

Mr. BALL. You don't have to if you don't want to. In other words, but you may if you want to.

Mr. APPLIN. I can sign it. If I sign it then you won't have any trouble with it, will you?

Mr. BALL. Well, no.

Mr. APPLIN. Well, then, I will sign it for you then.

Mr. BALL. Okay, fine, that is all, Mr. Applin.

Mr. APPLIN. But, there is one thing puzzling me.

Mr. BALL. What is that?

Mr. APPLIN. And I don't even know if it has any bearing on the case, but there was one guy sitting in the back row right there where I was standing at, and I said to him, I said, "Buddy, you'd better move. There is a gun." And he says—just sat there. He was just back like this. Just like this. Just watching.

Mr. BALL. Just watching the show?

Mr. APPLIN. No; I don't think he could have seen the show. Just sitting just like this, just looking at me.

Mr. BALL. Did you know the man?

Mr. APPLIN. No; I didn't.

Mr. BALL. Ever seen him since?

Mr. APPLIN. No, sir; didn't. I tapped him on the shoulder and said, "Buddy, you'd better move," and—

Mr. BALL. Were you scared?

Mr. APPLIN. Well, when I seen the gun I was.

Mr. BALL. Did you tell the police officer about this man?

Mr. APPLIN. No, sir; at the time, I didn't think about it, but I did tell—I didn't even think about it when I went before the Secret Service man, but I did tell one of the FBI men about it.

Mr. BALL. Okay. I guess that is all, Mr. Applin. Thank you very much.

Mr. APPLIN. All right.

TESTIMONY OF RAY HAWKINS

The testimony of Ray Hawkins was taken at 9:50 a.m., on April 3, 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. Will you raise your hand and take the oath, please?

Do you solemnly swear that the testimony you are about to give before this Commission will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HAWKINS. I do.

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

Mr. HAWKINS. Ray Hawkins.

Mr. BALL. And your address, where do you live now?

Mr. HAWKINS. 7319 Cortland as of today. I am moving today.

Mr. BALL. What is your business or occupation?

Mr. HAWKINS. I am with the Dallas Police Department. I am an accident investigator.

Mr. BALL. How long have you been with the Dallas Police Department?

Mr. HAWKINS. It will be 11 years in June.

Mr. BALL. Tell me something about yourself—where you were born and your education and what you have done?

Mr. HAWKINS. I was born in Dallas at Parkland Hospital. I attended the Dallas schools except for 2 years when I lived in Denison and I served 3 years and 4 months in the Coast Guard. I worked at the post office after getting out of the service and then I worked for Dallas Power & Light before coming to the police department some 11 years ago. I have been in the traffic division 8

years last month, which my primary duty is accident investigation. Before this time I served about 3 years in the radio patrol division.

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

Mr. HAWKINS. Yes, sir; I was.

Mr. BALL. What were your hours of duty?

Mr. HAWKINS. I was working the 7 a.m. to 3 p.m. shift that day.

Mr. BALL. And were you assigned some special duty because of the presence of the President in the city?

Mr. HAWKINS. No, sir; on this day I was working accidents, which is my regular duty. I was working with an officer by the name of Elmer Baggett who had just transferred back into accident and I was giving him a refresher course in the regular duties of accident investigation.

Mr. BALL. Do you work in uniform?

Mr. HAWKINS. Yes, sir; I do.

Mr. BALL. In the regular patrolman's uniform?

Mr. HAWKINS. Yes.

Mr. BALL. Of the Dallas Police Department?

Mr. HAWKINS. Yes—the regular patrolman uniform.

Mr. BALL. You drive an automobile?

Mr. HAWKINS. Yes; I do.

Mr. BALL. Is it a marked police car?

Mr. HAWKINS. Yes—it is the blue and white marked police car.

Mr. BALL. And where were you around 1 o'clock?

Mr. HAWKINS. I'm not sure on the time—around it—if it was about the time of the assassination—I was—we were on an accident in the 2500 block of North Industrial, or in that vicinity, the first I had heard anything about this accident.

Mr. BALL. You and your partner?

Mr. HAWKINS. Yes.

Mr. BALL. And did you hear the President had been killed?

Mr. HAWKINS. Yes, I did.

Mr. BALL. Now, did you later hear that Officer Tippit had been killed?

Mr. HAWKINS. Yes, sir; I did.

Mr. BALL. Did you make a note of the time, or do you have any memory of the approximate time that you heard that report?

Mr. HAWKINS. I would say in the vicinity of around 1 p.m.—I'm not sure what time it was, because I didn't make any notes. As I said, we were on an accident at the time—I cleared from the call about the time we heard this information.

Mr. BALL. And you got that information over the police radio?

Mr. HAWKINS. Yes, sir; I did.

Mr. BALL. Tell me, did you receive any instructions as to what to do?

Mr. HAWKINS. No, sir; I did not. They called—I heard a citizen come in on the radio and state that an officer had been shot and it looked like he was dead. We had just finished the accident at this time and I was driving an officer, Baggett, and I proceeded to Oak Cliff to the general vicinity of the call after checking out with the dispatcher, stating that we were proceeding in that direction.

We arrived in Oak Cliff and there were several squads in the general vicinity of where the shooting had occurred—different stories had come out that the person was—the suspect had been seen in the immediate vicinity.

Mr. BALL. Did you go to 10th and Patton?

Mr. HAWKINS. We drove by 10th and Patton—we didn't stop at the location.

Mr. BALL. Where did you go then?

Mr. HAWKINS. We circled the vicinity around Jefferson and Marsalis and in that area, talking to several people on the street, asking if they had seen anyone running up the alley or running down the street, and then they received a call, or I believe Officer Walker put out a call that he had just seen a white man running to the Oak Cliff Library, at which time we proceeded to this location. Officer Hutson had gotten into the car with us when we arrived in Oak Cliff, and there were three of us in the squad car—Officer Baggett, Officer Hutson, and myself.

Mr. BALL. Hutson is also a patrolman?

Mr. HAWKINS. Yes, sir.

Mr. BALL. A uniformed patrolman?

Mr. HAWKINS. Yes, sir; he is a three-wheel officer. We went to the library and this turned out to be an employee of the library who had heard of the news and was apparently running in the library to tell the other employees there.

We then, after this checked out, we then continued circling in the area around 10th and Patton and Marsalis and Jefferson.

We then heard on the police radio that a suspicious person was at the Texas Theatre, and at this time we proceeded to the theatre.

Mr. BALL. Where did you park?

Mr. HAWKINS. I parked my squad car in the alley at the rear of the theatre.

Mr. BALL. Then, what did you do?

Mr. HAWKINS. Officer—I believe Officer McDonald was at the back door at the time and Officer Hutson and Captain Westbrook and Officer Walker and myself went in the rear door, all went to the rear door, and at this time we saw a white male there and began talking to him and he identified himself as being the manager of a shoe store next door and that he was the person who had noted the suspicious acting on the suspect, and he at that time was brought into the rear of the theatre and on the stage and he pointed the person out sitting about three or four rows from the back of the theatre on the right hand or the south side.

Mr. BALL. That would be near the right aisle as you face the screen?

Mr. HAWKINS. Yes, sir; near the right aisle as you face the screen about four rows from the rear of the theatre.

Mr. BALL. And how many seats over from the right aisle?

Mr. HAWKINS. I would say probably three or four—I don't remember exactly.

Mr. BALL. Now, at that time you were standing behind the screen, were you?

Mr. HAWKINS. No; we had walked out onto the stage itself and could see the people sitting in the show—the house lights had been turned on—the show was still going on, but we did walk out onto the stage.

Mr. BALL. And did you later learn that the man's name was Brewer?

Mr. HAWKINS. The man whom I had been talking to?

Mr. BALL. Yes; the shoe salesman.

Mr. HAWKINS. I don't remember what his name is, but I think he did identify himself and we did have his name.

Mr. BALL. Were you armed?

Mr. HAWKINS. Yes, sir; I was.

Mr. BALL. With what?

Mr. HAWKINS. I had my Service .38 revolver.

Mr. BALL. Did you have it out or was it in your holster?

Mr. HAWKINS. I believe I had it out.

Mr. BALL. What did you do with it?

Mr. HAWKINS. At that time, after he pointed out the person, Officer McDonald had started up the left aisle and he stopped and talked to two boys who were sitting about three rows in front of where Oswald was sitting. I continued up the north aisle or the left aisle as you would walk toward the screen, and then Officer McDonald had walked on back to this person who was seated back there.

Mr. BALL. He was—he walked over to the right aisle, did he?

Mr. HAWKINS. He walked from the right aisle and came in from the person's right. I was about three rows from—still in the same aisle, on the left aisle and about three rows from McDonald and Oswald when I heard him say, "I've got him," or "This is it," or some words to that effect.

Mr. BALL. Did you hear Oswald say anything?

Mr. HAWKINS. Not at that time; no, sir; I did not.

Mr. BALL. What happened then?

Mr. HAWKINS. They had a scuffle and I immediately ran to the location. Officer Hutson had come in the aisle behind Oswald and McDonald and Officer Walker had come in on the left-hand side and I came up in the front. I grabbed his left hand and then immediately took my handcuffs out and put them on his left hand and we brought his right arm around as soon as the gun had been removed and handcuffed his right arm with both hands behind his back.

Mr. BALL. Now, did you see Oswald strike Officer McDonald?

Mr. HAWKINS. Yes, sir; I did.

Mr. BALL. With what—with his fist?

Mr. HAWKINS. It appeared he struck him with his fist.

Mr. BALL. Which one?

Mr. HAWKINS. Right fist.

Mr. BALL. What was Officer McDonald doing at that time?

Mr. HAWKINS. I remember seeing him standing beside Oswald, and when I arrived where they were, both of them were down in the seat—Oswald and McDonald had both fallen down into the seat, and very shortly after I got there, a gun was pulled, came out of Oswald's belt and was pulled across to their right, or toward the south aisle of the theatre.

Officer McDonald grabbed the pistol, and the best I can remember, Sergeant Hill, who had gotten there, said, "I've got the gun," and he took the gun and we handcuffed Oswald.

Mr. BALL. Did you hear any snap of the hammer?

Mr. HAWKINS. I heard something that I thought was a snap. I didn't know whether it was a snap of a pistol—I later learned that they were sure it was. I didn't know whether it was a snap of the gun or whether it was in the seats someone making the noise.

Mr. BALL. There was some noise you heard?

Mr. HAWKINS. Yes, sir; there was.

Mr. BALL. You couldn't identify it?

Mr. HAWKINS. No, sir; I don't think so—I don't think I could say for sure.

Mr. BALL. Did you see anybody strike Oswald with his fist?

Mr. HAWKINS. No, sir; I didn't see anyone strike him. They had, as I said, they had gotten back into the seat and Officer Hutson had grabbed Oswald from behind and Officer Walker had him by the left arm and the gun went across and McDonald had grabbed him by the right hand and Sergeant Hill grabbed the gun and at this time I handcuffed his left hand. There were several officers shortly after that arrived at the scene.

Mr. BALL. Did you see any officer there with a shotgun?

Mr. HAWKINS. I don't recall any officers. I know I had seen some officers with a shotgun, but I don't recall whether any officer had one, but it is possible that they did have.

Mr. BALL. The men who were struggling with Oswald were first, McDonald, and you—

Mr. HAWKINS. Yes, sir.

Mr. BALL. And who was the other man?

Mr. HAWKINS. Now, Officer Hutson had gotten behind Oswald prior to the time I got there and then also Walker was on the left-hand side—on the left hand.

Mr. BALL. Oswald's left?

Mr. HAWKINS. Oswald's left.

Mr. BALL. And who was on the right?

Mr. HAWKINS. McDonald.

Mr. BALL. And what about Bob Carroll, did he come in there too?

Mr. HAWKINS. Well, I'm sure Bob was in there. I couldn't say where he was exactly or—I do remember Sergeant Hill being there, and I believe he said, "I've got the gun." I think I read an account of where Bob Carroll may have had the gun, but I was under the impression it was Sergeant Hill. I'm sure Bob was there, but I don't know exactly—it was all happening pretty fast.

Mr. BALL. Did any one of these men you have described around Oswald have a shotgun?

Mr. HAWKINS. I don't believe any of them—at the time that they were standing directly around Oswald, had a shotgun—I may be mistaken.

Mr. BALL. A witness testified yesterday that while they were struggling with Oswald, a police officer took a gun and took it by the muzzle and struck Oswald in the back with the rifle butt; did you see anything like that?

Mr. HAWKINS. No; I did not. I couldn't say that it did not happen. I didn't see from the back, but I do know that Officer Hutson was standing behind him and had grabbed him around the neck and I'm sure that he did not have a gun.

Mr. BALL. Hutson did not have a shotgun?

Mr. HAWKINS. No, sir; he did not.

Mr. BALL. Did Oswald say anything during this struggle?

Mr. HAWKINS. I don't recall anything he said during the struggle—I do recall some remarks that he made about—that he had certain rights and that he would see “about this police brutality” or some remark he made about—that he had rights and he wasn't being handled right or something of this nature.

Mr. BALL. Did you see anybody strike Oswald during the struggle except in the grabbing and holding of him—I know you grabbed him and held him, but did you see anybody strike him a blow?

Mr. HAWKINS. No, sir; I did not see anyone strike him a blow.

Mr. BALL. Afterwards, did you notice any marks on Oswald's face?

Mr. HAWKINS. I did notice, not at that time, but I did notice, however, after I saw him on television that he had a bruise on the right side of his face.

Mr. BALL. Did you see that bruise there at the theatre?

Mr. HAWKINS. Not at the theatre; no, sir.

Mr. BALL. Were you with the group of officers that took him from the theatre?

Mr. HAWKINS. I was walking with the group—I was not immediately beside Oswald. At this time, I believe, Officer Walker and possibly Officer Lyons and Paul Bentley and I don't remember, but I believe those three were one of the three and maybe Sergeant Hill. We handcuffed him and after we had handcuffed him we walked him out to the left and immediately to the car in front. They put him in the car—I was standing beside the car and then I worked traffic for them to get out.

Mr. BALL. As he was going out of the theatre, was he shouting or yelling?

Mr. HAWKINS. Was he?

Mr. BALL. Yes.

Mr. HAWKINS. I don't remember him saying anything except this about that he had certain rights and the police brutality.

Mr. BALL. Did he say that as he was leaving the theatre, or did he say that in the theatre?

Mr. HAWKINS. It seemed like we were still in the theatre. After we got outside, I couldn't hear him say anything. There was a large crowd out front and they all started yelling when we came out the front door.

Mr. BALL. A witness testified yesterday that as the police brought Oswald from the theatre to the car, that two men were standing beside him, were walking beside him, and that another officer had his arm around his neck and under his chin so as to close his mouth—did you see anything like that?

Mr. HAWKINS. I don't remember seeing this. I walked out—the best I can remember—I was behind the group and there were at least three officers, I am sure, directly around him and maybe more, but I was behind him and walked up behind him—I don't recall anyone having him around the neck at that time.

Mr. BALL. Did you do any more work on the investigation of the assassination of the President or the killing of Tippit?

Mr. HAWKINS. No, sir; the only thing I did following this—we went to the personnel bureau and made a statement, or wrote a report on the arrest, and that was the last thing I had done.

Mr. BALL. Did you see the pistol at the personnel bureau?

Mr. HAWKINS. Yes, sir; I did.

Mr. BALL. Did you see McDonald mark it?

Mr. HAWKINS. Did I see McDonald mark it?

Mr. BALL. Yes.

Mr. HAWKINS. Yes, sir; McDonald, and I believe Sergeant Hill marked it or possibly Bob Carroll. There were, I believe, two people who marked it.

Mr. BALL. Did you see anybody unload the gun?

Mr. HAWKINS. No, sir; not unload it. I believe the gun was unloaded whenever I got there, but they put Oswald in the car and three or four men rode with him and then Officer Baggett and I came back to the station and it was probably 30 to 45 minutes after they got there that we arrived at the station.

Mr. BALL. Did you see the bullets?

Mr. HAWKINS. I saw the bullets—yes, sir.

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?