

Mr. Cox. No; I was taken directly to the street to control traffic and pedestrians out there.

Mr. HUBERT. Specifically, you did not see Ruby enter that building on that day?

Mr. Cox. No, sir.

Mr. HUBERT. In fact, I repeat, or you repeat you haven't seen him in some 8 or 9 years?

Mr. Cox. That's right.

Mr. HUBERT. You didn't see him anywhere that day?

Mr. Cox. No, sir.

Mr. HUBERT. On this story which appeared in the Dallas Times Herald on Monday, November 25, on page A-35, which also, I don't believe it is a continuation of the previous story, because that previous story appears on page A-9, and the previous story by Joe Sherman seems to be concluded on that page. The reference to you in that same edition of the Dallas Times Herald on page A-35 seems to be a continuation of another story, and it refers to you in the same way, actually, that the previous story referred to you. I am unable to tell whether it is a story by Mr. Sherman or not, or whether it is a story by anyone else, but I ask you whether or not you know of any way other than through Sherman that the story on page A-35 could have been carried regarding you, to wit, that you had worked for him and that you said Ruby had a camera with him when he entered?

Mr. Cox. You mean that would be in the Sunday paper, right?

Mr. HUBERT. No; that was the Monday paper.

Mr. Cox. That would be the only way.

Mr. HUBERT. In other words, you never made any kind of statement concerning Ruby except the one you have referred to already and explained? That is, the one made to, or which was overheard by Sherman?

Mr. Cox. That's right; definitely.

Mr. HUBERT. This may be repeating the point, but this second apparent interview which is on page A-35, makes the flat statement that one police sergeant who worked for Ruby, and you are later identified as being that one, said that Ruby had a camera with him, indicating that you had seen him, and is it your opinion that this could only have come from the overhearing of your conversation with Kris by this writer called Sherman?

Mr. Cox. Definitely.

Mr. HUBERT. In any case, to get the record straight on it, you never saw Ruby enter with a camera?

Mr. Cox. No, sir.

Mr. HUBERT. Nor did you in fact say that he did?

Mr. Cox. No, sir.

Mr. HUBERT. All right, Sergeant Cox, anything else you want to comment?

Mr. Cox. No, sir.

Mr. HUBERT. There has been no conversation between us, I think, tonight other than that which was recorded, is that correct?

Mr. Cox. That's right.

TESTIMONY OF HAROLD J. FLEMING

The testimony of Harold J. Fleming was taken at 3:45 p.m., on July 13, 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. Sam Kelley, assistant attorney general of Texas, was present.

Mr. HUBERT. This is the deposition of Mr. Harold Fleming. Mr. Fleming, my name is Leon D. Hubert. I am 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 the joint resolution of Congress No. 137, and the rules of procedure adopted by the President's Commission in conformance with that Executive order and the joint resolution, I have been authorized to take a sworn deposition from you.

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

In particular as to you, Mr. Fleming, 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.

Now, Mr. Fleming, you appear today by virtue of a letter request made to you by Mr. J. Lee Rankin, general counsel of the staff of the President's Commission, which I understand you received as late as last Friday?

Mr. FLEMING. July 10.

Mr. HUBERT. I ask you if you would take the oath, please?

Mr. FLEMING. Yes.

Mr. HUBERT. Do you solemnly swear that 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. FLEMING. I do.

Mr. HUBERT. Will you state your full name, please, sir?

Mr. FLEMING. Harold J. Fleming.

Mr. HUBERT. Where do you reside?

Mr. FLEMING. 10611 Lennox Lane in Dallas.

Mr. HUBERT. What is your occupation, sir?

Mr. FLEMING. I am a corporate counsel and general operations manager of Armored Motor Service, Inc.

Mr. HUBERT. Where is that company located?

Mr. FLEMING. Home offices are in Fort Worth, Tex.

Mr. HUBERT. Do you have a branch of that operation in the city of Dallas?

Mr. FLEMING. Yes; we do.

Mr. HUBERT. What is your connection with the Dallas operation?

Mr. FLEMING. I am general operations manager for the company, and the Dallas office is one of our branches. By virtue of my position, I have worked on operational problems and legal problems arising in the Dallas city branch.

Mr. HUBERT. You are a lawyer?

Mr. FLEMING. Yes, sir.

Mr. HUBERT. Would you state for the record, please, sir, the occupation of Harold Fleming and Don Goin and Edward Dietrich?

Mr. FLEMING. Did you say Harold Fleming?

Mr. HUBERT. Bert Hall. I think his name is Marvin Hall.

Mr. FLEMING. Yes; Marvin E. Hall is vice president and branch manager for our Dallas branch of Armored Motor Service, Inc. Both Goin and Ed Dietrich are employees classified as guards or drivers. Mr. Don Goin also has a title of assistant vault manager.

Mr. HUBERT. I take it that all three of these gentlemen work under your authority?

Mr. FLEMING. In a broad sense, yes. However, just for the record, the city branches are to a very large extent autonomous.

Mr. HUBERT. Well then, who was in charge actually of the Dallas city branch here on November the 24th?

Mr. FLEMING. Mr. Hall is in charge of the Dallas city branch as such when it functions in that capacity. This particular thing was a rather unusual situation.

Mr. HUBERT. Now Mr. Fleming, I think I have heretofore shown you a document which purports to be a report of an interview of you on June 26, 1964, by FBI Agent W. James Wood, which I have marked for the purpose of identification on the first page as follows, to wit: On the right-hand margin "Dallas, Texas, July 13, 1964, Exhibit No. 1, Deposition of Harold Fleming," under which I have signed my name. The document actually consists of five pages, and on the succeeding second, third, fourth, and fifth pages I have placed my initials on the lower right-hand corner, and also the fifth page only

of five lines on it. I think you have had an opportunity, sir, to read this document now identified as Exhibit No. 1, is that a fact?

Mr. FLEMING. Yes, sir.

Mr. HUBERT. I ask you now whether or not this document is a fair and correct report of the interview had between you and FBI Agent Wood?

Mr. FLEMING. Substantially that portrays the interview with some very minor qualifications.

Mr. HUBERT. Now you have indicated to me that there are some minor qualifications that you would like to note, and I turn now to page 2, the first full paragraph. I notice that you have made a small notation next to the sentence reading as follows: "Hall told me they were in possession of employees Donald Goin and Ed Dietrich." Do you have any comment to make on that?

Mr. FLEMING. Just to state that the name of Donald Goin was not mentioned in the conversation I had with Mr. Hall. The name of Ed Dietrich was discussed.

Mr. HUBERT. I notice that in the last sentence of that same paragraph, the sentence reading as follows: "Fleming said Donald Goin was telephonically contacted by Hall and given similar instructions." Do you wish to comment on that?

Mr. FLEMING. I would say that I said Goin was apparently telephonically contacted.

Mr. HUBERT. In other words, you don't know?

Mr. FLEMING. I was not aware that Goin had been contacted at the time.

Mr. HUBERT. Then I notice that on the first sentence of the last paragraph on page 2 you also had a mark indicating that you wished to comment upon it. I think your comment was with reference to a phrase there about a conference breaking up. What was the comment you had?

Mr. FLEMING. Well, it was actually a conversation that we had at the terminal. It was merely a matter of getting organized, and there was no time for conferring. It was just decided what we were going to do. That gives the inference that we may have had a long pow-wow. This was an instantaneous decision.

Mr. HUBERT. Now I turn to page 3 and I notice that in the second or middle paragraph of that page you have two lines, one I think with reference to the first sentence which begins with the words "Hall backed the truck . . ." and ends with the words ". . . with the motor running." Was that the sentence? My question is, what comment do you have to make with reference to that sentence?

Mr. FLEMING. It was not a question of being able to get the truck further into the driveway. It was the fact that had it gone down the ramp further, it would have been parked on an incline completely, and fearing that the truck could possibly stall, by reason of letting out the clutch too quickly. If we stalled, there might be a problem of getting the truck started again, because we had a small problem at the terminal in getting this truck to start initially. Just for the record, a new battery had been placed in that truck on Saturday and was one of these where the liquid has to be mixed up in the battery itself before it is fully charged, and it hadn't been moved enough and would not fully charge. We were afraid the truck might stall on the ramp.

Mr. HUBERT. Did you have any difficulty, in fact, in starting the truck when you left the terminal?

Mr. FLEMING. At the terminal we had to use a jump booster to get it started there.

Mr. HUBERT. You left the same battery in the car?

Mr. FLEMING. Oh, yes; and that is why we had the second truck with us also.

Mr. HUBERT. I gather from that, that the truck could have actually gone down further into the basement insofar as its clearance is concerned?

Mr. FLEMING. That's right; it could have gone in possibly 10 to 15 feet further.

Mr. HUBERT. It is a fact, though, that it could not have gone all the way down?

Mr. FLEMING. No; it could not, because of the pipes overhead at the lowest point of the basement.

Mr. HUBERT. Now I notice in that same paragraph, which is the third or middle paragraph, you have made a little mark next to a sentence reading as follows: "He was not part of the Oswald guard force, but was merely on duty to prevent unauthorized persons from entering and leaving the garage." Do you have a comment to make with reference to that?

Mr. FLEMING. My comment is that I was not aware of what force this officer belonged, and I am not in position to state whether he was part of the Oswald guard force. I do know that he was on the outside of the building at the entrance of the drive. This inferred that I assumed he was not part of the guard force.

Mr. HUBERT. He was in uniform?

Mr. FLEMING. He was in uniform.

Mr. HUBERT. What was his position relative to the truck?

Mr. FLEMING. He was on the passenger's side of the truck facing, with the truck facing Commerce Street, that was parked in the driveway.

Mr. HUBERT. Was he in front of the truck, or by the side of the cab, or where was he with reference to the truck?

Mr. FLEMING. He was at the side of the truck, opposite or near the cab door. But he was stationed there at the time we drove the truck in.

Mr. HUBERT. So that when you backed the truck in, that policeman was there, but you did not see him there thereafter?

Mr. FLEMING. Oh yes; he was there the whole time.

Mr. HUBERT. He was there the entire time?

Mr. FLEMING. Yes.

Mr. HUBERT. He would have been rather close then to Mr. Hall sitting in the cab?

Mr. FLEMING. He was not sitting in the cab. He was standing on the outside.

Mr. HUBERT. No; the policeman was standing on the outside?

Mr. FLEMING. That's right.

Mr. HUBERT. But I say, that policeman would have been rather close to Mr. Hall?

Mr. FLEMING. No. Mr. Hall was on the driver's side of the cab rather.

Mr. HUBERT. Oh, this was the passenger's side?

Mr. FLEMING. Yes.

Mr. HUBERT. I see. You observed he was there from the moment you all arrived until after the shooting?

Mr. FLEMING. Yes, sir.

Mr. HUBERT. How much space was there between the truck and the wall on the passenger's side?

Mr. FLEMING. On the passenger's side, there was not enough space for anyone to get through into the building, because as I got out of the passenger's side, I had to go around to the driver's side.

Mr. HUBERT. On the driver's side, how much room?

Mr. FLEMING. There was room for a person to walk between the wall and the truck.

Mr. HUBERT. I suppose we better put those dimensions in terms of feet. Take the passenger's side first.

Mr. FLEMING. I would estimate on the passenger's side the clearance was less than 6 inches. On the driver's side, I would estimate it to be around 2 feet.

Mr. HUBERT. Do you know the width of the truck?

Mr. FLEMING. Not offhand.

Mr. HUBERT. Returning for the moment to the document which has been marked Exhibit No. 1, I take it then that other than the corrections that you made, that this document represents a fair statement of the interview and represents therefore the truth, so far as you know it?

Mr. FLEMING. Yes.

Mr. HUBERT. Now I would like, if possible, for you to tell us how you fix the time of the call received by you from Chief Batchelor?

Mr. FLEMING. Well, I was in the process of shaving in order to go to church at 10 o'clock. My wife answered the telephone, and I had to come to the phone

with lather on my face. And by reason of the timing, it was between 9:30 and 9:40.

Mr. HUBERT. Did you know Chief Batchelor?

Mr. FLEMING. I had met Chief Batchelor within 30 days of this date.

Mr. HUBERT. Socially or—

Mr. FLEMING. No. I went to see Chief Batchelor on official business in that at the time we had been apprised of a city ordinance concerning the licensing of our people in Dallas. The company had operated in Dallas since 1928 without a permit to carry firearms, and being aware of that statute, I made an inquiry to determine if we had to be so licensed. And having determined that we did, we then had the wheels in motion to process our company's license, and I conferred with Chief Batchelor in an effort to clarify insurance and bond problems.

Mr. HUBERT. How long was your telephone conversation with Chief Batchelor?

Mr. FLEMING. I would estimate 3 minutes.

Mr. HUBERT. It was of of course concerning the availability of your armored trucks?

Mr. FLEMING. Chief Batchelor asked if I had been the person, or rather if I were the person who had contacted him with reference to Armored Motor Service, and I stated I had. And he said, "We would like to borrow a truck from you people for the purpose of transporting this prisoner."

Mr. HUBERT. Did you tell him that the truck would be available?

Mr. FLEMING. I told him that the truck, we would be very happy to oblige, but that it would take me sometime to make it available, because I had the problem of determining who had keys and how we could get it.

Mr. HUBERT. Did you indicate to him how long it would be before the truck would be available?

Mr. FLEMING. No; I did not.

Mr. HUBERT. How did you leave the matter then with him on that occasion?

Mr. FLEMING. I told him that I would get started immediately to locate the people who had the keys, and parenthetically I might explain that for security reasons the same person doesn't have the keys all the time. And I think neither the manager nor the assistant manager had it. In other words, to save time, I told Chief Batchelor we had several sizes of trucks, and asked that he take the measurements of the door and have them ready so that I could call him when I arrived at the terminal, to determine what size truck we should bring to transport the prisoner. And I told him I would call him as soon as I learned how soon we could be there.

Mr. HUBERT. What did you do next?

Mr. FLEMING. I then attempted to call Mr. Hall by telephone, and Mr. Paul Leonard, who is our operations manager for Dallas, by telephone. Neither was in. Then I called Mr. Tom Mastin, Jr., president of Armored Motor Service in Fort Worth, explained the commitment that I had made, and asked if he had any suggestion as to whom I might call to find out who had the keys. He suggested that Mr. Tom James, who is vice president of Armored Motor Service in semiretirement, lived next door to the church that Mr. Hall and Mr. James attended, and suggested that I call Mr. James to get Mr. Hall personally and proceed from there, which I subsequently did.

Mr. HUBERT. Did you call Mr. James and ask him to go over and get Mr. Hall from the church?

Mr. FLEMING. Yes; and he had Mr. Hall call me from the church.

Mr. HUBERT. Do you recall about how long after that Mr. Hall called you in fact?

Mr. FLEMING. It would have been within 5 minutes of my call to Mr. James.

Mr. HUBERT. Then what did you tell Mr. Hall?

Mr. FLEMING. I asked if he knew where the keys were, and he said he did not know. He thought Mr. Ed Dietrich had one set, and he would try to make some calls to find out where the other set was. I suggested that rather he give me Dietrich's telephone number, and I suggested that I would call Mr. Dietrich, and for him to get on the phone and try to locate the other keys so that we could find somebody and move quickly.

Mr. HUBERT. Could you give us an estimate of the time of your conversation with Mr. Hall relative to the time that you first spoke to Batchelor?

Mr. FLEMING. I would estimate between 8 and 10 minutes.

Mr. HUBERT. After you spoke to Batchelor?

Mr. FLEMING. After I finished talking with Mr. Batchelor.

Mr. HUBERT. Did you then call anyone else?

Mr. FLEMING. I called Mr. Dietrich. He was not in. I left a message for him to call me as soon as he got into his house.

Mr. HUBERT. Did he call?

Mr. FLEMING. He called me again within about 5 minutes, and I asked him to come directly. Asked him if he had keys, and he said, "Yes," and asked him to come directly to the Armored Motor Service terminal and meet me there.

Mr. HUBERT. Did he indicate that he had already received a call from Mr. Hall to the same effect?

Mr. FLEMING. No; he did not. We didn't discuss it. I assumed that he had not.

Mr. HUBERT. I am not saying that he did.

Mr. FLEMING. He may have received a call after. I think Mr. Hall had called the home, though, because he did indicate that he was not home.

Mr. HUBERT. Then I take it you finished dressing and went about the accomplishment of the job?

Mr. FLEMING. Yes.

Mr. HUBERT. About what time then did you get to the terminal?

Mr. FLEMING. I frankly can't state what time I got there, because in the haste I forgot my wrist watch and did not know. Judging from the route I took, however, I would estimate it took me at least 20 to 25 minutes to reach there from my house. That could put it 10:25 to 10:30, and this is strictly an estimate.

Mr. HUBERT. In other words, after you had made the several calls that you have talked about, it took you, I gather, another 15 to 20 minutes to finish dressing?

Mr. FLEMING. No. I finished shaving in the meantime, and was gone as soon as I got the call from Mr. Dietrich. It was a matter of 2 or 3 minutes before I left the house.

Mr. HUBERT. When you got to the terminal, was anyone there?

Mr. FLEMING. When I got to the terminal, Mr. Hall and Mr. Goin and Mr. Dietrich all three were there.

Mr. HUBERT. Just relate in narrative form, if you wish, what happened from the time you got there, on forward, if possible, giving us time intervals, because one of the purposes of this deposition is to fix the time.

Mr. FLEMING. Let me just meditate a minute. When I arrived, they were preparing to take a small truck on the mission, because Mr. Dietrich said that he had been in the basement of the city hall before and knew that even a small truck would not clear the overhead pipes in the basement. Based on that, Mr. Hall apparently had made a decision that we would take the small truck rather than the large one.

Mr. HUBERT. Now was it Mr. Goin, you say, or Mr. Hall?

Mr. FLEMING. I said Mr. Hall.

Mr. HUBERT. Mr. Hall didn't indicate to you that he had been to the jail on that morning, but on some previous occasion?

Mr. FLEMING. No; it was Mr. Dietrich in an armored truck. We serviced the city hall and numerous places.

Mr. HUBERT. But it wasn't on this day? It was on a different occasion?

Mr. FLEMING. No; at a time previous.

Mr. HUBERT. Go ahead then.

Mr. FLEMING. But I indicated that the small truck would not be satisfactory, having had a little experience in police work. I said we need the large truck, and suggested they look it over, clean it out, get bottles out of it, and so on. They indicated it would not start, and I suggested that we attempt to start it. Mr. Goin then got a battery and he and I, mostly he, got the thing connected, and we started the motor. In the meantime, I called Chief Batchelor and told him that we were at the terminal and we would be down shortly, and I used that term, because we had not yet got the truck started. I explained that there

was no need to give me the dimensions because our truck would not go all the way down the ramp anyhow, but we would bring a large truck that would accommodate a larger force and would be down within, I said within 10 to 15 minutes, this would have taken.

Mr. HUBERT. Did Batchelor indicate to you at that time which truck would be used?

Mr. FLEMING. No; he did not indicate to me. We were telling him what facilities we had.

Mr. HUBERT. You did in fact take both of them ultimately?

Mr. FLEMING. We took both trucks, because as I said, after we had difficulty starting this one, we were afraid that the large truck might for some reason stall, and we wanted a standby truck in the event that should happen. I would estimate that we were at the terminal from 10 to 15 minutes prior to departing for the city hall.

Mr. HUBERT. Now when you departed, what route did you take from the terminal to the city hall?

Mr. FLEMING. I can't tell you verbatim without referring to what was stated there.

Mr. HUBERT. Is it stated in there?

Mr. FLEMING. It is stated there, and we went over that on the map. That is the accurate route.

Mr. HUBERT. You are referring to page 3 of Exhibit No. 1 of your deposition, the first paragraph in which the exact route is stated?

Mr. FLEMING. Yes, sir.

Mr. HUBERT. You were riding, I think, in the passenger's seat with Mr. Hall driving?

Mr. FLEMING. That's right.

Mr. HUBERT. Now did you notice whether there was a shotgun in the usual bracket for that purpose in the car?

Mr. FLEMING. No; there was no shotgun.

Mr. HUBERT. There was no shotgun?

Mr. FLEMING. No.

Mr. HUBERT. You would have seen it had it been there, because you were seated in the passenger's seat where it would normally be, next to where it would be?

Mr. FLEMING. There were no guns in the truck.

Mr. HUBERT. When you got to the Commerce Street entrance, what did you do?

Mr. FLEMING. The truck was backed into——

Mr. HUBERT. Did you get out?

Mr. FLEMING. Not until the truck was backed into the spot where it was, where it stopped. I then got out of the passenger's side, walked around the front, and went into the basement of the city hall.

Mr. HUBERT. I think you said it was on that occasion that you noticed that it was impossible for you to go down between the truck and the Harwood Street side of the ramp wall?

Mr. FLEMING. On the passenger's side.

Mr. HUBERT. Because there simply wasn't enough space?

Mr. FLEMING. That's right.

Mr. HUBERT. So you had to go around in front of the truck and down the driver's side?

Mr. FLEMING. That's right.

Mr. HUBERT. Who did you meet there?

Mr. FLEMING. I don't know who challenged me, but somebody in plain clothes asked me who I was, and I told him, and within a matter of seconds, Chief Batchelor and I met. I don't know whether this gentleman took me to him, or he was there waiting for me.

Mr. HUBERT. Well, before we go on from there, would you care to estimate the time of arrival in front of the building and before you started to back in?

Mr. FLEMING. As I stated, I have no idea what the time was. It took us; it wouldn't have taken us more than 5 minutes to get from the terminal to the city hall.

Mr. HUBERT. You had no traffic problem?

Mr. FLEMING. No traffic problems at all.

Mr. HUBERT. Goin and Dietrich were in the other car?

Mr. FLEMING. That's right.

Mr. HUBERT. Where did they park?

Mr. FLEMING. They parked initially on the south side of Commerce Street facing east diagonally from the entrance, diagonally to the left from the entrance.

Mr. HUBERT. What did you do between the time that you first arrived until the firing of the shot? Perhaps I should ask you first, did you hear the shot?

Mr. FLEMING. Yes; I heard the shot.

Mr. HUBERT. Then from the time you arrived until you heard the shot, would you tell us what you did?

Mr. FLEMING. After I met Chief Batchelor, we both got into the back end of the truck, and Chief lifted the mattresses from the bunks and inspected the rear and asked about a mechanism we had there which was a hydrovac brake, and I explained to him that was a brake for the back end so that the men from the rear could control the brake system of the car in the event of a holdup, and he commented, "We don't want him to sit over here, and we will put him on the other side." I had the keys and I couldn't unlock the door to what we call the money compartment or the center compartment of the truck. I have been speaking previously of the rear compartment where the men stay.

I then left Chief Batchelor and went around to the outside, opened the door to the center compartment, and then opened the door from the center compartment to the rear from that side so that it could be opened in the event that they wished to have a guard force in the center compartment of the car. I then went to the street and talked to Mr. Goin and explained that I thought that their car possibly should go first, not having had any instructions from anybody, and sort of watch the police car and determine where to go. I went back inside, again went in the truck for some reason, I don't know, and again came to the outside. At that point there was a squad car in front of our parked armored truck, and I asked the officer if his was going to be the lead car, and he said, "So far as I know; yes." Well, I was going to ask this other armored car to go ahead, so I then went to Mr. Goin and suggested that he follow the larger truck.

Mr. HUBERT. Mr. Goin was at that time seated or standing by the smaller truck?

Mr. FLEMING. He was standing by his truck. From that point, I don't know why, I went over to the front of our truck toward the passenger's side, and it was at that point that I heard the noise that sounded like a cap pistol.

Mr. HUBERT. When you first noticed the police car in front of the truck in the street, was it just coming up, or was it already in place?

Mr. FLEMING. It was parked in front of our armored truck.

Mr. HUBERT. You were standing in front of your armored truck?

Mr. FLEMING. I was standing over on the passenger's side of the armored truck after I had talked with Goin about his relative position to our truck once we started to move.

Mr. HUBERT. What I was thinking about is, that prior to talking to Goin, you had seen the police car parking, you said, that you spoke to the driver?

Mr. FLEMING. I came out. When I came out, the car was parked in front of our truck, and I asked the officer driving if he was going to be the lead car.

Mr. HUBERT. So that you walked from across the sidewalk to the car?

Mr. FLEMING. No, no. The police car was backed into the driveway.

Mr. HUBERT. Parked in the driveway and headed out?

Mr. FLEMING. The back end of the car was up against the front bumper of our truck, so to speak.

Mr. HUBERT. So you simply walked to the driver's seat and asked him what he was going to do, and he told you what he said?

Mr. FLEMING. Then I crossed the street diagonally to talk to Goin, who was standing on the outside of his car.

Mr. HUBERT. How far was Goin from you when you were standing talking to the officer?

Mr. FLEMING. Well, the width of the street. Place it diagonal, and he would be about three car lengths.

Mr. HUBERT. In other words, the car was on the other side of the street?

Mr. FLEMING. About three car lengths forward of our position, so it would be the width of the street, plus whatever it would be.

Mr. HUBERT. Then you walked back?

Mr. FLEMING. I walked back.

Mr. HUBERT. Now, during all the time that you were at the Dallas police jail, from the moment when you first arrived, did you see anyone going down the driver's side of the space between the armored car and the wall?

Mr. FLEMING. No; I did not.

Mr. HUBERT. Are you in a position to say that had anyone walked down that space, you would have seen him?

Mr. FLEMING. Most likely. There were no people at all on that side of the street, save one colored lady at one point, and I don't know whether this was before or after the shooting, but everyone else was on the sidewalk on the opposite side of the street.

Mr. HUBERT. Did you know Jack Ruby?

Mr. FLEMING. No; I did not.

Mr. HUBERT. You have, of course, since that time seen pictures of him, I suppose?

Mr. FLEMING. Yes, sir.

Mr. HUBERT. Movies perhaps, or television?

Mr. FLEMING. Yes.

Mr. HUBERT. Do you recall whether you saw Jack Ruby or any person resembling him at any time around there on that date?

Mr. FLEMING. I did not.

Mr. HUBERT. Were you aware on that morning, or does your memory serve you now in that regard as to whether there was one or more TV mobile unit vans parked on the same side of Commerce Street as you were, but in the Harwood Street direction?

Mr. FLEMING. As I recall, I observed one.

Mr. HUBERT. Did you see any people walk up to that car?

Mr. FLEMING. No; I did not. After I heard the shot, an individual came up to me and asked me what happened. And I don't know, he was a little excited, and I was not in position to know, and subsequently I went inside. He could have been from the mobile TV group, I don't know.

Mr. HUBERT. Could you give some sort of description of that individual?

Mr. FLEMING. No.

Mr. HUBERT. Did you see any police guard or guards in the space or protecting the space in any way between the driver's side of the armored car and the wall?

Mr. FLEMING. Not on the outside of the building.

Mr. HUBERT. There was some on the inside?

Mr. FLEMING. When I went in, someone challenged me as to my identity.

Mr. HUBERT. Do you know whether that person stayed there?

Mr. FLEMING. I don't know. I just know when I went in three times, I was questioned.

Mr. HUBERT. You have mentioned that you went in and out a couple or three times, and you now state to me that each time you went in or out, you were questioned?

Mr. FLEMING. Yes; I was challenged.

Mr. HUBERT. That were on the driver's side of the van?

Mr. FLEMING. On the inside of the quarters. Not on the outside.

Mr. HUBERT. Was it the same person that challenged you each time?

Mr. FLEMING. No.

Mr. HUBERT. What did the challenge consist of?

Mr. FLEMING. "Who are you? What do you want?" And I merely explained that I was with the armored car. Of course the officer, whoever was there, had seen me visiting with Chief Batchelor, and they knew as soon as I mentioned that as to my identity, I presume.

Mr. HUBERT. Well, I believe that is all. Do you have anything else you want to say that you think is either pertinent or of interest to the general inquiry?

Mr. FLEMING. I can't think of anything.

Mr. HUBERT. I am sure we have not met before today?

Mr. FLEMING. That's right.

Mr. HUBERT. We did have a short conversation off the record prior to beginning the recordation of your testimony, but I ask you if it is not a fact that everything that was discussed off the record was subsequently discussed on the record?

Mr. FLEMING. It was.

Mr. HUBERT. All right, sir, thank you very much.

TESTIMONY OF DON EDWARD GOIN

The testimony of Don Edward Goin was taken at 7:10 p.m., on July 13, 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. Sam Kelley, assistant attorney general of Texas, was present.

Mr. HUBERT. This is the deposition of Mr. Donald Goin.

Mr. GOIN. Don E. Goin.

Mr. HUBERT. Don? It is not Donald?

Mr. GOIN. No.

Mr. HUBERT. Don E. Goin [spelling] G-o-i-n.

Mr. Goin, my name is Leon Hubert. I am 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 the joint resolution of Congress No. 137, and the rules of procedure adopted by the President's Commission in conformance with that Executive order and the joint resolution, I have been authorized to take a sworn deposition from you, among others.

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

In particular as to you, Mr. Goin, 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.

Now Mr. Goin, you appear today by virtue of a letter request made to you by Mr. J. Lee Rankin, general counsel on the staff of the President's Commission. You received such notice?

Mr. GOIN. Yes.

Mr. HUBERT. When did you receive it?

Mr. GOIN. I received it Thursday.

Mr. HUBERT. That would have been the 9th?

Mr. GOIN. I believe so.

Mr. HUBERT. I think you have it in your hand there?

Mr. GOIN. Yes.

Mr. HUBERT. Does it bear a stamp that indicates the date?

Mr. GOIN. Mailed the 8th.

Mr. HUBERT. From Washington, D.C.?

Mr. GOIN. Yes.

Mr. HUBERT. Now will you stand and raise your hand and take the oath?

Do you solemnly swear that 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. GOIN. I do.

Mr. HUBERT. Will you state your full name?

Mr. GOIN. Don Edward Goin.

Mr. HUBERT. Where do you reside, sir?

Mr. GOIN. 1510 Crockett Circle.

Mr. HUBERT. Dallas?