

is there any feeling that you would defer to the senior officer to take the initiative in throwing some guy out?

Mr. CUTCCHSHAW. If he were in charge of me or in charge of security and if I saw Jack Ruby there and he didn't have a pass on and I knew him and knew that he was not a news representative, then if I confronted him and he said, "Chief Batchelor said it was okay," then I would have asked the chief if it was all right.

Otherwise, I wouldn't say the chief had anything to do with it and I would put him out.

Mr. GRIFFIN. So, if you had seen him first, you would have gone directly to him and then turned to your superior officer and said what shall I do about this guy?

Mr. CUTCCHSHAW. I would have went directly to him.

Mr. GRIFFIN. You would have gone directly to him. Do you think that is true of any other officer or do you think some of them would have acted different?

Mr. CUTCCHSHAW. That is hard to say, not knowing every officer's traits. Some operate one way and some operate another.

Mr. GRIFFIN. I want you to examine Cutchshaw Exhibits Nos. 5042, 5043, 5044, 5045, and 5046, and if there are no further additions or corrections to make to those in addition to all this we have been talking about, then I would like you to sign each one of these and date them.

Mr. CUTCCHSHAW. Where do you want me to sign?

Mr. GRIFFIN. Sign it in a conspicuous place where I have placed the mark on the paper. Sign your name and date it. Regular signature or full name.

TESTIMONY OF NAPOLEON J. DANIELS

The testimony of Napoleon J. Daniels was taken at 2:40 p.m., on April 16, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Leon D. Hubert, Jr., assistant counsel of the President's Commission.

Mr. HUBERT. My name is Leon Hubert, Mr. Daniels. I'm a member of the advisory staff of the general counsel of the President's Commission under the provisions of Executive Order 11130, dated November 29, 1963, and joint resolution of Congress No. 137, and the rules of procedure adopted by the Commission in conformance with the Executive order and the joint resolution, and I have been authorized to take the sworn deposition from you, Mr. Daniels.

I state to you now that the general nature of the Commission's inquiry is to ascertain, evaluate, and to report on the facts relating to the assassination of President Kennedy and the subsequent violent death of Lee Harvey Oswald.

In particular as to you, Mr. Daniels, the nature of the inquiry today is to determine what facts you know about the death of Oswald and any other pertinent facts you may know about the general inquiry, and, of course, about the entry of Jack Ruby into the basement of the police department.

Now, Mr. Daniels, I think you have appeared here today by virtue of a written request sent to you by mail.

Mr. DANIELS. Yes, sir.

Mr. HUBERT. And signed by Mr. J. Lee Rankin.

Mr. DANIELS. Correct.

Mr. HUBERT. General Counsel of the President's Commission.

Mr. DANIELS. Yes, sir.

Mr. HUBERT. Did you receive that letter more than 3 days ago?

Mr. DANIELS. Yes; I received it Saturday, I believe.

Mr. HUBERT. Last Saturday?

Mr. DANIELS. Yes.

Mr. HUBERT. Let the record show that this is Thursday.

Mr. DANIELS. It has been 3 days.

Mr. HUBERT. Will you raise your right hand, stand, and take the oath, please? Do you solemnly swear the testimony you are about to give in this matter will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DANIELS. I do.

Mr. HUBERT. State your full name?

Mr. DANIELS. Napoleon J. Daniels.

Mr. HUBERT. Your age?

Mr. DANIELS. Thirty-two.

Mr. HUBERT. And your residence?

Mr. DANIELS. 2229 Sutter [spelling] S-u-t-t-e-r.

Mr. HUBERT. What is your occupation, Mr. Daniels?

Mr. DANIELS. Real estate broker.

Mr. HUBERT. How long have you been so occupied?

Mr. DANIELS. About 3 years.

Mr. HUBERT. I think you own your own company?

Mr. DANIELS. That's right.

Mr. HUBERT. You were at one time connected with the police department, were you not?

Mr. DANIELS. Yes; about 7 years.

Mr. HUBERT. About 7 years?

Mr. DANIELS. Yes.

Mr. HUBERT. When did you leave the police department?

Mr. DANIELS. I left there in November 1962.

Mr. HUBERT. What were the circumstances under which you left?

Mr. DANIELS. Let me see just how I can put this—well, I resigned, of course, I was asked to resign because of some conflicts I had with a tenant living in one of my apartments.

Mr. HUBERT. That is to say, you rented out some property to a tenant and you had some difficulty with the tenant?

Mr. DANIELS. Yes.

Mr. HUBERT. And on account of that difficulty they asked you to resign from the police department?

Mr. DANIELS. Yes.

Mr. HUBERT. You did resign?

Mr. DANIELS. Yes.

Mr. HUBERT. And have you continued in the business under the name N. J. Daniels Real Estate Co.?

Mr. DANIELS. That's right, sir.

Mr. HUBERT. Is that a corporation?

Mr. DANIELS. No; just a company.

Mr. HUBERT. Now, I know you have already made a statement to the FBI, as a matter of fact, I think you have made two statements, one to the State police—I would now just like for you to tell us what you know of entry of Jack Ruby into the basement?

Mr. DANIELS. Well, actually, I don't feel like I really know anything, but I saw a guy go in the basement, but I don't think it was Ruby.

Mr. HUBERT. Let's start off with that morning, of course, you knew that the President had been killed?

Mr. DANIELS. Yes.

Mr. HUBERT. And as I understand, you were riding in your own car over towards the place where he was killed?

Mr. DANIELS. Yes, I was going out Main Street. I was going—let's see, that was Sunday morning and I was going down Main Street to look at the spot where the President had been assassinated and as I drove by the city hall, I noticed a bunch of people standing around and noticed this officer standing in the entrance to the basement.

Mr. HUBERT. On Main Street?

Mr. DANIELS. Yes; on Main Street, and so I made the block and turned around and came back and parked.

Mr. HUBERT. Where did you park?

Mr. DANIELS. Pardon?

Mr. HUBERT. Where did you park?

Mr. DANIELS. On Main there, right down from the city hall there, I guess about a half a block down.

Mr. HUBERT. On the other side of the street?

Mr. DANIELS. On the same side of the city hall, you see, I went around and came back.

Mr. HUBERT. You went around what street?

Mr. DANIELS. Now, that first street down, I guess that's—I was going down Main and turned, I believe the first block.

Mr. HUBERT. Would that have been Pearl?

Mr. DANIELS. No; you see, I was going west on Main and the first street I could turn—I think the first street is a one way going left, but I turned and came back the other way, so it must have been Ervay where I turned and went up to Pacific and then come back up to Harwood and then came down Harwood to Main and made a left on Main and parked up in a vacant space on the other side of the city hall—on the east side of the city hall.

Mr. HUBERT. I thought you had parked at a parking lot near the Western Union office?

Mr. DANIELS. No; it wasn't a parking lot. I was thinking I parked on the street.

Mr. HUBERT. You parked on the street?

Mr. DANIELS. Yes.

Mr. HUBERT. Was it near the Western Union office?

Mr. DANIELS. Yes; right down from the city hall. In other words, it was in between there and the city hall.

Mr. HUBERT. But you were parked on Main Street?

Mr. DANIELS. On the south side of Main.

Mr. HUBERT. Not in a parking lot?

Mr. DANIELS. No; I wasn't at a parking lot, no, I think I parked on the street, I'm sure.

Mr. HUBERT. And you parked on the same side of the street as the city hall and as the police department is and as the Western Union office is?

Mr. DANIELS. Yes.

Mr. HUBERT. And you parked at a spot between the Western Union office and the Main Street entrance of the city hall?

Mr. DANIELS. Right.

Mr. HUBERT. Or the police department?

Mr. DANIELS. Yes.

Mr. HUBERT. You are familiar with that building, because you worked there for a long time?

Mr. DANIELS. Yes.

Mr. HUBERT. Would you say you were about half way between the Western Union and the Main ramp, or just what distance between those two?

Mr. DANIELS. Oh, let me see, let me get it in my mind—I would say I was a little nearer the Western Union Building than I was to the entrance of the basement of the city hall.

Mr. HUBERT. Are you familiar with that alley that goes from Main Street back in towards Commerce and makes an "L" and comes out on Pearl Street?

Mr. DANIELS. I think I was just on the east side of that.

Mr. HUBERT. When you say "east," it doesn't mean anything to me.

Mr. DANIELS. Near Pearl.

Mr. HUBERT. In other words, you were on the Western Union side of the alley?

Mr. DANIELS. Right.

Mr. HUBERT. And your car was facing towards the Western Union?

Mr. DANIELS. Right.

Mr. HUBERT. Now, about what time was it when you got there?

Mr. DANIELS. Near 11 o'clock—I wasn't paying much attention to the time, it must have been near 11 o'clock or a little after.

Mr. HUBERT. How do you fix that?

Mr. DANIELS. Well, I'm trying to fix it at about the time Oswald was shot. Now, I was there about 20 or 25 or 30 minutes before it happened.

Mr. HUBERT. When you parked your car, did you sit in your car any length of time at all?

Mr. DANIELS. No; I got out and walked back up there.

Mr. HUBERT. You mean you immediately got out and walked back up to the Main door—the Main door entrance?

Mr. DANIELS. Yes.

Mr. HUBERT. Now, I'm going to show you a drawing, which among other things includes the entrance to the basement, and I am marking it for the purpose of identification as follows:

"Dallas, Tex., April 16, 1964, Exhibit No. 5324, Deposition of N. J. Daniels," and I am marking it with my name.

I would like you to study this, and I point out to you that this is Main Street, here is the Western Union office, and here is Pearl.

Mr. DANIELS. Yes.

Mr. HUBERT. Over in that direction would be Harwood, Commerce is over here.

Mr. DANIELS. Right.

Mr. HUBERT. This is the Main Street entrance?

Mr. DANIELS. Yes.

Mr. HUBERT. The sidewalk.

Mr. DANIELS. Yes.

Mr. HUBERT. And I think you are familiar with the fact that there is a stone fence about 2 feet high that runs from the entrance of Main Street toward the street some distance.

Mr. DANIELS. Yes.

Mr. HUBERT. Now, as I understand it, you were parked on Main Street itself?

Mr. DANIELS. Yes.

Mr. HUBERT. Facing towards the Western Union Building?

Mr. DANIELS. This side of the street.

Mr. HUBERT. On the same side of the street as the Western Union Building?

Mr. DANIELS. Yes.

Mr. HUBERT. And that you reached there at approximately 11 o'clock?

Mr. DANIELS. Yes; at approximately 11 o'clock.

Mr. HUBERT. You immediately got out of your car and you walked toward the Main Street ramp?

Mr. DANIELS. Yes.

Mr. HUBERT. When you got down there, did you go past the ramp, or did you stay on the Western Union side of the ramp?

Mr. DANIELS. I think when I first got there, I walked over in front of the little entrance down in there.

Mr. HUBERT. So you could look right down the ramp?

Mr. DANIELS. So I could look in there, because I was on the sidewalk when I did that.

Mr. HUBERT. Did you know Officer Vaughn?

Mr. DANIELS. Yes; I did.

Mr. HUBERT. You had known him from the time you were on the police force?

Mr. DANIELS. Yes.

Mr. HUBERT. Did he recognize you?

Mr. DANIELS. Yes.

Mr. HUBERT. And you went to the middle of the ramp, but still on the sidewalk and looked down the sidewalk?

Mr. DANIELS. Yes.

Mr. HUBERT. Did you stay there very long?

Mr. DANIELS. No; I spoke to him and he told me that he was blocking anybody's entrance, in other words, that's what he meant, that he was blocking anybody's entrance into the basement. That's what he was there for.

Mr. HUBERT. He was posted at that spot—where was he standing?

Mr. DANIELS. He was standing right in the middle of the entrance there.

Mr. HUBERT. Now, I'm going to mark on Exhibit 5324 a position which I am going to call "1" and I am putting a circle on it and I'm going to draw a line, and then I'm going to put "First position of Daniels," is that about correct?

Mr. DANIELS. Yes, that's about correct.

Mr. HUBERT. Now, I'm going to mark a position called "2" and I'm going to draw a line, and I'm going to mark it "position of Vaughn when Daniels was in position number "1", and ask you if that is correct?

Mr. DANIELS. That's right.

Mr. HUBERT. And as you said, he recognized you and you recognized him?

Mr. DANIELS. Yes.

Mr. HUBERT. And you looked down?

Mr. DANIELS. Yes.

Mr. HUBERT. Then what did you do?

Mr. DANIELS. I stepped back over to the bannister and—

Mr. HUBERT. You mean back towards the Western Union?

Mr. DANIELS. Yes.

Mr. HUBERT. Did you ever go on the other side of the Main Street ramp?

Mr. DANIELS. No.

Mr. HUBERT. Towards Harwood?

Mr. DANIELS. No—at no time—I never did.

Mr. HUBERT. When you say you went towards the bannister, were you on the inside of the bannister, that is to say, between the bannister and the ramp, or on the Western Union side of it?

Mr. DANIELS. You mean after I got back to it?

Mr. HUBERT. Yes.

Mr. DANIELS. Yes; I got—I went back to it and stood on the Western Union side and just propped my foot up on the end of it.

Mr. HUBERT. You were then facing toward Harwood Street?

Mr. DANIELS. Correct.

Mr. HUBERT. More or less?

Mr. DANIELS. Correct.

Mr. HUBERT. Did you move out of that position at all?

Mr. DANIELS. Well, yes; during the time I was there I moved several times, but it was all right around in that area there.

Mr. HUBERT. But did you ever go to the Harwood Street side of the Main Street ramp?

Mr. DANIELS. No.

Mr. HUBERT. Now, I am going to draw it lightly first so we can get it straight—if I draw an area like so—would it be fair to say that you were at all times that you are going to testify to later, within that area, except when you left?

Mr. DANIELS. Now, what is this here—is this the bannister here?

Mr. HUBERT. No; this is the measuring line, this doesn't actually show the bannister.

Mr. DANIELS. The bannister come right around in here—I was always right in this area right in here.

Mr. HUBERT. So, we will draw a circle like that.

Mr. DANIELS. Yes.

Mr. HUBERT. I am drawing a larger circle in which I am putting the number "3", drawing a line out and saying "Area in which Daniels was after he left position '1' and until shooting." Right?

Mr. DANIELS. Right.

Mr. HUBERT. Now, I understand, of course, that you might have moved around in that area, but substantially that's what it was?

Mr. DANIELS. Right.

Mr. HUBERT. And it was on the Western Union side of the little concrete or marble ramp that comes out?

Mr. DANIELS. Yes.

Mr. HUBERT. And you are telling me that you never did go on the Harwood Street side thereafter?

Mr. DANIELS. No.

Mr. HUBERT. How many people were in the area you were in—this area that we have marked No. 3?

Mr. DANIELS. Well, now, at different times there was as high as four or five—some of them would come by and stop and then go on.

Mr. HUBERT. Yes.

Mr. DANIELS. Let me see—about that.

Mr. HUBERT. Even though there were some people on the other side of the ramp?

Mr. DANIELS. Yes; there was three or four on the other side.

Mr. HUBERT. How long before Oswald was shot, and I think you did hear the shot?

Mr. DANIELS. Yes.

Mr. HUBERT. How long before Oswald was shot did you get to position No. 1?

Mr. DANIELS. I would say 20 or 25 minutes.

Mr. HUBERT. And then, how long were you in position No. 3 before he was shot, in the area of No. 3?

Mr. DANIELS. Well, let me see—almost the same, because I had just came over here and looked and immediately walked back over here—I would say no time.

Mr. HUBERT. In other words, you came from your car to position 1 and took a quick look and went to the area of No. 3?

Mr. DANIELS. Yes.

Mr. HUBERT. And you stayed there until the shot was fired, and you think it was about 20 minutes later?

Mr. DANIELS. Right.

Mr. HUBERT. Do you remember a car coming up the ramp?

Mr. DANIELS. I do.

Mr. HUBERT. Did you know Lt. Rio Pierce?

Mr. DANIELS. Yes.

Mr. HUBERT. Did you recognize him driving the car?

Mr. DANIELS. I don't remember whether he was driving or not, there were four officers in there and he was the only one I recognized right off.

Mr. HUBERT. There were four in there you say?

Mr. DANIELS. Two in the front and two in the back.

Mr. HUBERT. Who were the others?

Mr. DANIELS. I didn't really get a good look at them but I knew him, but I got a better look at him than I did the rest of them.

Mr. HUBERT. Did he see you—did he show any signs of recognition to you?

Mr. DANIELS. No.

Mr. HUBERT. How long before the shooting did that occur?

Mr. DANIELS. Let's see, I would say 3 or 4 minutes. Now, I have been thoroughly confused on this because down at the police department they tell me one thing and it gets my mind all confused.

Mr. HUBERT. Well, what we want is not what somebody else told you, but what you, yourself can best remember today.

Mr. DANIELS. Here's what struck me—when I saw the car come out, I was thinking—I guess they are fixing to bring Oswald out now, maybe, because they are coming out to set up a guard, and they pulled on out and I remember watching the car until they got to Harwood and Main, and then I stopped looking at it and I didn't pay any attention to where it went or anything, and then I kind of looked back down in there from where I was standing near the ramp there.

Mr. HUBERT. Now, when the car came out, what did Vaughn do?

Mr. DANIELS. Vaughn walked out to the street to hold up traffic, because they were coming out the wrong way. They don't normally come out that way and he was going out to hold up traffic and let them get through.

Mr. HUBERT. Did he get beyond the sidewalk so that he was actually out in the street?

Mr. DANIELS. I think he walked out in the street.

Mr. HUBERT. How far into the street?

Mr. DANIELS. That would be hard to say but I wasn't paying that much attention, but he walked out into the street—he didn't get beyond the center of the street, but he walked out in there.

Mr. HUBERT. In other words, he left position No. 2 and went to a position we will call No. 4 by a circle, and I will just write in there "approximate position of Vaughn when Rio Pierce's car drove out," and when I say "approximate," I am understanding you to say that you are not sure how far into the street

he went, you know he did not go beyond the center stripe, but you think he went——

Mr. DANIELS. Almost——

Mr. HUBERT. Out over the sidewalk and into the street?

Mr. DANIELS. Yes; because there was some cars parked and he had to get beyond them, you see.

Mr. HUBERT. Now, while you were watching the car and Vaughn, I think you said you watched the car until it went around the corner. Did you see anybody go down the ramp?

Mr. DANIELS. No, no; I didn't.

Mr. HUBERT. Would it have been possible for somebody to have gone to your left and down the ramp?

Mr. DANIELS. You mean have gotten between me and there?

Mr. HUBERT. And the building——yes.

Mr. DANIELS. Not without me seeing them—I don't hardly think so.

Mr. HUBERT. In any case, they would have to climb over the little marble——

Mr. DANIELS. Well, I was not exactly against it at that time. When the car came out, I think I stepped back a little bit, you know, and moved out of the way.

Mr. HUBERT. Well, you said that at one point you were standing on the Western Union side of that concrete——what do you call it?

Mr. DANIELS. I call it a ramp.

Mr. HUBERT. Concrete ramp——sticking out in the sidewalk?

Mr. DANIELS. Yes.

Mr. HUBERT. And you had your foot on it?

Mr. DANIELS. Yes; because I was in and out of that position, but when the car came out, I left that and I stepped back out here a little piece from the——

Mr. HUBERT. In other words, you left the area 3 and went more towards the street?

Mr. DANIELS. I went towards the street and kind of back down the sidewalk a little piece.

Mr. HUBERT. You went more towards the Main Street curb and back in the direction of the Western Union?

Mr. DANIELS. Right.

Mr. HUBERT. In any case, you didn't see anybody go to your left?

Mr. DANIELS. No.

Mr. HUBERT. Nor did you see anybody go down the ramp?

Mr. DANIELS. No.

Mr. HUBERT. Then, after Vaughn had done this and the car had gone around, what did Vaughn do?

Mr. DANIELS. He came back and took his position up again.

Mr. HUBERT. So that it is fair to say then that the position we have marked on the map as position 2 was also the position of Vaughn after the Rio Pierce automobile had gone through?

Mr. DANIELS. Right.

Mr. HUBERT. Tell us what happened after that?

Mr. DANIELS. Let's see, there is something else that I have been thoroughly confused on—I have never been able to picture in my mind just how it happened—the guy that I saw go into the basement—I'm not sure it was before or after the car came out. I'm not sure—I have run that in my mind a thousand times, but I just can't place one before the other.

Mr. HUBERT. Well, in any case, you saw a man go down in the basement?

Mr. DANIELS. Yes.

Mr. HUBERT. And at the time you saw him go down in the basement, where was Vaughn?

Mr. DANIELS. In position 2.

Mr. HUBERT. In position 2, that is to say, squarely in the middle of the ramp?

Mr. DANIELS. Yes.

Mr. HUBERT. Did Vaughn look at him?

Mr. DANIELS. I think he did.

Mr. HUBERT. Did Vaughn try to stop him?

Mr. DANIELS. No.

Mr. HUBERT. He went right on through?

Mr. DANIELS. Yes.

Mr. HUBERT. Do you know how long that was before the shot was fired?

Mr. DANIELS. 3 or 4 minutes, I guess.

Mr. HUBERT. But what you say is confusing you is as to whether or not that was after the Rio Pierce car came out?

Mr. DANIELS. I'm not sure—I can't place one before the other—if I had to guess at it, I would say it was before.

Mr. HUBERT. In other words, you think now that you saw the man go down past Vaughn before the Rio Pierce car came?

Mr. DANIELS. Right.

Mr. HUBERT. Is that correct?

Mr. DANIELS. That's what I'm thinking.

Mr. HUBERT. That's your best recollection today?

Mr. DANIELS. Yes.

Mr. HUBERT. Now, when the Rio Pierce car did drive out and Vaughn left his position at No. 2, didn't you as a matter of fact undertake to watch that position which was left unguarded?

Mr. DANIELS. I did notice it to see if anybody went down in it so I could tell him about it.

Mr. HUBERT. And nobody did?

Mr. DANIELS. No.

Mr. HUBERT. And that does not refresh your memory as to whether or not the man you saw go down, went down before or after the Pierce car came out?

Mr. DANIELS. Let me see—I still think it was before.

Mr. HUBERT. Do you know that now?

Mr. DANIELS. No; I can't be positive—I don't know it.

Mr. HUBERT. Isn't it a fact that you thought at one time he was the man you had seen somehow when you were on the police force?

Mr. DANIELS. Well, yes; and here's what—when the guy walked down in there and Vaughn seemed to look at him, the impression I got was that Vaughn knew him and maybe he had let him out and still, I wondered too why he let him go down in there, because he wasn't letting anybody else go down in there. He looked like one of the news reporters or something, at least that's what I took him to be after Vaughn let him go on down. I had seen him before and I thought, well, maybe he's one of the news reporters down there at the city hall.

Mr. HUBERT. Let me ask you to do this, Mr. Daniels, I have here three documents. The first one purports to be a copy of an interview with the State police, I think, or the city police, in the course of which you executed an affidavit on November 29, 1963.

I'm going to mark that for purpose of identification as follows:

"Dallas, Tex., April 16, 1964, Exhibit No. 5325, deposition of N. J. Daniels," and I am signing my name below it. There are two pages. I am marking the second page with my initials in the lower right-hand corner. Then there's another document which purports to be a report of an interview with the FBI Agents Neil Quigley and John Dallman, which interview occurred on December 4, 1964. That document has four pages. I am marking in the right hand margin on the first page, the following:

"Dallas, Tex., April 16, 1964, Exhibit No. 5326, Deposition of N. J. Daniels." I am writing my name below that and marking the second and third and fourth pages of that with my initials in the lower right-hand corner, and finally, there is another document which is an FBI report of an interview with Bramblett [spelling] B-r-a-m-b-l-e-t-t and Dallman, taken of you on December 18, 1963, and I am marking that:

"Dallas, Tex., April 16, 1964, this is Exhibit 5327, Deposition of N. J. Daniels."

I am marking my name on it and since the document consists of three pages, I am placing my initials in the lower right-hand corner of the second and third pages.

Now, Mr. Daniels, I would like you to read these three documents with this in mind, that after you have had a chance to read them calmly and quietly, take all the time you want, I would like you to look at them and be able to comment upon them.

For instance, I am going to ask you if they are correct, or what is wrong about them, and I want to try to reconcile them, and see if we can get at what are really the facts as you recollect the facts today. We are not interested in any positions of mind or concepts that you don't really have, but that other people might have driven you to, with good motive or not, what we want now is—forgetting about whatever anybody else told you, what your recollection is right now—today, without reference to anything else, if you can possibly do it.

Keep that in mind—forget about suggestions made to you in all good faith by other people, and just cut that out of your mind and let's just do that—that scene as you saw it, and these words today.

Mr. DANIELS. All right.

Mr. HUBERT. Now, I am going to give you some time to look at it.

Mr. DANIELS. [Examining instruments referred to.]

Mr. HUBERT. Now, Mr. Daniels, you have had an opportunity to read the exhibits that I have marked Exhibits Nos. 5325, 5326, and 5327. Now, have you any comment to make with respect to the three exhibits and the statements made by you in them?

Mr. DANIELS. They said three people was in the car—it seems like I saw four—all of them had on these white supervisor caps, leather top hats that the supervisors wear down there and it just seemed like I saw four.

Mr. HUBERT. All right, what you are saying in effect now is that the people who reported in these exhibits that you said you saw three were wrong, or that you were wrong in telling them three, because your present recollection is that there were four?

Mr. DANIELS. I think it was four.

Mr. HUBERT. Are there any other corrections that you wish to make?

Mr. DANIELS. Let's see, I don't remember.

Mr. HUBERT. Any others?

Mr. DANIELS. I don't remember—corrections.

Mr. HUBERT. Well, it is my duty to call your attention to Exhibit 5325, which is the affidavit that you made on November 29.

Mr. DANIELS. November 29? What I said?

Mr. HUBERT. And in Exhibit 5327, which is the report of an interview by the agents of the FBI on December 18, you seem to quite clearly state that the man you saw walk down the ramp past Vaughn, did so after the car had passed?

Mr. DANIELS. Well, I said I think I have changed my mind now—I believe it was after the car had gone out when I saw him.

Mr. HUBERT. Let me get it straight—what is your present impression now?

Mr. DANIELS. That's it—the way I fix it in my mind—the way I arrive at that conclusion is that when the shot rang out, my first thought was the guy that just walked down in there did that, so timing that way it would have to be after that car came out, because that car had time to go quite a ways, I think.

Mr. HUBERT. What you are saying then is that the statements that are contained in Exhibits 5325 and 5327 you now believe to be correct?

Mr. DANIELS. Right.

Mr. HUBERT. And the statement you made in your deposition earlier today that you could not be sure whether that man went in before or after was incorrect? I think you even went further, if my memory serves me right, and said that your best recollection was that the man had gone down past Vaughn before the car came out, isn't that what you said earlier in your deposition?

Mr. DANIELS. Yes; until I refreshed myself on it and when I read that I got a better picture in my mind.

Mr. HUBERT. So that now your testimony is that you think that the man you saw go by—past Vaughn, did so after the car had gone out, that is to say, after Vaughn had left his position at (2), gone out into the street to the approximate position of (4) and come back again to his position at (2)?

Mr. DANIELS. Right.

Mr. HUBERT. And then it was at that time or shortly thereafter that the man went straight by Vaughn?

Mr. DANIELS. Yes.

Mr. HUBERT. But that is your present best recollection?

Mr. DANIELS. Right.

Mr. HUBERT. Now, you believe that the thing that has made you change your mind is that when you read these statements—it refreshes your memory?

Mr. DANIELS. Right.

Mr. HUBERT. Are you quite sure it refreshes your memory or, are you worried about contradicting yourself?

Mr. DANIELS. No; I'm not worried about contradicting myself, I'm just trying to be sure and tell the truth.

Mr. HUBERT. Right—I want to assure you that it doesn't matter to us whether you contradict yourself or not.

Mr. DANIELS. Right.

Mr. HUBERT. There is no suggestion made to you here that if you made a mistake before that any kind of penalty or punishment or prosecution will follow, because that isn't so, unless you made a wilful misstatement, but I'm not going into that now. What I want to know now is what really happened. Now, Mr. Daniels, that's why I asked you before to try to put everything out of your mind.

Mr. DANIELS. That's the trouble with this—it has been out of my mind and I am trying to get it back in there.

Mr. HUBERT. You feel now, considering all the statements you made originally are the truthful ones?

Mr. DANIELS. Right.

Mr. HUBERT. Are there any other corrections or additions or deletions that you would like to make as to the exhibits that have been identified as exhibits as numbers 5325, 5326, and 5327?

Mr. DANIELS. I can't think of any.

Mr. HUBERT. You think it can be fairly said that anyone who would read the three exhibits 5325, 5326, and 5327 and who would read the transcript of your deposition at a later time and who would have the advantage of being able to follow your deposition on this chart that has been marked as Daniel's Exhibit 5324, that such a person reading all those documents would have all of the truth, so far as you know it?

Mr. DANIELS. Right.

Mr. HUBERT. And we would have all that you do know?

Mr. DANIELS. That's absolutely right—that's right, I believe so.

Mr. HUBERT. All right, is there anything else, have you anything else to say?

Mr. DANIELS. No; I can't think of anything else.

Mr. HUBERT. All right, thank you very much. I am glad you came by.

Mr. DANIELS. All right, thank you.

TESTIMONY OF WILLIAM J. HARRISON

The testimony of William J. Harrison was taken at 3:45 p.m., on March 25, 1964, in the office of the U.S. attorney, 301 Post Office Building, Bryan and Ervay Streets, Dallas, Tex., by Mr. Burt W. Griffin, assistant counsel of the President's Commission. Mr. William J. Harrison was accompanied by his counsel, Ted P. MacMaster.

Mr. GRIFFIN. I was looking through here to see if I could get you a copy of our rules. Let me state for the record. Correct me if I get the names wrong. We have here Officer W. J. Harrison of the Dallas Police Department and Mr. MacMaster.