

Mr. JENNER. When you saw Oswald around your home during those months, how was he dressed generally?

Mrs. TOBIAS. Well, he always just had slacks and a T-shirt or a jacket on, you know, a sport jacket—I don't mean a sport coat like a jacket.

Mr. JENNER. A zipper jacket?

Mrs. TOBIAS. Yes and a T-shirt. He most always had on a T-shirt—you didn't see him very many times without a shirt.

Mr. JENNER. I take it he got into no discussions with you or your husband about politics?

Mrs. TOBIAS. No; Lord, no.

Mr. JENNER. As a matter of fact, he got in discussions with you about nothing?

Mrs. TOBIAS. No, no; we had no contact with him. He just paid the rent and out he would go. He didn't make an effort to make a conversation even when he came to use the phone.

Mr. JENNER. This is a furnished apartment?

Mrs. TOBIAS. Yes.

Mr. JENNER. Three rooms—do your three rooms consist of a living room, bedroom, and kitchen?

Mrs. TOBIAS. Yes; with the kitchen and dining room combined.

Mr. JENNER. A kitchenette?

Mrs. TOBIAS. And it is all in one and then there is a bed in the wall in the living room.

Mr. JENNER. That opens into the living room.

Mrs. TOBIAS. Yes; the living room is real large, but the bedrooms are small. Now, the kitchen that he had is smaller than the one I have, some of them are smaller, but that's the eating area, the dining area in the kitchen.

Mr. JENNER. Well, Mrs. Tobias, I can't think of anything else. I appreciate your coming up very much.

These depositions are written up and you have the right, if you wish, to exercise it, to read the deposition and to sign it. We don't insist on that at all and you may waive the signing of the deposition if you wish, and it's your option, to do either way you would prefer—if you would prefer to read the deposition and sign it and you say so, the U.S. attorney will get in touch with you in due course and you may come in and read it and sign it.

Mrs. TOBIAS. Well, now, it doesn't matter to me because we would like to help you if we can and if we have been helpful and I tried to tell you exactly just what I know, which isn't very much help. I don't think we have been too much help because he moved out before all this happened.

Mr. JENNER. Well, you never can tell how much help you have been. You have been of help to me and I appreciate it very much.

Mrs. TOBIAS. Well, my husband and I have been willing—we have had a lot of people there.

Mr. JENNER. If you wished to waive the signing of the deposition, we can just send it right into Washington without troubling you to sign it.

Mrs. TOBIAS. No; it is all right with me, because I have told you the truth.

Mr. JENNER. Oh, sure.

Mrs. TOBIAS. All that is there is the truth and I have told you all I know.

Mr. JENNER. Well, thank you very much, and I will have your husband in now, if I may?

Mrs. TOBIAS. Okay. Now, I couldn't swear that that was who the guy was. Now, do you want me to leave the books with you?

Mr. JENNER. Yes; leave the books and we will give them to your husband. Tobias Exhibit No. 1 is offered in evidence.

Mrs. TOBIAS. Okay.

TESTIMONY OF M. F. TOBIAS, SR.

The testimony of M. F. Tobias, Sr., was taken at 4:15 p.m., on April 2, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Albert E. Jenner, Jr., assistant counsel of the

President's Commission. Robert T. Davis, assistant attorney general of Texas, was present.

Mr. JENNER. I understand you suffered an injury in an automobile accident?

Mr. TOBIAS. Yes; I ain't as young as I used to be since that.

Mr. JENNER. This is Mr. M. F. Tobias, Sr.?

Mr. TOBIAS. That's right.

Mr. JENNER. And he lives at 602-604 Elsbeth Street, Dallas, Tex.?

Mr. TOBIAS. Six two and six four.

Mr. JENNER. And he lives with Mrs. Tobias and you manage an apartment building at that address?

Mr. TOBIAS. That's right; the wife and I together.

Mr. JENNER. Would you stand and be sworn, sir?

Mr. Tobias, in your testimony you are about to give, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TOBIAS. I do.

Mr. JENNER. Thank, you, sir.

Mr. Tobias, I am Albert E. Jenner, Jr., and I am a member of the legal staff of the President's Commission. I understand from Mrs. Tobias that you and she received a letter from Mr. Rankin, the General Counsel?

Mr. TOBIAS. That's right.

Mr. JENNER. With which was enclosed a copy of the Senate Joint Resolution 137 authorizing the creation of the President's Commission?

Mr. TOBIAS. That's right.

Mr. JENNER. And of President Johnson's Executive Order 11130, creating the Commission and appointing it and fixing its powers and duties and obligations, and also a copy of our rules and regulations for the taking of testimony. From those papers, I assume you are aware of the fact that at least our general direction is to investigate all the facts and circumstances surrounding the assassination of President Kennedy on November 22, 1963?

Mr. TOBIAS. That's right.

Mr. JENNER. In the course of doing that, there are many people who, in their pursuit of their livelihoods, came in contact with a man by the name of Lee Oswald, and we understand you folks did and I would like to ask you a few questions about it.

Mr. TOBIAS. Go ahead; I'm willing to answer all I can.

Mr. JENNER. You are aged what?

Mr. TOBIAS. Sixty-seven.

Mr. JENNER. You are a native-born American?

Mr. TOBIAS. Yes.

Mr. JENNER. Born in Battle Creek, Mich.?

Mr. TOBIAS. That's right.

Mr. JENNER. And your family—you raised two or three boys, as I understand it?

Mr. TOBIAS. I've got two boys and two girls.

Mr. JENNER. You have two boys and two girls and they are all adults and married now, I assume?

Mr. TOBIAS. That's right.

Mr. JENNER. And you are retired at the moment?

Mr. TOBIAS. That's right.

Mr. JENNER. And you and Mrs. Tobias manage this building on Elsbeth Street here in Dallas?

Mr. TOBIAS. That's right.

Mr. JENNER. And in the course of your managing that building, you came in contact with a person by the name of Lee Oswald; is that so?

Mr. TOBIAS. That's right.

Mr. JENNER. Tell me the circumstances?

Mr. TOBIAS. Well, I can tell you one thing, he was a funny duck. He came up there—maybe 3 weeks before he rented it.

Mr. JENNER. He rented it on November 3, 1962?

Mr. TOBIAS. Yes; but he came there maybe 3 weeks before that.

Mr. JENNER. That would be in October. He was alone, was he?

Mr. TOBIAS. Yes; and looked at the apartment. I told him what I wanted

for it and I told him what the score was—we didn't allow no drinking or no parties, which I don't, and he says, "My wife isn't here"——

Mr. JENNER. Off the record.

(Discussion between Counsel Jenner and the witness, Mr. Tobias, off the record.)

Mr. JENNER. Okay; now, that's what we want to get on the record. Repeat that.

Mr. TOBIAS. I tell them like this—what they drink in their apartment is their business, but when they get noisy that's mine. My business. Then, he came back——

Mr. JENNER. Was he alone?

Mr. TOBIAS. Yes; and he wanted to look at the apartment again, which happened to still be vacant, and then he wanted to go around the house.

Mr. JENNER. Around the apartment itself?

Mr. TOBIAS. Yes.

Mr. JENNER. Before you is Tobias Exhibit No. 1, and that is Mrs. Tobias' conception of a plat of your building. Now, is there anything wrong with that?

Mr. TOBIAS. Well, it ain't the way I would have drawn it, because this building is kind of in a——

Mr. JENNER. Well, now, Mrs. Tobias has drawn that green and I hand you now a red pen and ask you to draw one.

Mr. TOBIAS. Do you want me to draw another one?

Mr. JENNER. Yes; let's mark it "Tobias Exhibit No. 2," first.

(The witness marks the instrument referred to as requested by Counsel Jenner.)

Mr. JENNER. All right; draw me a plat of the building on the ground floor, that is the bottom surface.

(Witness Tobias drew the plat requested by Counsel Jenner.)

Mr. JENNER. Now, Mr. Tobias has drawn a U-shaped outline.

Mr. TOBIAS. This is all trees and shrubs in here.

Mr. JENNER. In the U portion, that is a court or a patio, is it?

Mr. TOBIAS. Yes.

Mr. JENNER. And that's trees and shrubs?

Mr. TOBIAS. Yes.

Mr. JENNER. Which is Elsbeth Street? You are now writing "Elsbeth Street" and this court faces on Elsbeth Street, does it?

Mrs. TOBIAS. That's right; yes, sir.

Mr. JENNER. All right.

Mr. TOBIAS. This is a private driveway through here.

Mr. JENNER. Does the private driveway swing around to the rear?

Mr. TOBIAS. And this is a line back here, a property line. Now, this is Davis Street here.

Mr. JENNER. All right, write Davis Street on there lengthwise, will you?

Mr. TOBIAS. Like that. [Complied with request of Counsel Jenner.]

Mr. JENNER. Now, does this private driveway enter on Elsbeth Street?

Mr. TOBIAS. The private driveway comes off from Elsbeth.

Mr. JENNER. Put an arrow there, will you?

Mr. TOBIAS. That's it.

Mr. JENNER. And that's the private driveway?

Mr. TOBIAS. Now, his apartment was this one here.

Mr. JENNER. Draw a line across there, and put in the apartment number.

Mr. TOBIAS. No. 2.

Mr. JENNER. And at what address?

Mr. TOBIAS. This is 604.

Mr. JENNER. All right; write that in there, and now we've got that located.

Mr. TOBIAS. [Witness complied with request of Counsel Jenner.] He had an outside entrance—this is another apartment here, No. 1.

Mr. JENNER. Also on the ground floor?

Mr. TOBIAS. Also on the ground floor. They both used the same entrance here.

Mr. JENNER. Put an "X" there.

Mr. TOBIAS. All the rest of the apartments—of course, there is an apartment

here, and the same here [indicating]. It's two-story and the same thing upstairs.

Mr. JENNER. What is the apartment number that is right in back of that patio?

Mr. TOBIAS. This is No. 6.

Mr. JENNER. And the one to the right?

Mr. TOBIAS. This is No. 5.

Mr. JENNER. And the one in front of that?

Mr. TOBIAS. This is my apartment here.

Mr. JENNER. Number what?

Mr. TOBIAS. No. 7.

Mr. JENNER. And what address is that on Elsbeth?

Mr. TOBIAS. This is 602.

Mr. JENNER. All right. Write that in and now we've got it. Now, what I want you to tell me about—is—tell me about that patio, how big is it?

Mr. TOBIAS. Oh, let's see, that must be 25 to 30 feet deep.

Mr. JENNER. How far across?

Mr. TOBIAS. About the same thing across.

Mr. JENNER. Does it have shrubbery and trees?

Mr. TOBIAS. You see, you have a front door—this is our front entrance here.

Mr. JENNER. Will you put a little square there?

Mr. TOBIAS. For these two apartments and for these three apartments here—

Mr. JENNER. I asked Mrs. Tobias, and I'm going to ask you this, because you are more accustomed to this sort of thing. Could a man stand in that patio and dry sight a firearm or a weapon and not be noticed?

Mr. TOBIAS. In the summertime—yes; because along here is shrubbery and along here is shrubbery. [Indicating.]

Mr. JENNER. Now, would you put a figure in there, because we need it for the record and let's call that your first figure here—let's put an "A" in there, and the other one "B". Now, those are shrubs or shrubbery?

Mr. TOBIAS. That's right; and there is a brick wall across here.

Mr. JENNER. How high is that brick wall?

Mr. TOBIAS. That's about 18 inches.

Mr. JENNER. Just a low wall?

Mr. TOBIAS. Yes; and there are shrubs on the outside of that wall and on the inside of the patio area here and in here in the center I have a round circle dug out and have got some kind of grass that grows right on there but that wouldn't amount to nothing.

Mr. JENNER. That shrubbery that is facing on Elsbeth Street, how tall is that?

Mr. TOBIAS. This shrubbery, now, faces these buildings here and it faces this apartment here.

Mr. JENNER. The "A" shrubbery faces the 604 address bank of apartments, and the "B" shrubbery faces your apartment?

Mr. TOBIAS. Yes; No. 7. Now, this shrubbery is about 3 to 4 feet high.

Mr. JENNER. That's the "A" shrubbery?

Mr. TOBIAS. Yes. This shrubbery over here is not so high because some of it died on me and I had to dig it up, but here now I have a big tree.

Mr. JENNER. When you say "here," you are pointing to the center?

Mr. TOBIAS. Up here I have two pieces of shrubbery on each side of that.

Mr. JENNER. The tree is what kind of a tree?

Mr. TOBIAS. It's a fir tree.

Mr. JENNER. It's solid right down to the ground?

Mr. TOBIAS. That fir is up there maybe 25 feet high.

Mr. JENNER. So, somebody could stand behind the tree, and dry sight a rifle and not be seen from Elsbeth Street?

Mr. TOBIAS. That's right.

Mr. JENNER. Now, pursuing this same subject—first, Elsbeth Street runs in what direction?

Mr. TOBIAS. North and south.

Mr. JENNER. Which is the north end—the 604 side or your side?

Mr. TOBIAS. Let me see, now. I get confused in directions.

Mr. JENNER. Well, let's put an "N" there for north and put an "S" up there for south and then over this way is to the east.

Mr. TOBIAS. And this is west.

Mr. JENNER. And if that is west, then this must be south and this must be north.

Mr. TOBIAS. This is just exactly the way the apartment sets; this is west here.

Mr. JENNER. Put a "W" there and put an "E" up at the top for east.

Mr. TOBIAS. I get confused with this direction myself here.

Mr. JENNER. Calling your attention to the rear entrance from the parkway, the driveway, what is there to the north of that, another building?

Mr. TOBIAS. There is a house here.

Mr. JENNER. A single-family dwelling?

Mr. TOBIAS. Yes; an old lady 80 years old lives there.

Mr. JENNER. And is that all open except for that house?

Mr. TOBIAS. That's right. This is a regular driveway. We have our driveway here and she has her driveway too, you see.

Mr. JENNER. All right; put another driveway in there. I'm going to mark that second driveway, if I might. [Counsel Jenner marked the instruments as stated.] There is a single-family dwelling, then?

Mr. TOBIAS. She keeps—this old lady there keeps roomers.

Mr. JENNER. She does?

Mr. TOBIAS. What I mean, she just has just a room.

Mr. JENNER. Is that house about in here?

Mr. TOBIAS. Yes; that would be on the other side of the driveway here.

Mr. JENNER. The other side of where I have marked this second driveway?

Mr. TOBIAS. Yes; facing Elsbeth.

Mr. JENNER. What is the open space, say, between your building line and the single family dwelling?

Mr. TOBIAS. Oh, that must be—that can't be more than 25 feet because there are 2 driveways there.

Mr. JENNER. Could a man dry sighting a weapon, holding a rifle outside that rear entrance, do so without being detected and without people noticing it?

Mr. TOBIAS. Well, you've got the streets on Elsbeth and people in that house might see it, because her roomers are right there by that door.

Mr. JENNER. Now, people who are passing by or looking out of your window or looking out from this rooming house could see that?

Mr. TOBIAS. Yes.

Mr. JENNER. Did anybody ever say anything to you about Oswald having a weapon?

Mr. TOBIAS. No.

Mr. JENNER. A firearm?

Mr. TOBIAS. No.

Mr. JENNER. Using it—sighting it?

Mr. TOBIAS. No.

Mr. JENNER. Was there ever an occasion when you noticed that there had been brought near the premises or on it or in his possession a package?

Mr. TOBIAS. No; I never did see it because he always used his back door and I was over on the other side.

Mr. JENNER. If you will pardon me—a package that to you you would recognize as a rifle?

Mr. TOBIAS. No.

Mr. JENNER. That possibly was a rifle?

Mr. TOBIAS. No.

Mr. JENNER. Or, a bunch of curtain rods or window shades or something of that nature?

Mr. TOBIAS. No. No; I've never seen nothing like that. I don't even remember the parcel post man ever leaving anything there—a package or anything. I never was in his apartment but twice, I don't think, while he lived there. I went in there with the exterminators twice, once a month, and we exterminated the place for cockroaches, that's one thing we don't like around here, and, of course, I had to get her permission to go in there.

Mr. JENNER. Did you speak with Marina?

Mr. TOBIAS. Yes; and she was an awful nice girl.

Mr. JENNER. She was?

Mr. TOBIAS. Yes; she was.

Mr. JENNER. Did she understand you when you spoke to her?

Mr. TOBIAS. Well, she was—would come out in her front yard—I sat in her front yard a lot and she would come out and bring the baby out and, of course, I think she could talk more English than what she put on she could, because he didn't want her to anyway.

Mr. JENNER. How do you know that?

Mr. TOBIAS. Because she told the wife that he didn't want her to learn it.

Mr. JENNER. Did she give any reason?

Mr. TOBIAS. Yes; she said people will be mean to her. She got acquainted with them. She got acquainted with them, and she used to come over to the house and sit with the wife a lot and the wife would talk to her.

Mr. JENNER. And you moved in and around a lot, did you?

Mr. TOBIAS. Do you mean me—I was out around a lot?

Mr. JENNER. Yes; I mean you—you were around and you saw her with the child and you saw her in the apartment?

Mr. TOBIAS. Yes; I was around all the time—there is no night that goes by before I got to bed that I don't make a trip around the house.

Mr. JENNER. You had an accident; when was that?

Mr. TOBIAS. In October, I think it was.

Mr. JENNER. And were you confined in your apartment for quite a while?

Mr. TOBIAS. Yes; I was there a week before I went to the hospital and I was in the hospital a week or better, and then I come home and I didn't do much but lay around—I had an awful concussion.

Mr. JENNER. That's what I understand—are you feeling better now?

Mr. TOBIAS. Oh, I'm getting along all right now, only lost the hearing out of this ear.

Mr. JENNER. But you did see Marina in and around your apartment and you saw her out in the walk, walking the baby and she was friendly, was she?

Mr. TOBIAS. She was always friendly.

Mr. JENNER. A very nice girl?

Mr. TOBIAS. Yes.

Mr. JENNER. Clean and neat?

Mr. TOBIAS. Yes.

Mr. JENNER. And attended to her child?

Mr. TOBIAS. Well, she took care of her baby, that's for sure, and it was always clean.

Mr. JENNER. And she attempted to be pleasant and talk to you people to the limited extent she was able to do, is that a fair statement?

Mr. TOBIAS. I didn't hear you.

Mr. JENNER. I mean, she would say a few words to you—she had a limited command of English?

Mr. TOBIAS. That's right.

Mr. JENNER. But you tried to communicate with her and she with you?

Mr. TOBIAS. Yes.

Mr. JENNER. At least to a limited extent?

Mr. TOBIAS. Well, I talked to her and, of course, she wouldn't say nothing back and Oswald, I tried to talk to him several times and all I could get of him was a grunt. He was a kind of a guy that wouldn't talk to you at all.

Mr. JENNER. Is that right?

Mr. TOBIAS. Yes; and he was a peculiar duck.

Mr. JENNER. How did your other tenants feel toward Oswald?

Mr. TOBIAS. Well, they didn't like it.

Mr. JENNER. They didn't like what?

Mr. TOBIAS. They didn't like the way he beat her all the time.

Mr. JENNER. They complained to you that he manhandled her?

Mr. TOBIAS. Yes; there was one man that came over there one night and he told me, he said, "I think that man over there is going to kill that girl," and I said, "I can't do a darn thing about it." I says, "That's domestic troubles

and I don't jump into a man and a woman's fighting," which I don't. If he hurts her bad, then I'll have to take it up, but not until, so he knocked a window out of the back door.

Mr. JENNER. When was that, when did that occur?

Mr. TOBIAS. Sir?

Mr. JENNER. When did that occur?

Mr. TOBIAS. While he was living there—along toward the last. I think it was the last month he was there.

Mr. JENNER. How did that come to your attention?

Mr. TOBIAS. Well, I was going by there—and I cleaned the halls, and I was sweeping out the hall and I seen the window was broken and I spoke to him about it and he said, "I'll get it in" and he never did get it in.

Mr. JENNER. Did he tell you how it happened?

Mr. TOBIAS. No.

Mr. JENNER. Did he have any covering up over it?

Mr. TOBIAS. He got to fighting so much around there that I told the man that owned it, Mr. Jurek, so him and his wife went over there one night and told him that he was making too much noise with their fighting and they had to quit or move, so they moved.

Mr. JENNER. You found this fellow pretty close-mouthed and laconic?

Mr. TOBIAS. Yes; he was—he didn't say nothing to nobody.

Mr. JENNER. On the other hand, you found her to be pleasant, neat and a delightful young lady?

Mr. TOBIAS. That's right.

Mr. JENNER. A good mother?

Mr. TOBIAS. She came over too, when he came over to use the telephone.

Mr. JENNER. When was that—do you remember a particular incidence?

Mr. TOBIAS. Oh, well, one time—yes—somebody by the name of George called.

Mr. JENNER. Did you answer the phone on that occasion?

Mr. TOBIAS. No; mother answered it and I don't hardly ever answer the phone because I can't hear good and this fellow wanted Oswald and she asked him, I understand, who it was and she said it was George and I went over and told Oswald that he was wanted on the phone and they came over there and they both talked and they both talked in their language.

Mr. JENNER. You heard his end of the telephone conversation, did you?

Mr. TOBIAS. No; you couldn't—because they talked in their language.

Mr. JENNER. You heard him, is all I asked you?

Mr. TOBIAS. All I could hear—I could hear him talking but I didn't know what they were talking about.

Mr. JENNER. You were present in the room, is all I mean.

Mr. TOBIAS. Yes; we were there.

Mr. JENNER. And you heard him speak over the telephone?

Mr. TOBIAS. Yes.

Mr. JENNER. And he spoke in some foreign tongue?

Mr. TOBIAS. Yes.

Mr. JENNER. Which you couldn't understand?

Mr. TOBIAS. That's right.

Mr. JENNER. And the whole conversation was in this foreign tongue?

Mr. TOBIAS. Yes; they both talked.

Mr. JENNER. You didn't hear the other fellow on the other end?

Mr. TOBIAS. Oh, no.

Mr. JENNER. You assumed that he was likewise talking in the same language?

Mr. TOBIAS. I imagine so—yes.

Mr. JENNER. Were you curious about that?

Mr. TOBIAS. Yes—I didn't like it, because when anybody says anything, I like to know what they are talking about.

Mr. JENNER. Did you say anything to him about it?

Mr. TOBIAS. No; because it's a private phone and I pay my own phone bill, and I don't figure it's up to the people in the apartments to be using my phone all the time, and we let him understand that.

Mr. JENNER. You did?

Mr. TOBIAS. Yes.

Mr. JENNER. Did you ask him what language that was he was speaking in?

Mr. TOBIAS. Well, he came over—when he first came in he told us he was Czech.

Mr. JENNER. When was this—this 3 weeks other time?

Mr. TOBIAS. No; that was after he moved in, and my landlady is Czechoslovakian.

Mr. JENNER. Your landlady is Czechoslovakian?

Mr. TOBIAS. My landlady is Czechoslovakian herself, and so one day when Marion was over at the house, Mrs. Oswald was in there—she had come in there and sat down.

Mr. JENNER. This was an occasion when Marina, or do you mean the landlady, Marion came in?

Mr. TOBIAS. I say Mrs. Jurek was there.

Mr. JENNER. Mrs. Jurek was in your apartment?

Mr. TOBIAS. Yes; she came to collect the rent and Mrs. Oswald was in there.

Mr. JENNER. She was visiting?

Mr. TOBIAS. And my wife says, "Mrs. Jurek, Mrs. Oswald is Czechoslovakian." Mrs. Jurek says, "All right, speak something. I'm Czech too." She says, "No, we're not Czech, we're Russian, but my husband doesn't want us to say that because people will be mean to us."

Mr. JENNER. How do you know she said that?

Mr. TOBIAS. I was there.

Mr. JENNER. Did you hear Marina say, "No; I'm not Czech, I'm Russian."

Mr. TOBIAS. Yes.

Mr. JENNER. "And my husband doesn't want people to know that because people will be mean to me?"

Mr. TOBIAS. Yes.

Mr. JENNER. She said that much in English so that you would understand it?

Mr. TOBIAS. Yes, sir.

Mr. JENNER. That's quite a bit of English.

Mr. TOBIAS. Well, I know. That's what I'm trying to tell you—she knew more English than she let on she did.

Mr. JENNER. That's of interest to us—she was able to communicate that whole idea to you in English?

Mr. TOBIAS. That's right.

Mr. JENNER. And did she speak some Russian then to this lady?

Mr. TOBIAS. No—after she told Mrs. Jurek she was Russian, that was it, because Mrs. Jurek didn't—she was Czech and she didn't know no Russian.

Mr. JENNER. I take it that Marina visited in your apartment rather frequently?

Mr. TOBIAS. Oh, she come over there very seldom—she came over there.

Mr. JENNER. Very seldom?

Mr. TOBIAS. Yes; she come over there a couple of times a week.

Mr. JENNER. She did come over that often, though?

Mr. TOBIAS. Yes; she would come over there and sit and the wife would talk to her, because my wife is a great hand to sew, and she would watch the wife and the little baby would play, but what burned me up—I'm a great lover of children, and when I tried to get next to that little baby sitting in a wheelchair—

Mr. JENNER. In a stroller?

Mr. TOBIAS. In a stroller and as I would walk up to it and try to talk to it, she just acted as if she was scared to death.

Mr. JENNER. Is that so—was that unusual?

Mr. TOBIAS. Well, it is to me.

Mr. JENNER. I mean, in your experience?

Mr. TOBIAS. Yes; because I haven't found a baby yet that I couldn't take over.

Mr. JENNER. Did you finally win the baby over?

Mr. TOBIAS. No—they didn't stay there that long. That's why he moved—he moved in that trailer, in that stroller.

Mr. JENNER. When was that?

Mr. TOBIAS. That was after—when he left my place. When he moved from

my place up around the corner around a block and a half and he moved everything in that stroller.

Mr. JENNER. Was that after the owners of the building had come and told him that he was making too much noise or too much trouble and that they suggested he might find another apartment?

Mr. TOBIAS. That's right.

Mr. JENNER. Let's see, this was on a Sunday, wasn't it, March 3?

Mr. TOBIAS. Well, now—I think that he stayed there, a couple of days, if I'm not mistaken over his rent period.

Mr. JENNER. He had paid his rent, though?

Mr. TOBIAS. Yes; he had paid his rent. You see, the last month that he paid, the books will show you that he come in there with \$60 and that's all he had, he said, and then he would come back later with the \$8, which he did do.

Mr. JENNER. Mrs. Tobias has furnished your rent receipts and we have recited that into the record, so we have a record of that. He didn't move out on the 3d, he lacked a couple of days, is that right?

Mr. TOBIAS. Well, there might have been a day or two in there in his getting out.

Mr. JENNER. Did he pay for those extra days?

Mr. TOBIAS. No.

Mr. JENNER. Did you ever ask him to pay?

Mr. TOBIAS. No—I didn't. We asked him to pay for the window, but he didn't pay for it either.

Mr. JENNER. Did he ever come back and ask you for his \$5 deposit, the key deposit?

Mr. TOBIAS. No, he never did—not to me.

Mr. JENNER. Did he surrender the key?

Mr. TOBIAS. Yes.

Mr. JENNER. What was the appearance of the apartment when he moved out?

Mr. TOBIAS. I didn't understand it.

Mr. JENNER. What was the appearance of the apartment when he moved out?

Mr. TOBIAS. Well, it was in pretty good shape.

Mr. JENNER. It was?

Mr. TOBIAS. It was pretty clean—there was one thing I noticed and that was when I went in there with the exterminator—we have beds in there, the beds that we have in there has these kind of bookshelves at the top of them, and he had worlds and worlds of books.

Mr. JENNER. He did?

Mr. TOBIAS. They were all Russian—you would see this Russian and this Russian and this Russian and that, but I didn't touch one of them.

Mr. JENNER. But they were either Russian language books?

Mr. TOBIAS. Well, that I don't know.

Mr. JENNER. Well, they were books about Russia?

Mr. TOBIAS. They were on Russia, because the headline on the side of it here was Russian.

Mr. JENNER. On the heel of the book?

Mr. TOBIAS. And it would just be Russian I or Russian II or something like that and that was to me kinda—looked kinda odd to me; of course, I didn't think nothing of it.

Mr. JENNER. Were they subscribers to newspapers?

Mr. TOBIAS. I think he took the Morning News, if I'm not mistaken.

Mr. JENNER. He paid the rent promptly?

Mr. TOBIAS. Yes; by the month.

Mr. JENNER. By the month and in cash?

Mr. TOBIAS. That's right, and the only time he got behind was that one month—that one time there with the \$8 and then he made that up.

Mr. JENNER. Did you ever discuss with him where he was working?

Mr. TOBIAS. No.

Mr. JENNER. How he was making his money?

Mr. TOBIAS. No; you didn't discuss nothing with that boy.

Mr. JENNER. He didn't volunteer it and even if you tried, you couldn't have gotten anything—is that about it?

Mr. TOBIAS. His card—when he made out his card—when he made out his card, that's where I slipped up a little, I guess. He made out his card that he was in the service. Of course, I should have questioned him more, which I didn't do, but in the business in the apartment house you get so darned many jokers in there.

Mr. JENNER. I wouldn't doubt it—was there an occasion when Marina moved out for a short time?

Mr. TOBIAS. Yes.

Mr. JENNER. Describe that, please.

Mr. TOBIAS. Well, now, this is when I was goofy-headed.

Mr. JENNER. You mean that followed your accident?

Mr. TOBIAS. I hadn't been home from the hospital very long, but we came back from somewhere—I don't know where, and we seen a car out there and they were loading it up and the wife jumped out of the car and she said, "Well, I guess the Oswalds are moving. We'll find out."

She goes around and goes in the front door and back down to the door and she meets a man and she says, "What are they doing—moving out?" And he tells her that he's moving Mrs. Oswald away for a short time. So, I don't know whether it was the same guy or another guy, but anyway, there was a fellow that came around to the front with an armload of stuff—but the man I seen was a tall man, about 6-foot tall and dark complected and a slight mustache. That was the man that I saw.

Mr. JENNER. How big a man was he?

Mr. TOBIAS. He was a tall man—6-foot tall.

Mr. JENNER. At least 6-foot—he might have been taller?

Mr. TOBIAS. He could have been taller.

Mr. JENNER. How tall are you, Bob?

Mr. DAVIS. Six foot four inches.

Mr. JENNER. Mr. Davis will stand up and he is 6 foot 4 inches.

Mr. TOBIAS. He was about like him—maybe a little shorter, but just about that height.

Mr. JENNER. About that build?

Mr. TOBIAS. Yes—just about the same build.

Mr. JENNER. What did he weigh—a couple of hundred pounds or a hundred and ninety?

Mr. TOBIAS. Well, probably a hundred ninety to two hundred pounds.

Mr. DAVIS. I weigh about 195.

Mr. TOBIAS. That's what I weigh.

Mr. JENNER. What did this man say?

Mr. TOBIAS. He said he was moving Mrs. Oswald for a few days—he told the wife that. He never said nothing to me.

Mr. JENNER. Did you see the automobile they were in?

Mr. TOBIAS. Yes.

Mr. JENNER. What was it?

Mr. TOBIAS. It was a convertible—a red one.

Mr. JENNER. Red?

Mr. TOBIAS. Yes.

Mr. JENNER. Do you know what make it was?

Mr. TOBIAS. No, I don't—I had seen it there before.

Mr. JENNER. When did this occur?

Mr. TOBIAS. Well, I guess maybe she moved out in March.

Mr. JENNER. Was—with respect to your illness, was it before your illness or after—before your accident or after?

Mr. TOBIAS. That was after my accident. You see, I was goofy-headed right around in that period of time.

Mr. JENNER. From your concussion?

Mr. TOBIAS. Yes; in fact, I have been goofy-headed all of my life, but I was worse then.

Mr. JENNER. You said you saw this red convertible around the apartment on prior occasions?

Mr. TOBIAS. Well, I had seen the car there once before.

Mr. JENNER. At least once?

Mr. TOBIAS. Yes.

Mr. JENNER. It might have been more?

Mr. TOBIAS. Well, no, I won't say any more than that, but I know I have seen it there once before that time.

Mr. JENNER. Had you seen this man there before?

Mr. TOBIAS. No; I never seen him before. You see, they can drive right down that driveway and park in front of this door here, and I couldn't see them.

Mr. JENNER. Well, they could come in from the rear, couldn't they, they could come in off of Davis Street?

Mr. TOBIAS. Well, they could come up around off of Davis and come up through here too.

Mr. JENNER. Did they have anybody visit there, in addition to this man?

Mr. TOBIAS. Well, there was a lady came there to see about the baby one day and she said she had got a call that the baby was sick and they didn't have no money to buy it any medicine and my wife took her over there and she said she had been trying to get in, but there wouldn't nobody answer the door and my wife went over there and she hammered on the door and Oswald, instead of him coming to the front door, he goes out this back door and comes all the way around to the front.

Mr. JENNER. That's kind of strange.

Mr. TOBIAS. That's right—that's the kind of guy he was, and then there was a blonde headed woman there one time.

Mr. JENNER. A blonde?

Mr. TOBIAS. She was looking for Oswald—for the Oswalds, too.

Mr. JENNER. Describe her?

Mr. TOBIAS. She got in and she went in the house.

Mr. JENNER. Would you describe her, please?

Mr. TOBIAS. Well, I imagine she weighed around 120 pounds and was around 5 foot 3 inches or 4 inches.

Mr. JENNER. A slender woman?

Mr. TOBIAS. Yes; she was a slender, blonde headed—a pretty woman. This other woman that came there wanted to see about the baby, and she was kind of a dark-haired woman and I imagine she would weigh around 100 pounds or 110, but she was rather short, she was about 5 feet tall.

Mr. JENNER. She was 100 pounds and 5 feet what?

Mr. TOBIAS. She was around 5 foot—she wasn't too large.

Mr. JENNER. She was kind of slender too, then, a little heavier than the other one?

Mr. TOBIAS. Yes, she was a little heavier.

Mr. JENNER. Did either of these ladies identify themselves in any way?

Mr. TOBIAS. No.

Mr. JENNER. Did either of them say they lived in Dallas or worked in Dallas?

Mr. TOBIAS. Well, let me see—there's one of them, I think this dark-headed woman, said she worked here in Dallas.

Mr. JENNER. Is that the one you described first?

Mr. TOBIAS. No; the dark-headed woman—the blonde--I don't know about her, the wife talked to her.

Mr. JENNER. Did you see the Oswalds after they left, after they moved out of the apartment?

Mr. TOBIAS. Yes; I don't know that I ever seen him, but I seen her as she went by the house a couple of times wheeling the baby and I didn't even know where they moved to until one night my car was in a wreck and I didn't have nothing and the wife and I walked a lot and I went around the corner and I seen her upstairs in an apartment window and that was where they moved to. I don't know how long they stayed there. She went by the house not more than 3 or 4 weeks ago here and she had a bunch of men in the car one night and waved—she knew me.

Mr. JENNER. She waved to you 2 or 3 weeks ago?

Mr. TOBIAS. Yes.

Mr. JENNER. Did you get a good look at her?

Mr. TOBIAS. Yes.

Mr. JENNER. You recognized her?

Mr. TOBIAS. Oh, yes—she was sitting in the back seat. She had the little girl with her.

Mr. JENNER. Was that a convertible?

Mr. TOBIAS. No, no; that was a big car—I don't know what kind of car it was.

Mr. JENNER. You have seen some pictures of Jack Ruby posted in the newspaper and on television?

Mr. TOBIAS. Yes.

Mr. JENNER. This man that came to move Marina out of there for a temporary visit, did he look like Jack Ruby?

Mr. TOBIAS. No.

Mr. JENNER. How long was she away?

Mr. TOBIAS. Oh, she wouldn't have been away, well, I imagine she was gone about 2 weeks. I never did know when she came back.

Mr. JENNER. She was gone temporarily, a week to 2 weeks, or something of that kind?

Mr. TOBIAS. She was gone longer than that—she was gone a couple of weeks at least.

Mr. JENNER. Did she ever talk to you about that sojourn of hers?

Mr. TOBIAS. No.

Mr. JENNER. Did you ever ask her?

Mr. TOBIAS. No.

Mr. JENNER. Did your wife?

Mr. TOBIAS. I didn't ask her nothing.

Mr. JENNER. Do you know whether your wife did?

Mr. TOBIAS. No—I don't know whether she did or not.

Mr. JENNER. At least your wife never reported it to you?

Mr. TOBIAS. If my wife said anything, or if she had said anything to my wife, she would have told me. My wife and I been together 43 years.

Mr. JENNER. Give me your observations, I know you have already done it to some extent, but give me your observations as to the personality of this man.

Mr. TOBIAS. Ruby?

Mr. JENNER. No.

Mr. TOBIAS. You mean Oswald?

Mr. JENNER. Yes—you saw him off and on for about 4 months.

Mr. TOBIAS. Well, now, he was the kind of a guy that went around with his lips tight and if you did say anything to him he would answer you just as darn quick as he could and just be sharp as he could and so he didn't have to do that to me only a couple of times and I didn't say nothing more to him.

Mr. JENNER. You got the message?

Mr. TOBIAS. And I figured that if he didn't want to talk to me, I didn't want to talk to him. He come over and paid his rent, he paid his rent and I give him a receipt, and that was all there was to it.

Mr. JENNER. You never had any pleasantries on that occasion?

Mr. TOBIAS. No, no; there was no good morning or no good night or nothing about it, and he would get up and go to the store to get the groceries and she would carry the groceries and he would lead the way.

Mr. JENNER. You saw that on more than one occasion?

Mr. TOBIAS. I saw it a lot of times.

Mr. JENNER. She did the lugging?

Mr. TOBIAS. Yes—sure.

Mr. JENNER. Did he have an automobile?

Mr. TOBIAS. No.

Mr. JENNER. Was there ever any conversation with him or conversation occurred in your presence as to whether he could drive an automobile?

Mr. TOBIAS. No—no.

Mr. JENNER. And when they moved away, they moved away in the perambulator?

Mr. TOBIAS. They moved away in that stroller.

Mr. JENNER. They couldn't have had very much in the way of household equipment?

Mr. TOBIAS. They didn't have very much—all he had was books and what little dishes they had and that wasn't very many and the baby bed.

Mr. JENNER. You did see Marina from time to time after they moved out of the apartment?

Mr. TOBIAS. Well, I have seen her maybe, I'll say three or four times—that's all I've seen her. She would go by and she would always wave a hand at me and she would go down—I don't know to where to heck she ever went to, but she always—when she was even living there, she would go out onto Davis and I would watch her as she would go on up to Zangs Street going towards town. Whether she was going to go see somebody or just going for a walk, that, I don't know.

Mr. JENNER. Mr. Tobias, is there anything that occurs to you that you think might be helpful to the Commission?

Mr. TOBIAS. No; I told you just like I told the FBI—I have tried to be honest with all them and I have sat down and studied it and after the FBI had come out there and see if I could think of anything else and I told you just like I told the other 10—there has been 10 of them out there. I even had one guy from the *Detroit Times* down there. Of course, I was raised in Michigan and I told him to keep my name out of it and he did and he didn't put it in there. All my people are up there and I didn't want them to get tangled up in it.

Mr. JENNER. Well, I have concluded my questioning. If there is nothing further you want to add, we appreciate this very much, your coming in, and you might think that you are not furnishing us anything, but there are kernels, you know, and pieces of the puzzle—there are small ones and big ones. I offer Tobias Exhibit No. 2 in evidence.

Mr. TOBIAS. Well, like I told my wife—anytime we can help out we will and if you want us again, we are willing.

Mr. JENNER. I appreciate your cooperation. These are your original receipt books and we have recited them in the record and now return them to you and thank you very much for bringing them.

Mr. TOBIAS. I have one of these I keep ever since I been in that apartment and I been there for 3 years and a half and I have got every receipt I ever wrote and I keep it on records and lots of times I have to go back to them and there's only one person that doesn't get into them and that's the credit department.

Mr. JENNER. By the way, Mr. Tobias, this deposition will be written up in due course and you may read it and sign it. If you wish, you may waive that—it's a privilege and a right you have if you want to sign it, and if you want to waive it that's all right.

Mr. TOBIAS. It would be sent to me?

Mr. JENNER. You would have to come in here to read it.

Mr. TOBIAS. Okay.

Mr. JENNER. If you want to come in and read it you call Barefoot Sanders' office, that's the U.S. Attorney's Office, and they will tell you when it is ready to be read. Mrs. Tobias decided she would forego that privilege—she didn't want to come in and read it.

Mr. TOBIAS. Well, I'll talk to her too.

Mr. JENNER. Okay; you'll call in and Mr. Sanders will probably call you, but you will hear from him.

Mr. DAVIS. Thank you very much.

[At this point Mrs. Tobias, the wife of the deponent, entered the deposing room.]

Mr. TOBIAS. The wife wants to talk to you about something.

Mr. JENNER. All right.

Mrs. TOBIAS. Now, you said something about signing this; how is that going to be?

Mr. JENNER. Well, your husband decided he would like to see his and you might like to see yours, so you might as well see yours?

Mrs. TOBIAS. You will call us—you will let us know?

Mr. TOBIAS. We will come in here, mother, and if you want to sign it, and if you don't want to sign it we won't sign it.

Mrs. TOBIAS. Okay.

Mr. JENNER. Now, wait a minute—you come down and read it and if there

are any errors in it, that you want to correct, you correct them, but you aren't going to refuse to sign it, are you?

Mr. TOBIAS. No; I don't imagine I will.

Mrs. TOBIAS. Do you know what he said, Mr. Jenner?

Mr. JENNER. What?

Mrs. TOBIAS. We got this letter and he said, "I thought we was going to get around this Warren Commission—I didn't think we were going to have to go before the Warren Commission."

Is this going to be the end of it or is there still going to be some more?

Mr. JENNER. Well, I can't tell you whether it will be the end of it or not.

Mrs. TOBIAS. Well, we may go from here—that letter said any place in the United States and if it did we would have to go; okay?

Mr. JENNER. That's right. If you have to come to Washington, your transportation will be paid.

Mr. TOBIAS. That's all right, but just make it summertime.

Mrs. TOBIAS. Well, of course we will be glad to come.

Mr. JENNER. All right, thank you both for coming.

TESTIMONY OF MRS. JESSE GARNER

The testimony of Mrs. Jesse Garner was taken on April 6, 1964, at the Old Civil Courts Building, Royal and Conti Streets, New Orleans, La., by Mr. Wesley J. Liebeler, assistant counsel of the President's Commission.

Mrs. Jesse Garner, 4911 Magazine Street, New Orleans, La., after being sworn by Mr. Wesley J. Liebeler, examiner, testified as follows:

Mr. LIEBELER. My name is Wesley J. Liebeler. I am a member of the legal staff of the President's Commission investigating the assassination of President Kennedy. Staff members have been authorized to take testimony from witnesses by the Commission pursuant to authority granted to the Commission by Executive Order No. 11130 dated November 29, 1963, and joint resolution of Congress No. 137.

I understand, Mrs. Garner, that Mr. Rankin wrote to you and your husband last week advising you I would contact you concerning the taking of your testimony.

Mrs. GARNER. Yes; he did.

Mr. LIEBELER. And that he enclosed with the letter a copy of the Executive order and of the joint resolution to which I have referred, as well as a copy of the rules of procedure adopted by the Commission relating to the taking of testimony of witnesses. Is that not correct?

Mrs. GARNER. That's right.

Mr. LIEBELER. We wish to inquire of you today, Mrs. Garner, concerning your knowledge of Lee Harvey Oswald which you may have gained as a result of your being the manager or one of the managers of the apartment building in which Oswald lived while he was in New Orleans from approximately May through September 1963. Before we get into the details of that, however, would you state your full name for the record?

Mrs. GARNER. Mrs. Jesse Garner.

Mr. LIEBELER. Where do you live?

Mrs. GARNER. 4911 Magazine.

Mr. LIEBELER. Where were you born?

Mrs. GARNER. Vacherie, La.

Mr. LIEBELER. Have you lived all of your life in Louisiana?

Mrs. GARNER. Yes.

Mr. LIEBELER. Can you tell us when you were born?

Mrs. GARNER. March 16, 1919.

Mr. LIEBELER. Am I correct in understanding that you and your husband are the managers of the premises known as 4905-11 Magazine Street here in New Orleans?