

Mr. BALL. Did you ever examine them closely?
Mr. HAWKINS. I looked at them and one of them appeared to have a small indentation where it looked like it might have been struck and did not fire.
Mr. BALL. I think that's all, officer.
Now, this will be written up and you can read it and sign it, or you can waive signature—just as you wish—which do you prefer?
Mr. HAWKINS. I would just as soon sign it.
Mr. BALL. All right, we will have you sign it.
Mr. HAWKINS. All right.
Mr. BALL. Thank you very much.
Mr. HAWKINS. Will you notify me when you want me to sign it?
Mr. BALL. We will give you a telephone call.
Mr. HAWKINS. You will give me a telephone call?
Mr. BALL. Yes, sir.
Mr. HAWKINS. All right.
Mr. BALL. Thank you very much.

TESTIMONY OF L. D. MONTGOMERY

The testimony of L. D. Montgomery was taken at 4:50 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 Messrs. Joseph A. Ball, John Hart Ely, and Samuel A. Stern, assistant counsel of the President's Commission. Dr. Alfred Goldberg, historian, was present.

Mr. BALL. Will you stand up and be sworn?
Do you solemnly swear that the testimony you are about to give before the Commission will be the truth, the whole truth and nothing but the truth, so help you God?
Mr. MONTGOMERY. I do.
Mr. BALL. Be seated and state your name, please.
Mr. MONTGOMERY. L. D. Montgomery.
Mr. BALL. And what is your occupation?
Mr. MONTGOMERY. Police officer.
Mr. BALL. You are called before the Commission to give such information as you have as to the assassination of President Kennedy, and you have been advised by your superiors, have you, that we have requested your presence here?
Mr. MONTGOMERY. I have been over here twice now already.
Mr. BALL. You have been here before?
Mr. MONTGOMERY. Yes; I gave one deposition on this.
Mr. BALL. And that had to do with what subject?
Mr. MONTGOMERY. Well, they covered about all of it, really.
Mr. BALL. Have you already testified as to the search of this Texas State Book Depository?
Mr. MONTGOMERY. Well, sir; some of that was in there—yes, sir. Mr. Griffin took it.
Mr. BALL. Did he ask you about the time you went down to the sixth floor of the Texas State Book Depository?
Mr. MONTGOMERY. Yes; I discussed all that, but I don't believe it's in that deposition; now, I don't believe it was in the typed deposition.
Mr. BALL. I had better ask you the questions now.
How long have you been on the police force?
Mr. MONTGOMERY. I have been on down there 9 years.
Mr. BALL. What is your job?
Mr. MONTGOMERY. Detective in the homicide bureau.
Mr. BALL. On November 22, 1963, were you on duty?
Mr. MONTGOMERY. Yes, sir.
Mr. BALL. What time did you go to work that day?

Mr. MONTGOMERY. Let me see, that morning I was working 8 to 4.

Mr. BALL. And to what work were you assigned?

Mr. MONTGOMERY. Well, that particular morning at that time we was trying to round up some hijackers.

Mr. BALL. Were you sent down to the Texas State Book Depository?

Mr. MONTGOMERY. Yes, sir; I was.

Mr. BALL. What time did you get there?

Mr. MONTGOMERY. I got there, I guess—it was about 12:40 or 12:45.

Mr. BALL. And what did you do when you got there?

Mr. MONTGOMERY. I reported to the sixth floor there.

Mr. BALL. Did you take part in the search of the sixth floor?

Mr. MONTGOMERY. Well, first I reported to Captain Fritz, my partner and I, and he assigned us to this position over there where the boxes were.

Mr. BALL. Where was that?

Mr. MONTGOMERY. It would be what—the southeast corner of the building—over there from where the shooting took place.

Mr. BALL. Well, was that before the cartridges had been found or afterwards?

Mr. MONTGOMERY. No, sir; they had been found when we got there.

Mr. BALL. When you got there they had been found already?

Mr. MONTGOMERY. Yes, sir.

Mr. BALL. What about the rifle, had it been found?

Mr. MONTGOMERY. No, sir; it hadn't.

Mr. BALL. The rifle was found after you got there?

Mr. MONTGOMERY. Yes.

Mr. BALL. Did you see anything else over in the southeast corner of that sixth floor?

Mr. MONTGOMERY. Well, sir, as I say, there was a lot of boxes and there was a sack and there was this pieces of chicken.

Mr. BALL. Was there a piece of chicken over there?

Mr. MONTGOMERY. Yes, sir—there was chicken bones and what not—it looked like somebody had been eating chicken there.

Mr. BALL. Where was that?

Mr. MONTGOMERY. It was right there with the boxes—right there on the floor.

Mr. BALL. On the floor?

Mr. MONTGOMERY. Yes, sir.

Mr. BALL. All right.

Mr. MONTGOMERY. Well, let me see, there was one piece of chicken on a box and there was a piece on the floor—just kind of scattered around right there.

Mr. BALL. Where was the paper sack?

Mr. MONTGOMERY. Let's see—the paper sack—I don't recall for sure if it was on the floor or on the box, but I know it was just there—one of those pictures might show exactly where it was.

Mr. BALL. I don't have a picture of the paper sack.

Mr. MONTGOMERY. You don't? Well, it was there—I can't recall for sure if it was on one of the boxes or on the floor there.

Mr. BALL. It was over in what corner?

Mr. MONTGOMERY. It would be the southeast corner of the building there where the shooting was.

Mr. BALL. Did you turn the sack over to anybody or did you pick it up?

Mr. MONTGOMERY. Yes—let's see—Lieutenant Day and Detective Studebaker came up and took pictures and everything, and then we took a Dr. Pepper bottle and that sack that we found that looked like the rifle was wrapped up in.

Mr. BALL. Now, where was the Dr. Pepper bottle?

Mr. MONTGOMERY. It was over a little more to the west of that window.

Mr. BALL. There was a sack of chicken bones with that—near that Dr. Pepper bottle?

Mr. MONTGOMERY. No; the Dr. Pepper bottle, the best I can recall, was sitting over there by itself.

Mr. BALL. Where was the sack with the chicken in it?

Mr. MONTGOMERY. It was right around where the boxes were—where the hulls there were.

Mr. BALL. The picture was taken of the sack by Mr. Studebaker, and he said it was the third set of windows near the little two-wheel truck?

Mr. MONTGOMERY. Over there by the Dr. Pepper bottle.

Mr. BALL. Correct.

Mr. MONTGOMERY. I was thinking it was right there—it was probably that other sack I'm thinking about—the one we found on the floor there that was used.

Mr. BALL. Here are two pictures, which are Exhibits H and I in the Studebaker depositions, which show the paper sack and the Dr. Pepper bottle and a two-wheel truck, and that is in Exhibit H, and Exhibit I shows the Dr. Pepper bottle and a two-wheel truck.

Mr. MONTGOMERY. Is this the sack right here, now?

Mr. BALL. That's right—do you remember that?

Mr. MONTGOMERY. I don't remember the sack being right there—I remember it was there somewhere, but exactly—I don't.

Mr. BALL. Evidently you don't know?

Mr. MONTGOMERY. No, sir.

Mr. BALL. Now, was there some more chicken some place there also?

Mr. MONTGOMERY. Yes—there would be some more chicken over here around where the hulls were found.

Mr. BALL. Now, I will show you a picture of—

Mr. MONTGOMERY. I know there was one piece laying up on top of the box there.

Mr. BALL. I show you a picture which is Exhibit J, which shows some boxes in the picture that's in the southeast corner there.

Mr. MONTGOMERY. Yes, sir.

Mr. BALL. Can you tell me where the chicken was?

Mr. MONTGOMERY. I believe it was right up on these boxes right along in there. There's some boxes coming along in there.

Mr. BALL. Coming along in there—you mean it's outside of the view of the pictures?

Mr. MONTGOMERY. Yes, sir; right along in here.

Mr. BALL. And that would be to the north, of that point?

Mr. MONTGOMERY. Yes, sir.

Mr. BALL. And what did you see on top of those boxes?

Mr. MONTGOMERY. There was one piece of chicken there.

Mr. BALL. Partially eaten?

Mr. MONTGOMERY. Yes; I believe it was partially eaten—on that picture right there—I was just looking at.

Mr. BALL. That's Exhibit J.

Mr. MONTGOMERY. Right over here is where we found that long piece of paper that looked like a sack, that the rifle had been in.

Mr. BALL. Does that have a number—that area—where you found that long piece of paper?

Mr. MONTGOMERY. It's No. 2 right here.

Mr. BALL. You found the sack in the area marked 2 on Exhibit J to the Studebaker deposition. Did you pick the sack up?

Mr. MONTGOMERY. Which sack are we talking about now?

Mr. BALL. The paper sack?

Mr. MONTGOMERY. The small one or the larger one?

Mr. BALL. The larger one you mentioned that was in position 2.

Mr. MONTGOMERY. Yes.

Mr. BALL. You picked it up?

Mr. MONTGOMERY. Wait just a minute—no; I didn't pick it up. I believe Mr. Studebaker did. We left it laying right there so they could check it for prints.

Mr. BALL. Did you question any witnesses that day?

Mr. MONTGOMERY. Let's see—that particular day—no, sir; I don't believe I talked to a witness that day.

Mr. BALL. Did you talk to any witnesses at any time?

Mr. MONTGOMERY. Not to the assassination—no, sir.

Mr. BALL. Did you talk to witnesses that had anything to do with the shooting of Tippit?

Mr. MONTGOMERY. Well, we went out and got two of them and brought them down.

Mr. BALL. Who were they?

Mr. MONTGOMERY. Let's see, there was a taxicab driver—Whaley—one of them was Mr. Whaley and there was another one.

Mr. BALL. Was there a Mr. Scoggins?

Mr. MONTGOMERY. That could be his name—I just don't recall.

Mr. BALL. Do you have a report that you made of what you did?

Mr. MONTGOMERY. I didn't take an affidavit from him—no, sir; I took one from Mr. Whaley.

Mr. BALL. Now, did you attend a showup?

Mr. MONTGOMERY. No, sir; I didn't attend any showups.

Mr. BALL. You didn't?

Mr. MONTGOMERY. No.

Mr. BALL. But you took an affidavit from Mr. Whaley?

Mr. MONTGOMERY. From Mr. Whaley—yes, sir.

Mr. BALL. Were you ever present at any time when Oswald was questioned?

Mr. MONTGOMERY. Yes, sir.

Mr. BALL. Where was that?

Mr. MONTGOMERY. That would be the Sunday morning of the 24th, just prior to transferring him.

Mr. BALL. Where was that?

Mr. MONTGOMERY. That would be in Captain Fritz' office in the city hall.

Mr. BALL. Who was present, if you remember?

Mr. MONTGOMERY. Well, there was Detective Leavelle, Detective Graves, Detective Dhority, Captain Fritz, and Mr. Sorrels, and Mr. Kelley.

Mr. BALL. Do you know what was said?

Mr. MONTGOMERY. Yes, sir; they just asked him several questions there as to why he shot the President and he said he didn't shoot the President, and Captain Fritz asked Mr. Sorrels if he would like to ask him a question and Mr. Sorrels would ask him one and then Mr. Kelley would ask him one—they would ask him about life in Russia.

Mr. BALL. Do you remember anything else?

Mr. MONTGOMERY. No, sir; that's about all the questions I recall.

Mr. BALL. Then, was Oswald handcuffed at that time, during the questioning?

Mr. MONTGOMERY. At that time, I don't believe he was—no, sir.

Mr. BALL. Did you leave with him?

Mr. MONTGOMERY. Did I leave with who—now?

Mr. BALL. Leave Fritz' office with him.

Mr. MONTGOMERY. When we started to transfer him, of course, we all went down on the elevator with him.

Mr. BALL. He was handcuffed to whom?

Mr. MONTGOMERY. Detective Leavelle.

Mr. BALL. And were you with the group that was taking him, transporting him?

Mr. MONTGOMERY. Yes.

Mr. BALL. And you have already testified, I guess, as to what happened there?

Mr. MONTGOMERY. Yes, sir.

Mr. BALL. I think that's all. This will be reduced to writing and it can be submitted to you for your signature, or you can waive signature, if you wish. Which do you prefer?

Mr. MONTGOMERY. It doesn't make any difference to me.

Mr. BALL. Do you want to waive your signature?

Mr. MONTGOMERY. I can waive it and save having to come back and sign it.

Mr. BALL. That will be all right with you?

Mr. MONTGOMERY. Yes, sir; that's fine.

Mr. BALL. Thank you very much for coming back.

Mr. MONTGOMERY. You bet.