and trousers, I believe. I don't think there was any coats involved in any of them.

Mr. BALL. Did any have ties?

Mr. LEAVELLE. None had ties or hats on.

Mr. BALL. Who conducted the showup questioning?

Mr. LEAVELLE. I probably asked the questions, yes.

Mr. BALL. What questions?

Mr. LEAVELLE. Normally, I would not have asked names in this case because for fear of her remembering the name, so, or might have heard the name, so, probably asked how old they were, what occupation, anything so they could speak and let me hear the sound of their voice.

Mr. BALL. Did any of them say they were police officers?

Mr. LEAVELLE. No, no; the officers gave some other occupation.

Mr. BALL. Now, what did Helen Markham say while she was in the showup room?

Mr. LEAVELLE. Well, she was very nervous and I do not recall what all she did say, but she was able to identify Oswald as the one.

Mr. BALL. What did she tell you?

Mr. LEAVELLE. She said he was the man that was at the scene she saw do the shooting over there in Oak Cliff.

Mr. BALL. Did you take a statement from her then?

Mr. LEAVELLE. I took one from her but I do not remember whether—just when I took it.

Mr. BALL. Then what did you do after that showup?

Mr. LEAVELLE. Well, I—Mr. Graves and I took Helen back home and after we dropped her off we stopped by this carlot, 501 East Jefferson, and talked with the manager or owner of that and found out that he was the one that had seen the man running. He had heard the shots and seen the man running, from the scene of the shooting and the colored porter there also had heard it, and they had gone to the scene and they said, each of them said, that they thought they might be able to identify the man that they saw running; they heard the shots and they ran outside and saw him running down the sidewalk across the street from the lot with the gun in his hand.

Mr. BALL. You also talked to Domingo Benavides?

Mr. LEAVELLE. Yes.

Mr. BALL. D-o-m-i-n-g-o B-e-n-a-v-i-d-e-s [spelling]. I would think it would be spelled differently.

Mr. LEAVELLE. He was supposed to be Mexican descent but that Benavides is actually an Italian name, I believe.

Mr. BALL. Well, did you talk to him also?

Mr. LEAVELLE. I talked with him but I do not believe we ever took an affidavit off him that I recall—may have.

Mr. BALL. Didn't he tell you that he picked up some empty hulls?

Mr. LEAVELLE. Yes, he told me he picked them up and gave them to the officer. I remember the officer told me he had gotten the hulls from someone who gave them to him, and when I talked to Domingo, he said he was the one picked them up and give them to the officer.

Mr. BALL. Did you bring any of these men downtown?

Mr. LEAVELLE. No.

Mr. BALL. Did you ask them—

Mr. LEAVELLE. I called later—Ted Callaway—bring the others down; however, I think the Negro porter there, whatever his name is, is the only one he brought.

Mr. BALL. You say you told him to bring the others down? Who did you tell to bring down?

Mr. LEAVELLE. The porter and this Domingo.

Mr. BALL. But he only brought—

Mr. LEAVELLE. Sam Guinyard.

Mr. BALL. Do you know why Domingo Benavides was never brought down for the showup?

Mr. LEAVELLE. I think he said he never saw the man actually. I believe he said later on he did not see the man.

Mr. BALL. He testified here he saw the man running.

Mr. LEAVELLE. But he—either that or he told me he could not recognize him, one or the other.

Mr. BALL. Did you have a showup with Callaway and Guinyard?

Mr. LEAVELLE. Yes, I do not recall the time but we did.

Mr. BALL. Do you want to see your notes here; would that refresh your memory? Here is a report that you made, also. [Papers to witness.]

Mr. LEAVELLE. Yes, at 6:30 p.m. would be right.

Mr. BALL. 6:30 p.m.?

Mr. LEAVELLE. Yes.

Mr. BALL. Who was in the audience side of the showup this time?

Mr. LEAVELLE. As far as I know there wasn't anyone other than Mr. Graves and myself, and I am not too sure he was there. I do not recall.

Mr. BALL. Your notes say that Brown and Dhority were with you. Is that right?

Mr. LEAVELLE. Well, I do not remember; it could have been.

Mr. BALL. Who was with the witnesses?

Mr. LEAVELLE. Who was with the witnesses?

Mr. BALL. What officer was with the witnesses?

Mr. LEAVELLE. Well, we were with them.

Mr. BALL. Who talked to them?

Mr. LEAVELLE. Are you talking about the witnesses or the ones in the lineup?

Mr. BALL. No; I am talking about the witnesses.

Mr. LEAVELLE. Only two witnesses is Callaway and Guinyard and I talked with them.

Mr. BALL. You talked with them?

Mr. LEAVELLE. Yes.

Mr. BALL. Who were the men in the showup this time?

Mr. LEAVELLE. I do not remember.

Mr. BALL. These notes show that Billy Perry was No. 1; R. L. Clark, No. 2; and 4, Don Ables; and No. 2, Oswald.

Mr. LEAVELLE. I know they were on two different showups, so it is quite possible.

Mr. BALL. Who conducted the questions of the men in the showup?

Mr. LEAVELLE. I would think I would have been—the same line.

Mr. BALL. Do you know what Ted Callaway said?

Mr. LEAVELLE. Not per se; I know they were able to identify Oswald.

Mr. BALL. What was the substance of what he said?

Mr. LEAVELLE. I do not recall.

Mr. BALL. You say "identify"; that doesn't mean much to me because I don't know what he identified him as.

Mr. LEAVELLE. He said he was the man; he identified him as the man he saw running from the direction where the shots came from over in the Oak Cliff area near his carlot.

Mr. BALL. What about Sam Guinyard?

Mr. LEAVELLE. Same thing, practically.

Mr. BALL. Did you take statements from them?

Mr. LEAVELLE. I believe I took affidavits from them, according to my notes, there while we were waiting for them to come down.

Mr. BALL. Did you also show them a jacket?

Mr. LEAVELLE. Yes; I took them to the fourth floor and asked them to look at a jacket which—

Mr. BALL. I show you Commission Exhibit 162. Does that look anything like the jacket?

Mr. LEAVELLE. It looks like the jacket that I showed them; yes.

Mr. BALL. Do you know what Callaway said when he saw the jacket?

Mr. LEAVELLE. He said this was definitely the jacket or one exactly like it.

Mr. BALL. Do you know what Guinyard said?

Mr. LEAVELLE. He said it was also the same type jacket.

Mr. BALL. Now then, did you do anything else that day on this investigation?

Mr. LEAVELLE. I do not recall other than possibly answer the telephone in the office.

Mr. BALL. You went to work at what time Saturday morning, November 23, 1963?

Mr. LEAVELLE. It would be around 8 o'clock, I imagine.

Mr. BALL. And did you take some statements that day?

Mr. LEAVELLE. Chances are I may have, I do not remember.

Mr. BALL. Here is——

Mr. LEAVELLE. It says took one affidavit from R. S. Truly, supervisor of Texas School Book and the other of employee, Mrs. R. A. Reid.

Mr. BALL. You are refreshing your memory from a report that you made, is that correct?

Mr. LEAVELLE. Yes.

Mr. BALL. Now, did you attend another showup that day?

Mr. LEAVELLE. Yes; we held another showup that day which involved a cabdriver——

Mr. BALL. What's his name?

Mr. LEAVELLE. We later found out he was near the scene of the shooting and saw the shooting, also, W. W. Scoggins. We held a showup for him at 2:15 p.m.

Mr. BALL. Was anyone else with him at that time?

Mr. LEAVELLE. Yes; there was another man who was another cabdriver, name of William Wayne Whaley [spelling].

Mr. BALL. Had you talked to him?

Mr. LEAVELLE. I had not talked to Whaley; no.

Mr. BALL. What officer talked to Whaley?

Mr. LEAVELLE. I do not recall.

Mr. BALL. Did you pick up Whaley in the squadcar?

Mr. LEAVELLE. No.

Mr. BALL. Did you pick up Scoggins in the squadcar?

Mr. LEAVELLE. No.

Mr. BALL. Where did you first see Whaley and Scoggins?

Mr. LEAVELLE. They came to the office, I believe.

Mr. BALL. Did you go down with them to the showup?

Mr. LEAVELLE. I am sure that I did. I do not recall but I am sure I must have.

Mr. BALL. Here's some other notes that you might look at to refresh your memory [notes to witness].

Mr. LEAVELLE. From these notes here it indicates I was there along with them at that time.

Mr. BALL. What is your memory? Is your memory different from the notes?

Mr. LEAVELLE. I do not remember who else was there, if anyone was.

Mr. BALL. You know that you were there with Scoggins and Whaley?

Mr. LEAVELLE. Yes.

Mr. BALL. Do you remember the men in the showup?

Mr. LEAVELLE. I do not recall who was in there. I know it says who was here but I could not tell you.

Mr. BALL. Did you pick those men?

Mr. LEAVELLE. No; not at anytime did I have anything to do with picking the men in any of them.

Mr. BALL. This was your third showup in the course of your investigation of the murder of Tippit and the assassination of President Kennedy?

Mr. LEAVELLE. Yes; the third and the only three I had anything to do with.

Mr. BALL. Who conducted this showup?

Mr. LEAVELLE. I would have handled the speech of that also; asking them to say a few words.

Mr. BALL. How were these men dressed?

Mr. LEAVELLE. That I do not recall either.

Mr. BALL. Do you remember whether they had coats on?

Mr. LEAVELLE. I know in all cases we usually try to have them dressed as alike as possible, the same as each other.

Mr. BALL. What is your memory of this incident? Were they dressed anywhere near similar?

Mr. LEAVELLE. In one instance—now, I am not positive which one it was, Oswald was in a T-shirt, having the other shirt removed upstairs where they were going to send it to the FBI laboratory for tests, and the rest of them, I

believe, had on shirts. He was the only one that had on a T-shirt and I recall—I am not sure but I think it was the last one where he was raising Cain about being up there with a T-shirt and wouldn't be quiet.

Mr. BALL. What did he say?

Mr. LEAVELLE. He said it wasn't fair, him being showed up in a T-shirt and being photographed in a T-shirt and all that. I don't know what he didn't say: he went on all the time.

Mr. BALL. Did Whaley say anything to you personally?

Mr. LEAVELLE. To me personally?

Mr. BALL. Yes.

Mr. LEAVELLE. Well, of course, I asked him if he—if the man that he remembered or saw there, whatever he was identifying him for there was up there and he said "Yes, the man in the T-shirt." Whether he was doing all the talking or not wouldn't make any difference, he still knew him.

Mr. BALL. What did Scoggins say?

Mr. LEAVELLE. He said practically the same thing—the man in the T-shirt was the—or the No. 3 man was the man he had saw do the shooting.

Mr. BALL. Who said that?

Mr. LEAVELLE. That would have been Scoggins.

Mr. BALL. Did Whaley say—tell you whether or not he had ever seen this man before?

Mr. LEAVELLE. He was supposed to have seen him I believe, but I do not recall what the circumstances were under which he saw him right offhand.

Mr. BALL. Where Scoggins saw him you remember, in other words, though?

Mr. LEAVELLE. Yes; in other words, he was the one who said he was sitting there eating a sack of lunch parked near the corner when the shooting occurred.

Mr. BALL. Now, on November 24, on Sunday morning, did you return to work about the same time, 8 o'clock, or so?

Mr. LEAVELLE. Little before 10, I believe, or something.

Mr. BALL. And, were you ordered by Captain Fritz to get Oswald?

Mr. LEAVELLE. Yes; I don't—I see here it says 9:30—whatever the official time was, I think it probably was maybe about that time.

Mr. BALL. Where did you go to get Oswald?

Mr. LEAVELLE. I had to go to the fourth floor jail.

Mr. BALL. Did you handcuff him?

Mr. LEAVELLE. Yes; I did.

Mr. BALL. Were his handcuffs in the front or in the rear?

Mr. LEAVELLE. In front.

Mr. BALL. Where were you taking him?

Mr. LEAVELLE. Took him down the inside elevator to the third floor into Captain Fritz's office.

Mr. BALL. Who was present at that meeting in Captain Fritz's office?

Mr. LEAVELLE. Well, I can recall, I believe during that time I was there there were several people in and out. I believe primarily myself and Mr. Graves and Dhority and Montgomery were in there most of the time, I don't know. We were in, probably might have stepped outside the door at one time or another but primarily we were around and also Mr. Kelley, Secret Service, and a man from the postal inspector's office. I cannot recall his name at this time. He should be on here—oh, yes, Mr. Sorrels, also, and Holmes of the postal department. Now, those people and Chief Curry came in once or twice. All those people may not have stayed in there constantly during the time but they were in there at some time or other.

Mr. BALL. Did these various people ask questions of Oswald?

Mr. LEAVELLE. I know Mr. Sorrels did and I know Mr. Kelley did. I do not recall whether Mr. Holmes asked any questions or not and Captain Fritz asked him some.

Mr. BALL. Do you remember what Mr. Sorrels asked him?

Mr. LEAVELLE. No; I don't.

Mr. BALL. Remember what Mr. Kelley asked him?

Mr. LEAVELLE. I can only remember one question Mr. Kelley asked him and that was whether or not he thought the attitude of the U.S. Government toward

Cuba would be changed since the President has been assassinated. To my knowledge, that is the only one I can recall.

Mr. BALL. What did Oswald say?

Mr. LEAVELLE. Oswald turned and asked Captain Fritz, said "I am filed on for the President's murder, is that right?" And, Captain Fritz told him yes, and he told Mr. Kelley, he said "Under the circumstances, I don't believe that it would be proper." That might not be the words he used, but wouldn't be right, anyway, for him to answer that question because whatever he said might be construed in a different light than what he actually meant it to be, but he went on to say he felt like when the head of any government died or was killed, whatever, there was always a second in command who would take over and he said in this particular instance it would be Johnson. He said "So far as I know, Johnson's views and President Kennedy's views are the same", so, he would see no particular difference in the attitude of the U.S. Government toward Cuba. That's about the main—the only one, because he went into such detail on it, the only one I thought was a little elaborate for him to go into that type of answer, the reason I remembered it.

Mr. BALL. Do you remember any question Captain Fritz asked him?

Mr. LEAVELLE. I remember that the captain asked him about the shooting of the President and the shooting of the officer: I know he did ask him that and I know Oswald did deny it, both times.

Mr. BALL. That he had shot President Kennedy and Tippit?

Mr. LEAVELLE. Yes; he denied shooting either one. He did say this "If you want me to 'cop' out to hitting or pleading guilty to hitting a cop in the mouth when I was arrested", he said "Yeah, I plead guilty to that" but he—I do know that he denied the shooting of both the President and Tippit.

Mr. BALL. In that meeting did he ask for a lawyer?

Mr. LEAVELLE. No; I know Captain Fritz asked him if at one time, if—he handed him a telegram—in fact, I believe it was sent by some attorney, if my memory serves me right, and he said he did not particularly want him but he would take that and if he didn't do any better he would contact him at a later time. I do not recall what lawyer it was. It seems like some lawyer in the East sent the telegram volunteering his services to Oswald.

Mr. BALL. That is there on Sunday morning, the 24th?

Mr. LEAVELLE. Yes.

Mr. BALL. In the course of this meeting which you have been describing—

Mr. LEAVELLE. Yes.

Mr. BALL. What did Oswald say?

Mr. LEAVELLE. He said that he preferred—he never had gotten in touch with this lawyer in New York City that represented the American Civil Liberties Union and he wanted to get in touch with him and said if he didn't do any better, or could not get him, he would like to talk with this man about it.

Mr. BALL. Can you remember any other questions asked Oswald by Captain Fritz?

Mr. LEAVELLE. No, not offhand; I would probably remember them if I heard the questions but I do not remember offhand.

Mr. BALL. Did anybody talk to him about the post office box?

Mr. LEAVELLE. Yes; Mr. Kelley asked him several questions and probably Mr. Sorrels about the post office box, both here and one he had in Shreveport—wherever it was.

Mr. BALL. New Orleans?

Mr. LEAVELLE. New Orleans, yes.

Mr. BALL. Do you remember what Oswald said?

Mr. LEAVELLE. Since you mentioned it, I do remember them talking to him about the New Orleans box and asking him about this other name, this—

Mr. BALL. Alek Hidell?

Mr. LEAVELLE. Yes; and he asked him if he knew Alek Hidell; said he didn't know if he ever heard of the name. He never heard of that and asked him several questions along that line and then after he had denied all knowledge of Alek Hidell, Mr. Kelley asked him, said "Well, isn't it a fact when you were arrested you had an identification card with his name on it in your possession."

He kind of grunted, said "Yes, that's right" and he said "How do you explain that?" And, as best my knowledge, he said "I don't explain it."

Mr. BALL. Anybody ask him about a gun, whether or not he bought a rifle?

Mr. LEAVELLE. I am sure they did. I remember some of them asking about the rifle and about it being sent to the box here in Dallas but I do not recall. I am not sure he denied it but I do not recall what his exact denial was.

Mr. BALL. You say he denied it. Do you remember whether or not he denied that he had bought a rifle?

Mr. LEAVELLE. To the best of my knowledge I do. He did deny it but I would not swear to it.

Mr. BALL. Was anything said about a revolver?

Mr. LEAVELLE. I am sure they asked him something about the revolver, too, but I do not recall what it was.

Mr. BALL. Did he say whether or not he had a revolver in his possession at the time of his arrest?

Mr. LEAVELLE. I do not recall what the questions was along that line or even what the answers was. Like I say, I am sure that they did. It seems as though my memory tells me that he did not deny taking the revolver but there, again, I would not want to say definitely.

Mr. BALL. Did you make any notes of the conversation?

Mr. LEAVELLE. No; I did not myself. That was the only time I ever sat in on the interrogations of him by Captain Fritz or anyone.

Mr. BALL. Is that the first time you had seen Oswald?

Mr. LEAVELLE. No; I had seen him, of course, the first day he was arrested and when they brought him in and out of the office taking him to and from the jail and, of course, I had saw him at the showups, what-have-you.

Mr. BALL. Had you ever talked to him before?

Mr. LEAVELLE. No; I had never talked to him before.

Mr. BALL. Did he have any marks on his face when you first saw him on Friday, the 22d of November?

Mr. LEAVELLE. Well, no; not that I recall. He—I know he had a black eye. I remember seeing that some time along the way but I do not recall when I first noticed it.

Mr. BALL. Did you ever talk to Oswald about his black eye?

Mr. LEAVELLE. No.

Mr. BALL. Did you ever hear him say anything to anyone as to how he received the black eye?

Mr. LEAVELLE. Yes; I remember at one time when they were moving him. Of course, if you saw television that day, I am sure you saw what men we had in the hallway up there with the photographers and newsmen, all were sticking microphones out at arms' length and hollering questions at him, and at one time someone asked him how he got the black eye. He said "A cop hit me," but that was just a hollered response to some unknown question or unknown news-reporter asking him.

Mr. BALL. As you would move Oswald through the halls on the third floor from one room to another—

Mr. LEAVELLE. Actually, it wasn't from one room to the other; it would be from our office to the elevator which is some 20 feet.

Mr. BALL. On those occasions would the hallway be crowded with reporters, newsmen, and television cameramen?

Mr. LEAVELLE. Yes; cameramen and television men all over the place; in fact, I was plumb up to my chin with those people.

Mr. STERN. How do you mean?

Mr. LEAVELLE. Well, I was disgusted with them.

Mr. STERN. Would they not cooperate with your request to stand in a particular place?

Mr. LEAVELLE. No; if you ever slopped hogs and throw down a pail of slop and saw them rush after it you would understand what that was like up there—about the same situation.

Mr. BALL. I'm through. Do you have some questions, Mr. Stern?

Mr. STERN. There was just no response. You asked them to cooperate with you?

Mr. LEAVELLE. Oh, yes; they would be asked to stand back and stay back but wouldn't do much good, and they would push forward and you had to hold them off physically. Of course, I realize I am not running the police department but if I had been running it wouldn't have been nobody up there; like I say, I was fed up. Fact of the business, one time when I was trying to escort some witness out of there—I don't recall who it was at this time—but I was trying to get them through that crowd and taking them down the edge of the corridor and I stopped and I looked down and there was a joker had a camera stuck between my legs taking pictures so that's just some indication of how they acted.

Mr. STERN. Was any consideration given to clearing the corridor?

Mr. LEAVELLE. A lot of consideration was given to it by me but, of course, I didn't have anything to do with it.

Mr. STERN. Was it discussed?

Mr. LEAVELLE. I imagine just among the men up there. The officers working in the bureau probably did. I don't know whether it was discussed on a higher level or not. I have no knowledge of that.

Mr. STERN. There were actually television cameras in the corridor?

Mr. LEAVELLE. Well, yes.

Mr. STERN. Hand cameras or the large?

Mr. LEAVELLE. They had the big camera set on a tripod right at the entrance of that hallway leading up there which would give them a full view of the entire hallway.

Mr. STERN. What was your impression of Oswald and the way he handled himself throughout this period?

Mr. LEAVELLE. Like I say, the only time that I had any connections with Oswald was this Sunday morning. I never had occasion of hearing him being interrogated or had occasion to talk with him at anytime and, to my listening to him answering the questions that were propounded to him that particular morning, he gave me the impression of being a man with a lot better education than his formal education indicated. In other words, for instance the long elaboration that he went into on the Cuba deal would tell—indicate that he had a fairly better than high school education that he was reported to have had.

Mr. STERN. Did he seem to be in control of himself?

Mr. LEAVELLE. Oh, yes; he was in control of himself at all times. In fact, he struck me as a man who enjoyed the situation immensely and was enjoying the publicity and everything was coming his way.

Mr. STERN. He engaged in banter with you and the police officials?

Mr. LEAVELLE. Not with me because I didn't have occasion to question him, but he did always smile and never hesitated for an answer, always had an answer.

Mr. STERN. How about on the occasions you were bringing him to or from the interrogations?

Mr. LEAVELLE. I did not indulge in any of that other than the one time and, of course, if I made any comments to him at that time, I do not remember what they were.

Mr. STERN. How about comments he made to you?

Mr. LEAVELLE. I know—I think possibly at one time he—that morning that I was bringing him down on Sunday morning that he may have asked me where he was going or if he was going back to Captain Fritz' office that morning, but aside from that, I do not recall anything else that he may have said or anything that I may have said to him in the course of the day.

Mr. STERN. Do you recall any complaints that he registered, any statements he made about his treatment, or—

Mr. LEAVELLE. No. I don't think he made any to us that morning we were moving him.

Mr. STERN. Did you receive the telegram that arrived Sunday morning or that was there Sunday morning about the offer?

Mr. LEAVELLE. I had occasion to see it. I do not recall what it was. I think it is a matter of record somewhere.

Mr. STERN. It was there at the Sunday morning interrogation?

Mr. LEAVELLE. Yes; it was there and, in fact, I know the captain and I talked

about it there a minute before I went up and got him, talked about informing him of this lawyer's request or offer. I said "Why not let him have the telegram, show him the telegram, let him read it himself," so, that's what the captain done—let him have the telegram.

Mr. STERN. Do you recall whether any of the witnesses at the showups at which you were present said that they had seen Oswald on television before they got to the police headquarters?

Mr. LEAVELLE. Well, I think it would have been impossible for anybody, any of them to see him with the exception of the two bus—cabdrivers. Now, the others may have, I don't recall, but the others all came down on the day of the assassination so I don't believe that they would have, but I know Helen Markham would not have because she was taken directly to city hall and had been there ever since it happened, so she would not, and I do not believe Mr. Callaway and the Negro porter, Sam Guinyard, would have had an opportunity, either.

Mr. STERN. In any event, you do not recall it?

Mr. LEAVELLE. I do not recall, but I am not saying it would not have happened.

Mr. STERN. That's all I have.

Mr. BALL. I would like to have Officer Leavelle's reports on the officer's duties filed as an exhibit to this deposition. It is marked "Pages 216, 217, 218, 219, 220." It is a part of the formal report of the Dallas Police Department concerning the assassination of President Kennedy and Officer Leavelle, your testimony will be written up by the shorthand reporter and will be submitted to you if you wish for you to read it and sign it, or, if you wish, you can waive your signature and it will be written up and forwarded to the Commission without your signature. How will you prefer?

Mr. LEAVELLE. I see no reason for me to sign it as long as it comes out like I put it down there.

Mr. BALL. If you have confidence in the reporter you can waive signature and we will send it on.

Mr. LEAVELLE. All right.

Mr. BALL. It is pages 216 through 220 of the formal report which is included in this Exhibit A. Thank you very much, Mr. Leavelle.

TESTIMONY OF W. E. BARNES

The testimony of W. E. Barnes was taken at 9:15 a.m., on April 7, 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 rise 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. BARNES. I do.

Mr. BELIN. Would you please sit down. You can smoke if you want to.

Mr. BARNES. It causes lung cancer.

Mr. BELIN. I don't know if I formally introduced myself. I am David Belin, actually a practicing attorney from Des Moines, Iowa, and about a dozen of us practicing attorneys from across the country have been with the President's Commission on the Assassination for most of the past 3 months as consultants, and that is how I happen to be down here in your city.

Would you please state your name for the record.

Mr. BARNES. W. E. Barnes.

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

Mr. BARNES. Route 2, Plano, Tex.

Mr. BELIN. Is that a suburb of Dallas?

Mr. BARNES. It is.

Mr. BELIN. What is your occupation?